

STATE OF WEST VIRGINIA

RANDOLPH COUNTY COMMISSION SS:

At a regular session of the County Commission in and for the aforesaid County and State, at the James F. Cain Court House Annex, on the 5th day of August, 2021 at 1:30 p.m.

Present: Randolph County Commission President, Mark Scott and Commissioners Chris See and David Kesling.

Meeting called to order by Commissioner Scott

Commissioner Scott said he is a little short of breath and recently he has been sick for four weeks. He said it started as a kidney infection and as his fever got higher and he thought he was having a heart attack he went to the hospital and found out he had a collapsed lung. He said he did the short term test for COVID and it came back negative but the long term test came back positive. He said they are pretty sure it was the COVID variant because of the type of double pneumonia he had which is different than people with normal COVID. He said that is the sickest he has ever been. He said he has been put on medication and is clear and has been off quarantine for the last week and he has the antibodies. He said he had COVID before and this is a horse of a different color, this thing will kill you. He said the doctor allowed him to come today but ten minutes of conversation feels like an hour to him. He said he may have to leave during public comment, as his head hurts really bad, and to please not be upset with him if he has to walk out for a few minutes.

PUBLIC COMMENT:

Rachel Anger appeared before the Commission. She said she is an elected member of the Randolph County Board of Education and also a member of the Randolph County Park and Recreation Board often referred to as the REC Board. She said although she is a member of both boards she is not here to speak on their behalf as neither board could meet before this County Commission meeting. She said she was saddened and surprised to hear that Mr. Kesling and Mr. Scott requested the resignation of the President of the Parks and Recreation Board, Dr. Frank Mams. Dr. Mams has been a lifelong 4-H and Camp Pioneer supporter. Dr. Mams turned in his resignation to the Randolph County Commission on July 28, 2021. Dr. Mams was first appointed to the REC Board on March 6, 2018 by the Randolph County Board of Education. She said she actually made the motion to approve this position. She said according to their by-laws any person nominated must be appointed by the Randolph County Board of Education. There was also supplemental material provided by others before his appointment. She said she saw on the Agenda for today Item K which is "Consider appointment to the REC Board". She said she has no way of knowing if this is just going to be a discussion or will they be appointing Dr. Mams replacement. Commissioner Scott said they thought by the conversation with Mr. Mams that he was appointed by the County Commission so now they will table that item and allow the Randolph County Board of Education and the REC Board to appoint his replacement. Rachel Anger said it is her sincere hope that the relationship between Dr. Mams and the Randolph County Commission can be restored as she believes that is in the best interest of the REC Board and Camp Pioneer. She said she was also there representing two groups too and applauds the County Commission for looking into something that the kids and families need so much which is a pool but to do it and do it right it would include times for lap swimming and other availability to increase volume and keep the pool afloat.

Larry Serrett, Mayor of the Town of Mill Creek, appeared before the Commission. He said they are just about tapped out on money for the water project and any help from the County Commission would be greatly appreciated. Commissioner Scott said he has been talking with Region 7 about this and this is an infrastructure project and will be one of the priorities to use the American Rescue Plan funding on. He said they are excited to work with them on this. He said it may not be the whole amount but they will do all they can to help. The total cost of this project is approximately 1.5 million dollars.

Estrid Garver-Daniels appeared before the Commission. She said if the pool has multiple lanes and is extended other children could use the pool and get involved in Otters. She said if this does not happen there will be less physical activity for the kids.

Judy Ritchie appeared before the Commission. She said she wanted to say first that two of the toughest elected positions are the County Commission and the Board of Education. She said they are the ones that are face to face every day with the supporters and the critics out in the public. She said she would like to thank them for the job they do. She said she was there to speak briefly about the swimming pool and splash pad project. She said she has no children and is here alone but was asked by several parents, babysitters and groups of people that have concerns, if she would come and speak on their behalf. She said she works daily with budgets, not just her business budgets but the customers buying budgets. She said many times what they want to buy and what their personal or bank budgets are, are far apart. In cases like these tough decisions must be made. She said this is a similar situation as what we face today. She said for years the Randolph County citizens have been screaming for a splash pad and pool. At one time a group worked on it and the project fell apart because people started wanting bigger and better. She said we all want bigger and better but the budget and plans are not there for it. She said she does not want to see this project put on hold or fall apart again. She said the project proposed fits the needs and desires of the majority of Randolph County. It fits the money that the Commissioners have worked for to finally provide a pool for the children who don't have one in their own backyard. She said the Commissioners responsibility is to the majority, not the few. She said because of all of this she asks the Commission to continue and finalize the splash pad and pool project as designed and presented.

Estrid Garver-Daniels appeared before the Commission again. She said she wanted to say that other people that are not grown-ups might actually want the bigger pool. She said D&E could refuse to let the Otters use their pool anytime they want to. She said when they can't have any home meets they don't bring in much money. She said if the County Commission invests in this pool they would be able to get money from other people that come into town for the swim meets. She said they could use that money to pay off the debt of the pool.

Jared Varner appeared before the Commission. He said he used to be in the Elkins Otters and swimming is a big part of his life. He said Otters has been champions 8 times and they are growing. He said he is not there to stop the construction of the pool but he thinks it is missing the mark on uniting everyone. He said they need to re-work it and get new designs. He said D&E could make them stop using their pool at any time and the YMCA pool is not big enough for a competition pool. He said the swim meets would bring in money from other people coming to town, minimum of twenty families. He said it could build into something where they could maybe host the championships here that would bring in 400 swimmers and their families and they would stay in the hotels and eat at restaurants. The only time it would take away from recreational use would be on the weekends. He said the schedule for Otters would be in the mornings before any recreational pool opens. He said he thinks they should tear the pool up and start over by making it longer and deeper so it could be used as a competition pool.

Jared Nestor appeared before the Commission. He said he is not a resident of Randolph County and is an elected official from Barbour County so he understands where they are sitting and what they have to do. He said the decisions are tough that they make as they are dealing with people's lives. He said he was there as a parent, as his son swims for the Otters. He said the reason they come to Randolph County is not only because of the pool at D&E but because of the top notch coaches that you cannot get anywhere else in this area. He said he thinks it would be a crying shame to the youth in this community for that to not be utilized because a COVID outbreak that closes a pool and they cannot use it. He said he understands the fact that there needs to be a place for children to play but why can't it be extended a little more. He said they have not been told the cost to have it extended yet.

Commissioner Scott said they recognize that the Otters are winning without the pool and able to do it with the YMCA pool and D& E pool. He said they have taken that under consideration in their discussions.

Dr. Tracy Walker appeared before the Commission. She said she is a current member and past president of the Randolph County Parks and Recreation Board. She said she is speaking on her own behalf today. She said it came to her surprise that the current president Dr. Frank Mams has been asked

to resign by Commissioners Scott and Kesling effective July 22nd. She said as president at the time of Frank's nomination to the board she is compelled to seek clarification from the Commissioners on the board appointment procedures. She said the position that Dr. Mams fulfilled is defined as a Randolph County taxpayer. She said according to the by-laws, Article 3 Section 1, the position shall be appointed by the Randolph County Board of Education, which they have already acknowledged now. She said she saw on the Agenda the consideration of appointment to the REC Board. She said the REC Board has not had time to meet to discuss the resignation of Dr. Mams or to seek replacement so she would like to ask the Commissioners again to table this Item for further clarification of the REC Board appointment procedures. She said Dr. Mams has been a long-time supporter of the 4-H program as a leader, camp instructor, volunteer and donor. He has been an upstanding member of the community and valued board member of both the Randolph County 4-H Foundation Board and the Randolph County Parks and Recreation Board. She said it is her opinion that his loss will have an immense impact on the REC Board. She said it is her hope that Dr. Mams will remain in his position and reestablish his relationship with the County Commission.

Vickie Judy appeared before the Commission. She said her oldest daughter is in the Elkins Otters and is passionate about swimming. She said she wants to make it clear what the Otters are about. She said the Otters are not a private swim team, it is a non-profit organization. She said they do fund raisers and donations. She said everyone is welcome and no one is turned away. She said she thinks the pool and splash pad are what the area needs but there is a lack of collaboration between the Commission and the Otters. She said in 2020 the Otters talked to the Commission about the pool, before the design was done.

John Schmidt appeared before the Commission. He said he started the Otters in 2000. He said he supports having some aquatic facility in this county. He said he has 40 plus years of coaching kids to swim. He said he offered help when the REC Board first met to discuss the pool project. He said the Otters have made several champions and if they don't have a pool they don't have a team. He said right now they have to have all away meets and with the change in administration at D&E they never know when they will not be able to use the pool anymore. He said he is happy to help with any designs needed.

Chris Uevage appeared before the Commission. He said he is a resident of Tucker County and his daughter is on the Otter and Raze swim teams. He said she is motivated to come to practice and is excited about it. He said she is embarrassed that she doesn't have a home swim meet facility to take family and friends to come watch her compete. He said they are excited about the new splash pad and pool but it would be worthwhile to look into getting a competition size pool and to look more in depth about it.

Ellen Shepherd appeared before the Commission. She said she is the out-going president of Elkins Otters and she is also a special education teacher. She said as a special education teacher she can't make a decision without lots of data and she said with the pool project they haven't seen that data yet. She said she spoke to the Elks about why they closed the pool and was told it was because there wasn't enough good weather days and they didn't make enough money. She said the Otters pay a monthly fee whether they use the pool or not. She said they would provide life guards and keep the pool clean and nice for everyone. She urged the Commission to stop and take a breath and look at what is best for the community.

Harvey Taylor appeared before the Commission. He said 8 or 10 years ago Van Broughton talked to him about getting a splash pad but it didn't work out. He said then David Kesling said he was going to run for County Commission and wanted to do a splash pad for the County. He said his opinion is that the Elks failed because they only had a pool and nothing for the little kids. He said he is a grandfather of 10 now and happy that they will have a splash pad and pool to play in. He said if the Commission decides to go with doing a bigger pool he would help fundraise for it. He said he thinks the Elkins Otters is great.

Commissioner Kesling said they talked to the engineer, E.L. Robinson, on Monday and was told it would be anywhere from \$350,000 to \$612,000 more to make it a 25 meter pool.

Collin McFadden appeared before the Commission. He said he moved here with his family 10 months ago and what a dynasty of a swim team Elkins has. He said he thinks an outdoor pool that has the competitive length would be great. He said it is a tremendous opportunity they have.

Ashley Yeager appeared before the Commission. She said she has one child on the swim team. She said during COVID when they practiced at the indoor pools they would not let the parents inside. She said she is grateful that the County is going to put in an outside pool. She said she needs her kids to be strong swimmers, as she is not. She said there will be revenue lost if they don't do the larger pool. She said it is safer for everybody to be outside. She said help us do this so the families can stay here and not move away. She said build up our County and show you care about all the kids.

Sheriff Rob Elbon read aloud some public comments that had been sent in by email .

Melodee Price said she is in favor of the pool. Lisa Lewis said thank you for making this happen, the project proposed meets the needs for the kids. Sarah Haden is in full support of this project. Barbie Hedrick supports this in our area. Linda and Charles Shomo votes yes for the pool. Rosemary Wentz supports the pool as it will take time away from screens and the couch. Erica Swecker supports the pool. Peggy Young Ross said she 100% supports the pool. James Gainer said please re-consider your decision and make it bigger for competitions. Kelsey Hamrick votes yes. Jesse and Elsie Shreve votes yes. D.J. Brookins votes yes. Bobby Hamrick votes yes. Pat Lewis said appreciate what we have and follow through with the plans. Donna Atkinson supports the splash pad project. Christine Toney said she is fully behind the comments of John Schmidt. Mike and Peggy Johnson want a bigger pool, competition size. Clark Martin wants competition size pool.

MINUTES:

Commissioner See moved to approve the minutes from the special meeting that was held on July 22, 2021, as submitted. All yes – Motion passed unanimously

Commissioner Kesling moved to approve the minutes from the regular meeting that was held on July 15, 2021, as submitted. All yes – Motion passed unanimously

REPORTS:

Hannah Fincham from WVU Extension Office reported that the painted sidewalks around town were done with stencils purchased by the WVU Extension Office by funding from the County Commission. She said they had two 4-H day camps this summer and took a group of 13-14 kids to Jacksons Mill for 3 or 4 days.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Scott announced that the next regular meeting will be held on August 19, 2021 at 1:30 p.m.

Commissioner Scott announced that there will be a special meeting on Monday August 9, 2021 at 9:00 a.m.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER APPROVAL OF ENGINEERING DESIGN FOR RANDOLPH COUNTY POOL/SPLASH PAD PROJECT

Commissioner Scott said they heard everyone speak and if anyone speaks out during the Commissioners comments they will be gaveled and if they continue they will be removed. He said they have been talking to them for a week and as far back as January and have heard them. Commissioner See said everybody brings up good points and that's what we are all here for is to listen to all the different ideas and views. He said they tried to keep this project out in the public as best they could and keep everyone advised of what they are doing. Commissioner Kesling said when he ran for office three years ago the

thing he wanted to do, because he heard from people they wanted something for the kids to do, was a splash pad. He said that is what he ran on was getting a splash pad. He said when this project first started it was just a splash pad. He said they reached out to the City of Elkins and had meetings with council members and the Mayor about it along with people from Clarksburg that runs their pool and they had people from companies that represent the pools to try to partner with the City of Elkins. He said some people wanted it to be in Elkins but it went to one of their committees and it never made it out of that committee. He said they got notification that they were not interested in pursuing the partnership with the Commission on the pool. He said then they started looking at different property that the County owns throughout the County. He said the 4-H camp was another potential site for the pool/splash pad. He said their board did not want anything to do with a pool. He said he sat on the board at that time and it was a no starter with them. He said then they looked at other sites throughout the County along with the Elks pool. He said the Elks Pool was open for 62 years and he does not think that is a failure. He said he went there as a kid and his kids went there. He said they enjoyed it and spent all day there when his kids were growing up. He said he wants his grandchildren to have something like that one day. He said what this was intended for all along was a recreational splash pad and pool. He said it's for everyone and it will bring in money to the County. He said people from here go to the splash pad in Parsons. He said people will travel here to go to the pool and they will buy gas and eat at the restaurants and go to the stores here in town. He said just because it is not going to be a competitive pool does not mean it will not benefit the County financially, because it will. He said it has been an exhausting three years and they have finally met with an engineering company and have looked at everything. He said it would cost 30,000 to 40,000 demo and 350,000 to 612,000 to make it a competitive pool. He said they have looked at it and he feels that the project as presented is the most viable thing for the County.

Commissioner Scott said he wants all the swimmers and coaches to know, although they may not agree, that they have heard them and understand what they are looking for, but the problem is the County cannot afford it. He said the County is going to lose \$340,000.00 this year in tax revenue because of Columbia Gas revaluing a project and moving money to several different counties. He said they have to pay the bills. He said this Commission is going to be fiscally responsible. He said they would love to have a competitive pool in this County and have meets here. He said they know it would bring in money to the County. He said they can't because they have to be able to pay for it. He said he spoke with a Mayor of a Town in Randolph County and was told if the Otters meet certain conditions which are coming up with the funding, engineering plan and a bid that comes in within their budget, then the town will donate the property. He said the land would be big enough for them to have a competitive pool and have adequate parking around the pool. He said they spent countless hours on this project. He showed the audience the pictures of the project. He said the project started out as a splash pad and the pool came to them by accident. He said fundraising started earlier today and all three Commissioners and the Sheriff have agreed to pitch in \$1,000.00 each to get their part of the project started. This is going to be for the concession area and the appliances needed for it. He said that is going to cost approximately \$50,000.00. He thanked the Sheriff and the other Commissioners for donating. He said this pool will benefit 100's of kids in this County. He said they will not do a levy because senior citizens will not vote for a tax increase for a pool. He said they will be using \$250,000.00 in Hotel/Motel Tax money, \$250,000.00 in Coal Severance Tax money, \$128,000.00 for the engineering costs will be paid out of Coal Severance Reallocation Taxes and \$500,000.00 out of ARP funding if they can get the project approved, which they are working on now.

Commissioner Kesling moved to approve the engineering and design of the Randolph County Pool/Splash Pad project, as presented. All yes - Motion passed

CONSIDER APPROVAL OF THREE PART TIME HIRES FOR 911 CENTER

(See copies attached)

Jim Ancell and Hilary White from the OEM/911 Center appeared before the Commission. Mr. Ancell said they are submitting three more names for hiring on a part time basis. These people are Wesley Franklin Taylor, Jaran Brady and Benjamin Taylor. These will all be part time employees with no county benefits and they will be placed on 90 day probationary periods. The starting salary will be \$11.25 per hour and

the current budget will cover wages. They would like all three to begin working on Monday August 9, 2021. Commissioner Kesling moved to approve the hiring of Wesley Franklin Taylor, Jaran Brady and Benjamin Taylor, as submitted. All yes – Motion passed unanimously

Mr. Ancell said that Hilary White will be going from 10 hour shifts to 12 hours shifts through the month of August since they are short staffed right now.

CONSIDER APPOINTMENT TO EMS BOARD

Commissioner Scott said there is a vacancy on the EMS Board and they are struggling to get people to come to the meetings. He said they found a person that is interested and would like to get him approved. Commissioner See moved to appoint Jamie Morgan to the Randolph County EMS Board effective today and ending June 30, 2024. All yes – Motion passed unanimously

CONSIDER APPOINTMENT TO REC BOARD

Commissioner Kesling moved to table this item. All yes – Motion passed unanimously

INFORMATIONAL PRESENTATION AND FUNDING REQUEST FOR YOUTHBUILD

(See copy attached)

Karen Jacobson from the Randolph County Housing Authority appeared before the Commission. She said the Randolph County Housing Authority does not receive annual funding from the County Commission. She said they come to the Commission when they need additional funding for some reason or other. She said they need funding now for the YouthBuild program. She said this program has been operating since 1995 and they have over 800 alumni from YouthBuild in the County. She said the program is entering a "gap" or "bridge" year in which it will not have access to its traditional funding through the Department of Labor. They are asking for a \$15,000.00 contribution to help pay stipends for the next class of 8-10 people. This will help pay their living expenses during the 7 month program. Commissioner Kesling said he thinks it's a wonderful thing for our County. Commissioner See said it is a great program. Commissioner Scott said they had a 75% job placement rate in 2020 which was great. Commissioner Kesling moved to approve \$20,000.00 from Community Development to the Randolph County Housing Authority for the YouthBuild Program. All yes – Motion passed unanimously

INFORMATIONAL PRESENTATION FROM VALLEY HEAD COMMUNITY CENTER

(See copy attached)

Richard Gould, President of the Valley Head Community Center, appeared before the Commission. He said they would like to move the playground equipment from the old Valley Head School down to the community center. He said when the school closed the Board of Education said they owned the playground equipment and they sold it to him for \$1.00. He said the school is being sold to two individuals and they are concerned about the liability aspect of leaving it there. Commissioner See said he was told most of the equipment was originally bought by the teachers and staff from the school. Mr. Gould provided the Commission with an estimate of the cost. Commissioner See moved to approve the funding request in the amount of \$7,500.00 out of Hotel/Motel tax funds for the Valley Head Community Center. All yes – Motion passed unanimously

CONSIDER FUNDING REQUEST FOR BASKETBALL COURT IN COALTON

(See copy attached)

Commissioner Kesling said he was approached by Coalton Mayor Jim Rossi about this issue. The basketball court in Coalton is in disrepair and they need funding to fix it. Commissioner Scott said he was there for Coalton Days and saw it and someone is going to get hurt on that court if they don't fix it. He said Coalton never asks for money except for when they have Coalton Days. Commissioner Kesling moved to approve the funding request from the Town of Coalton in the amount of \$6,300.00 and that is to be taken out of Hotel/Motel Tax Funds. All yes – Motion passed unanimously

CONSIDER DONATION FOR CORNER REPAIR ON MAPLE STREET AND FINDLEY STREET

(See copy attached)

Brad Martin was present but said he had nothing new to report since last meeting. Commissioner Scott said they used coal severance money last time to repair the street but it didn't last very long. He said they made it a priority this time to get it repaired properly. Commissioner Kesling moved to approve the funding request in the amount of \$2,650.00 to be taken out of Coal Severance for the road repair on the corner of Maple and Findley Streets. All yes – Motion passed unanimously

CONSIDER SIGNING RESOLUTION FOR WVCFIA 19TH CYCLE GRANT

(See copy attached)

Commissioner Scott said the Commission is applying for a \$100,000.00 grant to repair the front steps on the main courthouse building. He said they just had CJ's Concrete to patch them but they are in bad shape and need totally replaced. This grant is through the WV Courthouse Facilities Improvement Authority which is where they have received the funding for all the roof repairs. He said if the grant is received the County would have to pay a \$20,000.00 cash match. Commissioner See moved to approve the signing of the Resolution for the WVCFIA 19th Cycle Grant, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF ABCA ZONING LICENSE FOR DOLLAR GENERAL

Commissioner Scott said the Dollar General in Harman is in need of a zoning letter from the Commission to apply for an ABCA license to sell alcohol in their store. Commissioner See moved to approve the signature on the zoning letter for the ABCA license for the Dollar General in Harman, WV. All yes – Motion passed unanimously

CONSIDER RATIFICATION OF SIGNATURE ON LETTER OF SUPPORT FOR ACTIVE PEOPLE, HEALTHY NATION CHAMPIONS INSTITUTE

Commissioner Scott said this is something that Mayor of Elkins, Jerry Marco, approached him about. There is no financial obligation to the County. Commissioner Kesling moved to ratify the signature on the letter of support for Active people, Healthy Nation Champions Institute. All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS

Commissioner Kesling moved to approve the final settlements/annual accountings on the 17 following estates, as submitted.

Roger Arbogast

Ruby Helen Arbogast

Bernice Georgiana Bennett

Patrick Randolph Broschart

Valerie Sue Collett

James Ferguson

Richard Dean Gray

Gilbert William Haas, Jr.

Donald Hansen

Junior Eads Howell

Richard Lee Marsteller

Pauline Jewell Newlon

Robert Steele Phillips

Charles Wesley Roush

Orval Michael Ryan

Charles W. Stalnaker

Dorothy D. Stalnaker

All yes – Motion passed unanimously

BUDGET REVISIONS: None

DIVISION OF PROPERTY/ERRONEOUS ASSESSMENTS:

Commissioner Kesling moved to approve the divisions of property/ erroneous assessments, as submitted. All yes – Motion passed unanimously

DISTRESSED PROPERTIES: None

FIRE FEE ADJUSTMENTS:

Commissioner See moved to approve the 4 fire fee adjustments, as submitted. All yes – Motion passed unanimously

PAYMENT OF BILLS:

Commissioner See moved to pay the bills, as submitted. All yes – Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Kesling moved to adjourn the meeting. All yes – Motion passed unanimously

Attest: _____