

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 2nd day of December, 2021 at 1:30 p.m.

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

Meeting called to order by Commissioner Kesling

PUBLIC COMMENT:

Richard DeBias appeared before the Commission. He gave a copy of his public comment to the Commission. (See attached copy) Mr. DeBias read his public comment out loud.

MINUTES:

Commissioner See moved to approve the minutes from the regular meeting that was held on November 18, 2021, as submitted. All yes – Motion passed unanimously.

REPORTS: None

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Kesling announced that the next meeting of the County Commission will be on December 16, 2021 at 1:30 p.m.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER APPROVAL OF MOVING AN ASSESSOR'S OFFICE EMPLOYEE FROM PART TIME TO FULL TIME STATUS (See copy attached)

Randolph County Assessor Phyllis Yokum appeared before the Commission. She said a 25 year employee in her office and office deputy, Debbie Isner, is retiring in January. She said she is requesting to move Stephanie Simmons, who is currently a part time employee, to a full time employee. She would like this status change to become effective on December 20, 2021. She said the salary would be \$25,000.00 per year with full county benefits and this amount will be covered by her budget. She said she will also be moving some positions around in her office to cover all aspects of the Assessor's Office. Commissioner See moved to approve the full time hire of Stephanie Simmons in the Assessor's Office with a starting salary of \$25,000.00 with full county benefits and she will begin working full time on December 20, 2021. All yes – Motion passed unanimously

CONSIDER HIRE OF NEW DEPUTY IN SHERIFF'S OFFICE (See copy attached)

Lieutenant Bryan Talkington appeared before the Commission. He said they would like to hire Lantz Elbon as a full time benefited uncertified probationary deputy sheriff. He said Sheriff Elbon appointed a hiring board to complete the hiring process. He said the members appointed were himself, Chief Deputy Bradley Sharp and Captain Richard Swisher. He said an extensive background investigation was completed which Mr. Elbon successfully passed. He said the starting salary for an uncertified deputy is \$40,000.00 and after completion of certification would be raised to \$44,000.00. He would like to begin working after submitting a two week notice to his current employer. Commissioner Siler moved to approve the hiring of Lantz Elbon as an uncertified probationary deputy sheriff with a starting salary of \$40,000.00 per year until certified at which time it will be raised to \$44,000.00 per year. He will begin working after giving a two week notice to his current employer. All yes – Motion passed unanimously

CONSIDER APPROVAL OF FUNDING REQUEST FROM THE TOWN OF MILL CREEK (See copy attached)

Commissioner Kesling said now that the third Commissioner is in place they have begun working on the ARP (American Rescue Plan) funding. He said the County received 2.7 million dollars this year and will receive 2.7 million dollars next year in ARP funding. He said the State wants them to use that money for infrastructure projects. He said the Town of Mill Creek has requested funding for their water project which they have been working on since 2012. They serve approximately 400 customers and they need to replace all the old water lines. The amount they are asking the Commission for is \$668,021.76. If they can get that then they can get a matching grant in the amount of \$950,000.00. Commissioner See moved to approve the funding request from the Town of Mill Creek in the amount of \$668,021.76 and that is to be taken out of the ARP funds. All yes – Motion passed unanimously

CONSIDER APPROVAL OF FUNDING REQUEST FROM HUTTONSVILLE PSD (See attached copy)

Commissioner Kesling said this is another request the Commission received for the ARP funding. He said they already gave them some funding from the ARP funds but they need more to complete their project of replacing water meters, an aerator for the wastewater plant and a new billing system. Commissioner Siler moved to approve the funding request from Huttonsville Public Service District in the amount of \$139,500.00 and this is to be taken out of ARP funds. All yes – Motion passed unanimously

CONSIDER APPROVAL OF QUOTE FROM MOUNTAINEER GENERATOR SERVICE

Commissioner Kesling said they have an annual contract for monitoring 17 generators that the County has. He said they need to do a system upgrade at a cost of \$12,375.00. He said the total cost for 2022 is going to be \$35,385.00. Commissioner See moved to approve the quote from Mountaineer Generator Service in the amount of \$35,385.00 and that is to be taken out of courthouse contractual funds. All yes – Motion passed unanimously

CONSIDER APPROVAL OF CHANGES OF THE MAGISTERIAL DISTRICTS AND PRECINCT BOUNDARIES FOR RANDOLPH COUNTY (See attached copy)

Randolph County Clerk Brenda Wiseman appeared before the Commission. She had a map of the new magisterial district and precinct boundary lines for everyone to see. She said every 10 years after the census is done there has to be redistricting done. She said it starts off with the State doing redistricting in Charleston and then once they do their part it comes to the County to do their redistricting. She said due to the House of Delegates line changing and going right through the middle of the County there had to be some changes made at the County level. She said they have not added or taken away any precincts but had to change the boundary lines of a few of the precincts so some voters may have to go to a different polling place than before. She said anyone affected by the change will receive a new voter's card in the mail along with a letter explaining why their polling place was changed. She said this will be done before the start of candidate filing on January 10, 2022. She said an order has to be signed by the Commission today to make these changes effective starting with the May 2022 Primary Election. Commissioner Siler moved to approve the changes in the magisterial districts and precinct boundaries for Randolph County, as submitted. All yes – Motion passed unanimously

SECOND READING OF AMENDMENTS TO RANDOLPH COUNTY UNSAFE BUILDINGS AND LAND ORDINANCE

Commissioner Kesling said if the amendments are approved today the changes will go into effect for the Randolph County Unsafe Buildings and Land Ordinance. He said this is the second and final reading of the amendments and they are available for anyone to look at. Commissioner See moved to approve the second reading and approval of the amendments to the Randolph County Unsafe Buildings and Land Ordinance, as submitted. All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:

Commissioner Siler moved to approve the final settlements/annual accountings on the following (6) estates, as submitted.

David Elliot Jacobson

Charles Daniel Vest

Leslie Lee Kittle

Jearl Bond Taylor

Betty Anne Thompson

Daris Eugene Rudd

All yes – Motion passed unanimously

BUDGET REVISIONS: (See attached copies)

Commissioner Siler moved to approve an In House budget revision in the amount of \$32,945.35 to correct a budgeting error in the visitor center contributions. All yes – Motion passed unanimously

Commissioner See moved to approve a State budget revision in the amount of \$1,500.00 for the Dog Warden Auto Supplies. Commissioner See voted yes, Commissioner Kesling voted yes, Commissioner Siler voted yes. Motion passed.

Commissioner See moved to approve a State budget revision in the amount of \$50,000.00 for the addressing and mapping road sign project. Commissioner See voted yes, Commissioner Kesling voted yes, Commissioner Siler voted yes. Motion passed.

DIVISION OF PROPERTY/ERRONEOUS ASSESSMENTS:

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

DISTRESSED PROPERTIES:

Commissioner See moved to approve 1 lien and 2 settlements on the distressed properties, as submitted. All yes - Motion passed unanimously

FIRE FEE ADJUSTMENTS:

Commissioner See moved to approve the 1 fire fee adjustment, 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 See moved to adjourn the meeting. All yes – Motion passed unanimously

Attest: _____

December 2, 2021

Randolph County Commission

4 Randolph Avenue

Suite 102

Elkins, WV 26241

RE: Richard DeBias Public Comment December 2, 2021

To: Randolph County Commisioners

Since November 2020 I have attended over a dozen Randolph County Commissioners meetings using **Public Comment** to express my concerns regarding the use of **Body Cams** when it comes to the Randolph County Sheriff Department. Over a year ago Bryan Talkington came to my house with a personal agenda and made a false arrest with **Improbable Cause** which I found out over a year later after numerous **West Virginia Freedom of Information Act** requests and a great deal of resistance from the Randolph County Sheriff Department, Magistrate and Prosecuting Attorney Office. Talkington not only harassed and threatened my family while Deputies Knotts and Pennington stood guard outside but also falsified a criminal complaint. I can make this statement and back it up with **Three(3) Other Witnesses** and Talkington has none. With the help of the Assistant Prosecuting Attorney/Leckta

Randolph County Commissioners

December 2, 2021

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Poling, Magistrate Mike Dyer and Ben Shepler I was denied **Due Process** in which my handicap was used against me.

Since then I personally have expressed my frustrations and concerns with Sheriff Elbon trying to resolve this issue by even suggesting a sit down with Talkington who was too much of a coward to do so but my efforts went no where. Furthermore former Commissioner Mark Scott and Sheriff Elbon have both told me on numerous occasions there was no money for **Body Cams** but it seems as if the present Commissioners have no problem handing out taxpayers money like it is candy to the Sheriff Department to the tune of hundreds of thousands of dollars.

It seems that not only **Body Cams** are needed but also **Dash Cams** as well by the way vehicle collisions have occurred as of late involving Randolph County Sheriff's Department personnel. Just recently Deputy Knotts was involved in a vehicle collision up the valley in which another individual was blamed for without any charges being made as of late which is very odd and lucky no one was seriously hurt this time. There was a lot of compassion showed throughout the community for Deputy Knotts and K-9 Hacker but not a single apology from anyone in the Randolph County

Randolph County Commissioners

December 1, 2021

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Sheriff Office to my family not to mention from the Prosecuting Attorney Office who also threatened my wife with criminal charges when she called them trying to straighten out Talkington's lies.

By the bad actions of Talkington who is really going to hurt someone one of these days not to mention the string of vehicle accidents lately so much more emphasis needs put on training instead of the continual purchasing of new equipment and additional officers. In closing, a quote from Sir Walter Scott comes to mind which states "Oh, what a tangled web we weave when we first practice to deceive!" By the way, a copy of my public comment has been left with the Randolph County Commissioners.

Thank you,

Richard L DeBias

Richard L. DeBias



Office of

Randolph County Assessor

Phyllis K. Yokum

.....
4 Randolph Ave. Room 101
Elkins, WV 26241-4098

Phone: 304.636.2114
Fax: 304.636.9474

November 23, 2021

To: Honorable Randolph County Commission

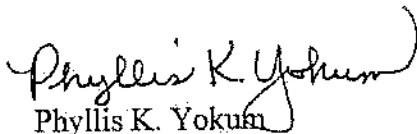
RE: Move Stephanie Simmons from part-time to full-time in the Assessor's Office

Honorable Commissioners,

A 25-year employee in my office and office deputy, Debbie Isner, is retiring the first week in January, 2022. I am requesting to move Stephanie Simmons, currently a part-time employee, to a full-time position. Stephanie's salary will be \$25,000 with full benefits and will be paid out of my regular county budget. Her position will become full time on December 20, 2021.

I will be moving some positions around in order to efficiently cover all aspects of the Assessor's office. I will also be appointing a new office deputy and deputy assessors.

Thank you for your consideration in moving Stephanie to a full-time position.


Phyllis K. Yokum
Assessor

Office of the
SHERIFF OF RANDOLPH COUNTY

Law Enforcement

32 Randolph Avenue
Suite 201
Elkins, WV 26241

Web: RandolphSheriff.wv.gov
Phone: (304) 636-2111
Fax (304) 630-0467



Tax Office

4 Randolph Avenue
Suite 100
Elkins, WV 26241

Web: wvpropertytaxes.com
Phone: (304) 636-2100
Fax (304) 636-2093

Robert R. Elbon Jr., Sheriff

November 29, 2021.

To: The Randolph County Commission

RE: Request to hire Lantz Elbon as an Uncertified Probationary Deputy Sheriff

We respectfully request the approval to hire Lantz Elbon as a full time benefited uncertified probationary deputy sheriff. Due to the inclusion of Mr. Elbon on the current certified list, the Sheriff appointed a hiring board to complete this hiring process. The members appointed were Chief Deputy Sharp, Captain Swisher and Lieutenant Talkington. If approved Mr. Elbon's beginning uncertified salary will be \$40,000.00 annually. After successful completion of the West Virginia State Police Academy and obtaining certification, the salary will increase to \$44,000.00.

Mr. Elbon was raised in Randolph County, and graduated from Elkins High School. After graduating high school Mr. Elbon enlisted in the US Army, serving active duty for nearly eight years in a military police unit. After completing his military service, he moved back to Randolph County where he currently resides with his family. An extensive background investigation was completed by our Office, which he successfully passed. Mr. Elbon is available to begin work with the Sheriff's Office after submitting a two week notice with his current employer.

Respectfully,

Chief Deputy B. T. Sharp

Captain R. K. Swisher

Lieutenant B. A. Talkington

THE TOWN OF MILL CREEK
P.O. BOX 128
MILL CREEK, WV 26280

Randolph County Commission
Honorable Mark Scott
Honorable Chris See
Honorable David Kessler

668,021.76
ARPA funds

Elkins, West Virginia 26241
August 30, 2021

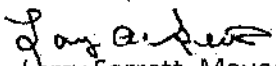
Dear County Commissioners,

The Town of Mill Creek is seeking your financial assistance to complete our water project, consisting of replacing all water lines in the system, some of which are over one hundred old. Our system serves approximately 400 customers, residential, commercial and government. We started the design in 2012 and broke ground the spring of 2016, but our contractor walked off the job in July of 2016 leaving the town with a partially completed water system. We spent two and one half years in litigation before settling with the contractor and allowing us to proceed with the project. We bid the project last month and opened bids to find that the project cost had increased more than we anticipated leaving us almost two million dollars short in our funding. The project is being completed in two contracts, the first being the line replacement and the second a new water tank and water plant renovations. The Town has committed \$83,773.68 to completing contract one but we need assistance to finish contract two, with a cost of approximately \$1,900,000. If we can raise \$950,000 we would qualify for an IJDC matching grant for the same amount allowing us to complete the project without another rate increase on our citizens who are already dealing with a series of increases to cover the cost of the original project. Attached you will find two schedules, one showing the draft copy of the preliminary project budget (schedule B) and the other a breakdown of the probable construction cost in draft form. Please be aware that these are preliminary numbers in draft form.

The Town is committed to using our ARPA allocation in full to complete this project. This includes the \$140,989.12 that we received this month and next years allocation in the same amount, for a total of \$281,978.24. this would leave a shortage of \$668,021.76 that we are respectfully asking the Commission to fund from their ARPA funds.

We thank you for your consideration in this matter and ask that you contact us at 304-335-4795 with any questions you may have.

Sincerely,


Larry Serrett, Mayor

October 25, 2021

Randolph County Commission
Randolph Avenue
Elkins WV 26241

139,500.00
ARP Funds

Dear Fellow Commissioners:

The Huttonsville PSD has amended their first request for funding from the commission to let you know we removed the cost of the telemetry for the McCalis Run station because we would lose our warranty if this was paid in full, instead we are replacing the chlorine at the Water Treatment Plant to sodium hypochlorite and the estimated cost for this is \$10,000.00.

The Huttonsville PSD would like to request additional funds for 200 water meters at a cost of \$56,000.00, an aerator for the wastewater treatment plant at a cost of \$15,000.00, and \$19,463.00 for a new billing program for the customers water and wastewater bills, the program we have now Microsoft will no longer support and we need to continue our tech support.

Total request is:

\$56,000.00 200 water meters
\$15,000.00 aerator at the Wastewater Plant
\$19,463.00 for a new billing program

Total Request: 90,463.00

Thank you,

Gary Morgan, Chairman
Huttonsville PSD
Mill Creek WV 26280

cc: file

NOTICE



Please be advised that on December 2, 2021, the Randolph County Commission will consider the entry of an Order regarding changes in the magisterial districts and polling place locations, for some voters, in Randolph County. These changes are being made due to a shift in population in accordance with the most recent Census. This will be a permanent change effective with the May 10, 2022 Primary Election. Any interested parties may appear before the Randolph County Commission during the meeting of December 2, 2021 in the County Commission Meeting Room in the James F. Cain Courthouse Annex at 1:30 p.m.

Brenda D. Wiseman

Randolph County Clerk

ORDER

At a regular meeting of the Randolph County Commission, held on December 2, 2021 with a quorum present, it is hereby ordered that the magisterial district and precinct boundary changes, as presented, are hereby approved and this change will be a permanent change effective with the May 10, 2022 Primary Election.

Randolph County Commissioners



State BUDGET REVISION 12/2/21

911 road sign project

Reason for Revision:

REVENUES:

ACCOUNT NUMBER	Account Name	PREVIOUSLY APPROVED AMOUNT	REVISION		REVISED AMOUNT
			INCREASE	DECREASE	

EXPENDITURES:

ACCOUNT NUMBER	Account Name	PREVIOUSLY APPROVED AMOUNT	REVISION		REVISED AMOUNT
			INCREASE	DECREASE	
001-424-2-30.00	Courthouse Contractual			\$50,000.00	
007-712-2-30.01	Addressing & Mapping		\$50,000.00		

Total: \$50,000

12-2-2021
 C see moved
 C see yes
 C:10-11-21 MK YES