

**AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON TUESDAY, APRIL 4, 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; LAURA BROWN, EDA DIRECTOR; AMBER NESSELRODT, CVB DIRECTOR; VIVIAN PARSONS, WVCorp; STEPHEN SMOOT, THE PENDLETON TIMES; SCOTT SOMERVILLE; VIRGINIA BATES; CHARLEY BATES; KATIE VANMETER; MIKE WILLENBORG; BARBARA DEAN; KATHY MOATS**

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

Minutes of the March 21, 2023 regular meeting and the March 28, 2023 special meeting of the County Commission, on motion of Commissioner Bennett, were unanimously approved.

Maintenance:

The generator at the Pendleton County Community Building (PCCB) is expected to arrive and be installed on Thursday.

Scott Somerville discussed with the Commission the possibility of wind turbines coming to Pendleton County. He mentioned that Liberty Gap Wind Force, LLC had recently recorded four new easements. He and several other citizens are concerned about the impact the wind turbines may have on Pendleton County. As of this morning, no applications have been filed with the Public Service Commission.

Mr. Somerville is requesting the Commission to set a three-year moratorium on turbine structures to allow time to investigate and review all options. He also would like the Commission to create an ordinance that would restrict building any structures over 200 feet on ridge lines that are over 2,000 feet. Those citizens who may oppose the ordinance could challenge it and then it could be placed on the ballot for all citizens to vote on it.

Commissioner Dahmer pointed out that restricting as stated above could have an impact on cellphone and/or emergency services towers. Mr. Somerville stated that the ordinance would need to be very clear as to what type of structures are referring to. Commissioner Hevener responded that could run into some legal issues.

Prosecuting Attorney April Mallow reported that her job is to advise the Commission and to make sure any ordinances stand up to the legal process. She said that in other states, most moratoriums were only six months. She also said it is important to make sure which company would be dealing with as the one that recently filed the easements has a different headquarters than the company that had filed easements several years ago.

Several other residents stated that they are against the wind turbines coming to this county and are concerned about how they will impact the community, tourism and property values.

Mr. Somerville requested that the Friends of Beautiful Pendleton County be put on the next meeting agenda.

Vivian Parsons, Public Entity Specialist with WVCorp, updated the Commission on how the company has been doing and the employee training that is available on various subjects at no cost to the County.

They also have law enforcement courses at no cost that offer continued legal education (cle) that are required to keep up certification.

Diana Mitchell, 911 Director, reported that Career Fair at the high school went very well. She mentioned that last Friday an excavator cut through all of their trunk lines. The Center was able to transfer all lines to Grant County without interruption of service until the lines were repaired. April 9 – 15, 2023 is National Public Safety Telecommunications week.

Rick Gillespie, Emergency Services Coordinator, passed out information on a Incident Command Course that is available for Elected Officials on April 19, 2023 at Buchannon. He also mentioned that the water well at the 911 Center is still giving them issues. He encouraged the Commission to look at getting public water out to that area.

Laura Brown, EDA director, thanked the Commission for allocating one million of the American Rescue Plan Act (ARPA) funds to broadband. The County was awarded over \$4.8 million in grants over the last year. The LEAD #2 grant was submitted last week with \$80,000 from the ARPA allocation used as matching funds.

She also mentioned that the public private partnership contract with Lingo under the LEAD #1 grant should be ready soon for signature. The matching funds for that grant amounted to \$297,000 from the ARPA allocation. Commissioner Dahmer made a motion to allow Ms. Brown, as EDA director, to sign the contract taking into consideration the changes made by Josh Jarrell of Steptoe and Johnson.

She also reported that the Gig-ready application for technical assistance, submitted last year, may require a special Commission meeting for a resolution indicating the ARPA funds (\$300,000) that have been allocated as a match for this grant.

Construction has begun for the Emergency Connectivity Fund (ECF) grant for the schools.

Ms. Brown thanked the Commission for their continued support.

Bids for the ADA ramp at the Courthouse are scheduled to be opened today at 1:30 p.m. A request for proposal (RFP) for the main part of the annex should be advertised soon. Karen Pitsenbarger, County Administrator, indicated that she is still waiting for estimates on moving the underground fuel tank.

Commissioner Bennett, vote unanimous, made a motion to sign the lease with the WV Division of Natural Resources for office space at PCCB. They rent one room at a cost of \$100 per month.

A resolution to designate April as Fair Housing Month, was signed by the Commissioner on motion of Commissioner Dahmer, vote unanimous.

The franchise agreement with Shentel Cable is up for renewal. They are asking for a twenty-year contract. Currently the contract is for five years. The Commissioners will review and discuss at the next meeting.

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, March 20, 2023, through Monday, April 3, 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, Monday, March 20, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of MARY V. ANDERSON, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record. JOHN L. ANDERSON, who was named in the last will and testament of MARY V. ANDERSON, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

On, Wednesday, March 29, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of BARBARA JEAN VERDONI, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record. KIMBERLY A. HULMES, who was named in the last will and testament of BARBARA JEAN VERDONI, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

Elise M. White

Monday, April 3, 2023

Elise M. White
Clerk of the Pendleton County Commission

Confirmed

Estate: 743
Fiduciary Report

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

Ann Elliott, Executrix of the Estate of Browning Boggs, deceased; Affidavit and Waiver of Final Settlement

On motion of Commissioner Dahmer, vote unanimous, the following exonerations were approved:

- Chris Phillips, Franklin District, \$105.96
James Hess, Franklin District, \$215.10

ORDERED THAT THE FOLLOWING ALLOWANCES BE MADE PAYABLE OUT OF:

Table with 3 columns: Fund Name, Check Nos., and Amount. Rows include GENERAL COUNTY FUND, COAL SEVERANCE FUND, and MAGISTRATE COURT FUND.

911 FUND:	Check Nos. 3943 – 3947	\$9,824.38
HOME CONFINEMENT FUND:	Check No. 300	\$600.00
PARKS & RECREATION FUND:	Check Nos. 1333 – 1338	\$1,376.07
ARPA FUND:	Check No. 117	\$162.00

Elise White, County Clerk, informed the Commission that the State Auditor had approved the County's fiscal year 2024 budget.

The Commission temporarily adjourned at 11:15 a.m. on motion of Commissioner Dahmer, vote unanimous, until 1:30 p.m. for opening of bids.

The Commission reconvened at 1:30 p.m. with Commissioner Carl Hevener, Commissioner Roger Dahmer, Commissioner Jimmie Bennett, Karen Pitsenbarger, County Administrator, Elise White, County Clerk, David Snyder, Omni Associates, and Josh Baldwin, Lantz Construction.

Mrs. Pitsenbarger opened the sole bid that was received for the ADA ramp. The amount of the bid was \$124,300.

Mr. Snyder, Omni Associates, indicated that they had estimated the cost to be around \$87,452. He discussed with Mr. Baldwin, Lantz Construction, the different components that appeared to be higher than expected. Mr. Baldwin agreed to get back with their estimator, review the numbers and see if they would be able to adjust any costs.

Mr. Baldwin indicated that it would take approximately five to six weeks for the project once begun. If they started in May, he indicated they should be able to be completed with the project in July.

The Commission will wait until Mr. Baldwin comes back with an adjusted bid before making any decisions.

Meeting adjourned at 2:10 p.m. by motion of Commissioner Bennett, vote unanimous.

**ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF COMMISSIONER BENNETT, VOTE UNANIMOUS, UNTIL TUESDAY, APRIL 18, 2023.**

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President