

AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON TUESDAY, APRIL 18, 2023 AT 9:00 A.M.

COMMISSIONERS PRESENT: CARL HEVENER, PRESIDENT AND ROGER DAHMER AND JIMMIE BENNETT

OTHERS PRESENT: ELISE WHITE, COUNTY CLERK; KAREN PITSENBARGER, COUNTY ADMINISTRATOR; RICK GILLESPIE, EMERGENCY SERVICES COORDINATOR; DIANA MITCHELL, 911 DIRECTOR; APRIL MALLOW, PROSECUTING ATTORNEY; CHAD BOWERS, SHERIFF; LAURA BROWN, EDA DIRECTOR; AMBER NESSELRODT, CVB DIRECTOR

PUBLIC PRESENT: SEE ATTACHED SIGN-IN SHEET

Commissioner Dahmer led those present in prayer. Commissioner Hevener opened the meeting.

Minutes of the April 4, 2023 meeting of the County Commission, on motion of Commissioner Dahmer, were unanimously approved.

Scott Somerville apologized to the Commission for any unpleasant comments he may have made to the Commissioners at the previous meeting. He encouraged all those present to be courteous to the Commissioners.

Barbara Dean, representative for Friends of Beautiful Pendleton County, gave a brief synopsis of when the group was organized and their purpose. She discussed their opinion of potential negative issues of wind turbines. She concluded by asking the Commission to pass a three-year moratorium on any structures in excess of 200 feet with the exemption of communication towers used for communication purposes only.

Several members of the public expressed their concerns about the wind turbines possibly being built in Pendleton County and the potential negative impacts they could have in regards to tourism, agritourism, scenic views, water, noise, traffic and health.

Mike Wellenborg expressed concern about the Public Service Commission (PSC) fast-tracking an application for building wind turbines. He stated the need for a moratorium to allow time to review all aspects of the impact of the turbines in the County.

April Mallow, Prosecuting Attorney, informed everyone that she will be soliciting an opinion from the State Attorney General on the proper and legal method for creating a moratorium. She also mentioned that as of Monday, April 17, 2023 no siting certificate applications had been filed with the PSC.

Commissioner Hevener stated that grain producers could also be affected by the 200-foot limit in addition to communications towers. Any moratorium would need to be carefully worded to show that it is not singling out a single entity.

Laura Brown, EDA Director, mentioned she had spoken with the Randolph County EDA Director and they had indicated that businesses and property values had not been affected by the wind turbines as they were located in wooded areas.

Amber Nesselrodt, CVB Director, stated that she had talked with Grant County and they had said that tourism had increased over the last ten years and that some tourists came just to see the wind turbines.

Commissioner Hevener stated that they would work with the Prosecuting Attorney on procedures to move forward.

Tom Butcher, First Energy Regional Consultant, introduced himself to the Commissioners and reminded them that he may be contacted at any time for any issues or concerns they may have.

Maintenance:

The generator at the Pendleton County Community Building (PCCB) is on the pad and they are waiting on cable to arrive to connect it to the building.

The old HVAC system at the Health Department will need to be replaced eventually. AQS submitted a quote in the amount of \$6,900 to replace the system. On motion of Commissioner Bennett, vote unanimous, the quote was approved.

Karen Pitsenbarger, County Administrator, mentioned that the HVAC system at PCCB is also old and beginning to require extra maintenance.

Diana Mitchell, 911 Director, presented to the Commission a request for a road name. On motion of Commissioner Dahmer, vote unanimous, the Commission approved the name Riverview Cabin Dr, which will be off of Route 220 in Ruddle.

Rick Gillespie, Emergency Services Coordinator, informed the Commission that the 911 dispatchers had done a good job over the last week as there have been numerous calls, including four helicopter transports.

In recognition during National Public Safety Telecommunications week, Commissioner Dahmer read a letter from the Commission to all of the 911 personnel honoring their efforts and recognizing their contributions year-round with a heartfelt thank you. The letter will be sent to each 911 staff member.

Mr. Gillespie stated that he has been working on several grant applications for emergency services and the sheriff's department. The National Radio Quiet Zone has put out an advertisement for a study of the quiet zone. There are at least two companies that are preparing to submit a proposal. He is also waiting for a proposal from Motorola to replace the County's communication system to submit for a Department of Defense grant.

Laura Brown, EDA Director, informed the Commission that the Gig-ready grant that have been working on for the past year will be submitted next week.

Amber Nesselrodt, CVB Director, is working on information for the new bill passed by the legislature that limits liability issues to private landowners who have tourist locations on their property and allow tourists to come on their property.

Mrs. Pitsenbarger said that still have not received any estimates for removal of the heating fuel tank. Omni Associates made recommendations to the bid from Lantz Construction for the ADA ramp at the Courthouse. On motion of Commissioner Dahmer, vote unanimous, the changes were approved.

This being the date for the Commission to officially adopt the levy rates for property taxation for fiscal year 2024, a motion was made by Commissioner Bennett, vote was unanimous, to approve the following levy rates to be laid on each One Hundred (\$100.00) Dollars of assessed valuation of each class of property:

Class II Rates - 28.60
Class III Rates - 57.20
Class IV Rates - 57.20

Total Projected Revenue	2,741,962
Less Uncollectable Taxes, Exonerations & Delinquencies	137,098
Less Tax Discount	52,097
Total Projected Property Tax Collection	2,552,767
Less Assessor Valuation Fund	<u>51,055</u>
NET AMOUNT TO BE RAISED BY LEVY	2,501,712

On motion of Commissioner Dahmer, vote unanimous, a resolution was signed authorizing the submission of a grant under the West Virginia Court Security Fund Program in the amount of \$122,882. The funds would go towards purchase of a camera system, metal detector and x-ray scanner at the Courthouse.

Elise White, County Clerk, informed the Commission that there are additional grant funds available under the Help America Vote Act (HAVA). She requested to apply for funds to purchase electronic pollbook systems for each precinct. If approved, the grant would pay for 85% of the \$26,799.00 purchase price. On motion of Commissioner Bennett, vote unanimous, a resolution and application were signed to request the grant funds.

On motion of Commissioner Dahmer, vote unanimous, the Shentel Cable Franchise Agreement was approved for a five-year period.

Peter Tuckerman has resigned from the Pendleton County Library Board. A request has been submitted to appoint Brenna Mitchell to fill his term. On motion of Commissioner Dahmer, vote unanimous, she was appointed for the remainder of his term which will end July 1, 2027.

Commissioner Bennett made a motion, vote unanimous, to proclaim the week of April 23 – 29, 2023 as National Library Week.

The Commission reviewed the Sheriff's financial statement for the month of March 2023.

DATE: 4/05/23 SHERIFF'S ACCOUNTING SYSTEM PAGE: 1
 TIME: 8:56:18 BANK BALANCE AS OF 03/31/2023 PROG: SA0068

PENDLETON COMMUNITY BANK	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
GENERAL COUNTY CHECKING	1,318,555.88	159,319.44-	8,788.01	1,168,024.45
PENDLETON COUNTY 911	52,147.00	717.50-	.00	51,429.50
HOME DETENTION	81,643.50	.00	220.00	81,863.50
RESERVE FOR SPEC EMERG	.00	.00	.00	.00
PARKS & REC	77,804.82	.00	.00	77,804.82
CHCB	484.76	.00	.00	484.76
PCCB	908.89	.00	.00	908.89
HEALTH REIMB	252,582.98	.00	.00	252,582.98
ASSESSOR'S VAL	139,104.79	.00	8,564.11	147,668.90
FINAN STABIL FUND	.00	.00	.00	.00
CONCEALED WEAPONS	14,464.58	3,754.97-	65.00	10,774.61
SPECIAL LAW ENFORCEMENT	22,284.08	.00	.00	22,284.08
AMER RES PLAN ACT	1,136,566.37	42,871.69-	.00	1,093,694.68
CERTIFIED TO STATE	.00	.00	.00	.00
BOARD OF HEALTH	208,747.47	7,003.37-	.00	201,744.10
CLEARING ACCOUNT	.00	.00	.00	.00
RESER FOR SPEC EMERG MM	56,251.93	.00	.00	56,251.93
FINANCIAL STAB.-CD 2	.00	.00	.00	.00
FINANCIAL STAB.-MONEY MAR	230,722.53	.00	.00	230,722.53
FINAN STABIL FUND	1,302,146.36	.00	.00	1,302,146.36
GENERAL CO 12 MONTH CD	.00	.00	.00	.00
GENERAL CO 6 MONTH CD	.00	.00	.00	.00
GENERAL CO MONEY MARKET	1,469,826.02	.00	.00	1,469,826.02
911 SUPER SAVINGS	.00	.00	.00	.00
911 24 MONTH CD	.00	.00	.00	.00
GEN CO CD	1,508,948.87	.00	.00	1,508,948.87
PEN CO 911 FEES FUND MM	505,597.99	.00	.00	505,597.99
911 CD FEES FUND	100,000.00	.00	.00	100,000.00
*** BANK TOTAL ***	8,478,788.82	213,666.97-	17,637.12	8,282,758.97
SUMMIT COMMUNITY BANK	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
WORTHLESS CHECK	1,862.74	.00	.00	1,862.74
PEND CO HOUSING	67,754.57	.00	.00	67,754.57
*** BANK TOTAL ***	69,617.31	.00	.00	69,617.31
THE GRANT COUNTY BANK	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
CHCB	.00	.00	.00	.00
*** BANK TOTAL ***	.00	.00	.00	.00
*** COUNTY TOTAL ***	8,548,406.13	213,666.97-	17,637.12	8,352,376.28
CASH ON HAND				200.00
*** TOTAL ***				8,352,576.28

DATE: 4/05/23
 TIME: 8:57:16

PENDLETON COUNTY
 FINANCIAL STATEMENT
 MONTH ENDING- 3/2023

PROG: SA058B

ACCOUNT	DESCRIPTION	BEGINNING BALANCE	CURRENT MONTH COLLECTIONS	ORDERS ISSUED	BALANCE PER BOOKS
FUND - 001	GENERAL COUNTY				
301-01-RP-	GC-TAX REPAYMENT	.00	.00	.00	.00
	FUND 001 TOTALS	3829695.83	474805.76	282333.99-	4022167.60
FUND - 002	COAL SEVERANCE				
	FUND 002 TOTALS	19591.71	.00	2269.67-	17322.04
FUND - 003	DOG AND KENNEL				
	FUND 003 TOTALS	6437.70	.00	.00	6437.70
FUND - 004	GENERAL SCHOOL				
	FUND 004 TOTALS	14942.79	1416.75	.00	16359.54
FUND - 005	MAGISTRATE COURT				
	FUND 005 TOTALS	1241.17	246.50	328.00-	1159.67
FUND - 006	WORTHLESS CHECK				
	FUND 006 TOTALS	1862.28	25.46	.00	1887.74
FUND - 007	PEND CO 911				
	FUND 007 TOTALS	713258.91	6079.63	62313.55-	657024.99
FUND - 008	HOME DETENTION				
	FUND 008 TOTALS	79621.60	3350.00	1105.60-	81866.00
FUND - 011	RES FOR SPEC EMERG				
	FUND 011 TOTALS	56109.51	142.42	.00	56251.93
FUND - 013	BOARD OF PARKS				
	FUND 013 TOTALS	79052.81	150.00	1397.99-	77804.82
FUND - 024	PEND CO HOUSING				
	FUND 024 TOTALS	67573.16	181.41	.00	67754.57
FUND - 025	CHCB				
	FUND 025 TOTALS	903.39	.00	418.63-	484.76
FUND - 026	PCCB				
	FUND 026 TOTALS	750.88	401.12	243.11-	908.89
FUND - 052	HEALTH REIMB				
	FUND 052 TOTALS	252755.27	21.46	193.75-	252582.98
FUND - 056	ASSESSOR VALUATION				
	FUND 056 TOTALS	140271.61	8800.69	1403.40-	147668.90
FUND - 058	FINAN STABIL FUND				
	FUND 058 TOTALS	1528614.12	4254.77	.00	1532868.89
FUND - 059	CONCEALED WEAPONS				
	FUND 059 TOTALS	13244.58	710.00	3179.97-	10774.61
FUND - 073	SPEC LAW ENF INVEST				
	FUND 073 TOTALS	1582.72	20801.36	100.00-	22284.08
FUND - 207	AMER RES PLAN ACT				
	FUND 207 TOTALS	1093694.68	.00	.00	1093694.68
FUND - 312	CRIMINAL CHARGES				
	FUND 312 TOTALS	.00	23.00	23.00-	.00
FUND - 313	COURT REPORTER				
	FUND 313 TOTALS	.00	80.00	80.00-	.00
FUND - 314	STATE FINES				
	FUND 314 TOTALS	.00	105.00	105.00-	.00
FUND - 315	STATE POLICE				
	FUND 315 TOTALS	.00	575.00	575.00-	.00
FUND - 316	STATE CURRENT				
	FUND 316 TOTALS	.00	1866.73	1866.73-	.00

ACCOUNT	DESCRIPTION	BEGINNING BALANCE	CURRENT MONTH COLLECTIONS	ORDERS ISSUED	BALANCE PER BOOKS
FUND - 361	CERTIFIED TO STATE				
	FUND 361 TOTALS	.00	.00	.00	.00
FUND - 364	TAX LIEN				
	FUND 364 TOTALS	78704.15	.00	.00	78704.15
FUND - 365	DELINQ NONENTERED				
	FUND 365 TOTALS	4823.64	.00	.00	4823.64
FUND - 366	BOARD OF HEALTH				
	FUND 366 TOTALS	176196.55	49495.44	23947.89-	201744.10
FUND - 373	GEN CURRENT EXPENSES				
	FUND 373 TOTALS	.00	522207.08	522207.08-	.00
FUND - 378	FRANKLIN CURRENT				
	FUND 378 TOTALS	.00	5432.70	5432.70-	.00
FUND - 903	CLEARING ACCOUNT				
	FUND 903 TOTALS	.00	646.25	646.25-	.00
	FINAL TOTALS	8160929.06	1101818.53	910171.31-	8352576.28
	BALANCE IN COUNTY DEPOSITORIES AT END OF MONTH:	8,548,406.13			
	ORDERS/DEBITS OUTSTANDING:	213,666.97-			
	DEPOSITS/CREDITS OUTSTANDING:	17,637.12			
	NET BANK BALANCE	8,352,376.28			
	CASH ON HAND	200.00			
	TOTAL IN COUNTY DEPOSITORIES AND OFFICES:	8,352,576.28			

I, Cadwick Bowers Sheriff of Pendleton County, West Virginia, do hereby certify that the foregoing is a true and correct statement of the finances of Pendleton County, for the month ending March 2023 showing the balance on hand at the beginning of the month, the amount received, the amount distributed and the remaining in the Treasury and County Depositories; to the Best of my abilities and knowledge. Given under my hand this 6 day of April 2023

Cadwick Bowers Sheriff of Pendleton County

The following appointments of administrators, executors, etc., done by the clerk in vacation of the Commission, were this day presented to the Commission, approved on motion of Commissioner Bennett, and unanimously confirmed.

United States of America

State of West Virginia



County of Pendleton, ss:

Clerk's Fiduciary Report

Estate from Monday, April 3, 2023, through Monday, April 17, 2023

The County Commission of Pendleton County this day proceeded to examine the report of the Clerk of the Commission of the Fiduciary and Probate matters had before her during the vacation of the Commission, and it appearing to the Commission that all of the proceedings had therefore ordered that the said report and matters thereto contained be and the same is hereby ratified and confirmed. Said report is in words and figures as follows, to -wit:

On, Friday, April 14, 2023, the following matters were disposed of in the presence of the Clerk:

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, PAUL R. VENCUS was appointed and qualified as ADMINISTRATOR of the estate of PATRICIA A. HANSEN, deceased. Bond was 81,500.00.

Elise M. White

Monday, April 17, 2023

Elise M. White
Clerk of the Pendleton County Commission

Confirmed

The following settlements of accounts were this day presented to the Commission and approved on motion of Commissioner Bennett, and unanimously confirmed:

Denali Skye Hedrick, Administratrix of the **Estate of Michael Clay Hedrick, deceased**; Waiver of Final Settlement

Mark D. Bennett, Executor of the **Estate of Bernice Thompson, deceased**; Affidavit and Waiver of Final Settlement

Brianna Bruns, Administratrix of the **Estate of Steven Craig Judy, deceased**; Affidavit and Waiver of Final Settlement

There were no exonerations.

The Commission reviewed employee timesheets for the month of March 2023.

The following cancelled orders were approved:

General County	-	\$242.53
Coal Severance	-	\$922.06
911 Fund	-	\$690.00
Sheriff's Checks	-	\$18.47
Board of Health	-	\$4,447.56

ORDERED THAT THE FOLLOWING ALLOWANCES BE MADE PAYABLE OUT OF:

GENERAL COUNTY FUND:	Check Nos. 33917 – 33945	\$40,739.37
COAL SEVERANCE FUND:	Check Nos. 200156 – 200159	\$2,304.06
911 FUND:	Check Nos. 3948 – 3961	\$40,125.86
HOME CONFINEMENT FUND:	Check Nos. 301 - 302	\$445.20
PARKS & RECREATION FUND:	Check No. 1339	\$163.86
CLINTON HEDRICK COMM BLDG:	Check Nos. 1135 – 1138	\$320.79
PENDLETON COUNTY COMM BLDG:	Check Nos. 1221 – 1222	\$1,237.96

Mrs. Pitsenbarger read a letter from Jefferey Bowers regarding the Flood Plain Ordinance. He is concerned about the process that allows property to be taken out of the flood plain. He feels it is not explained thoroughly. The Commission will have the Prosecuting Attorney review the ordinance.

On motion of Commissioner Dahmer, vote unanimous, the Commission went into executive session to discuss a personnel issue at 11:43 a.m.

Commissioner Dahmer made a motion, vote unanimous, to adjourn executive session at 1:46 p.m.

No action was taken during executive session.

ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF COMMISSIONER DAHMER, VOTE UNANIMOUS, UNTIL TUESDAY, MAY 2, 2023.

President