

**AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON THURSDAY, AUGUST 17, 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; LAURA BROWN, EDA DIRECTOR; SHERRY MONGOLD, EDA SECRETARY; CHAD BOWERS, SHERIFF; APRIL MALLOW, PROSECUTING ATTORNEY; NATASHA DYER, THE PENDLETON TIMES; DAVE ELLIS, PCER;**

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

Minutes of the August 1, 2023 meeting of the County Commission, on motion of Commissioner Dahmer, were unanimously approved.

Maintenance:

Karen Pitsenbarger, County Administrator, said refrigerator at Pendleton County Community Building (PCCB) needs new compressor.

Commissioner Hevener read a letter from the Franklin Fire Company thanking the Commission for installing the back-up generator at PCCB.

Dave Ellis mentioned that the stop switch on the overhead door was not working. Ms. Pitsenbarger will contact Overhead Door Company to come check out the switch.

Laura Brown, EDA Director, informed the Commission they needed a resolution to officially form the regional development authority between Grant and Pendleton Counties. She also stated that they would need to appoint board members from this County.

On motion of Commissioner Dahmer, vote unanimous, the Commission approved and signed the Resolution creating the Seneca Rocks Regional Development Authority.

On motion of Commissioner Bennett, vote unanimous, the Commission appointed the following board members:

Jamie DiFalco – 3-year term  
Dayne Davis – 3-year term  
Jeff Davis – 2-year term  
Kyle Apple – 2-year term  
Carl Hevener – 1-year term  
JP Mowery – 1-year term  
Brooke Hott – 1-year term

Commissioner Bennett made a motion, vote unanimous, to allow Stephanie Hull to go from part-time to full-time as a 911 dispatcher, effective August 27, 2023.

Rick Gillespie, Emergency Services Coordinator, mentioned that Mike Alt and Tina Eye had gathered the information that the State had requested in their survey for possible funding for EMS. The Commission signed the information and Mr. Gillespie will forward to the State.

Bruce Minor, Emergency Services Director, informed the Commission about a floodplain complaint he had received regarding the fill dirt that had been put in near the river across from the Moose Lodge. They were concerned as to whether that would make the river shift and cause possible flooding on their property.

Mr. Minor stated that the floodplain ordinance states that a study should have been done to show that the addition of the fill dirt would not affect other's property. He proposed that a letter be sent to the Moose Lodge about this concern, explain the floodplain code and have them do the study to comply with the ordinance.

On motion of Commissioner Dahmer, vote unanimous, Mr. Minor will draft a letter to the Moose and have the Commission review before sending.

Administrator Pitsenbarger informed the Commission that she had received an email from Jeff Mitchell regarding some build-up around a bridge on his property that is used as a right-of-way for others. He was inquiring as to what the floodplain ordinance stated and if any permits would be needed to clear out the debris. She also had received a call from Don Whetzel, Watershed Manager of the WV Conservation Agency, that the #12 dam on Paul Clayton's property is clogged and they may need to have a 713-AU agreement with the County to be able to clean it up.

Mr. Gillespie mentioned another location along Rt. 220 that is also having some build-up near the dam and may need to contact the Potomac Valley Soil Conservation to investigate.

Elise White, County Clerk, told the Commission that the second tranche of the Local Assistance and Tribal Consistency Fund (LATCF) had been received in the amount of \$318,861. On motion of Commissioner Dahmer, vote unanimous, the funds will be allocated to the Annex with the provision that, if needed, they would be pulled towards the repairs of the parking area at the Pendleton County Community Building (PCCB).

Administrator Pitsenbarger received two quotes from Mid-Atlantic Petroleum Services for removing and replacing the current underground heating fuel tank. Both tanks are 3,000 gallons. The quote for the fiberglass tank, with a 30-year warranty, was \$70,231. The quote for the steel tank, with a 10-year warranty, was \$69,979. The Commission will review and discuss at the next meeting.

April Mallow, Prosecuting Attorney, reviewed with the Commission the Opinion of the Attorney General that she had received regarding enacting a moratorium on the building of industrial wind turbines in the County. The Opinion states that the County would need to follow the procedure set in West Virginia Code §8A-7-5 for enacting a zoning ordinance. The recommendation is that the County should have a Planning Commission, although it is not mandatory. They would also have to adopt a comprehensive plan and then enact a zoning ordinance following the procedures in WV Code §8A-7-5. The process would be time consuming and costly.

On motion of Commissioner Dahmer, vote unanimous, the Commission moved to not take any action on a moratorium at this time.

County Clerk White requested clarification on the number of hours worked to classify a full-time employee with benefits. At the last meeting, the hours were stated to be 35 – 40 hours. Due to the fluctuations of the work schedule for 911 dispatchers, there are times when they may only be working 32 hours a week. There was discussion on how to state the requirements taking into consideration law enforcement and 911 who work under a 24/7 schedule. Prosecuting Attorney Mallow offered to review the wording before the Commission would approve.

The Commission reviewed the Sheriff's monthly financial statement for July 31, 2023.

April Mallow, Prosecuting Attorney, informed the Commission that Brandie Hinkle had been hired as her secretary.

The Commission reviewed the employee timesheets for the month of July 2023 (see attached).

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 Tuesday, August 1, 2023, through Wednesday, August 16, 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, Thursday, August 3, 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, **JACQUELINE DAVIS HILLS** was appointed and qualified as ADMINISTRATRIX of the estate of **GARY WILLIAM HILLS**, deceased. Bond was 25,000.00.

**On, Tuesday, August 15, 2023, the following matters were disposed of in the presence of the Clerk:**

The said estate of **THELMA NESSELRODT**, deceased was referred to **MARLA ZELENE HARMAN**, a FIDUCIARY COMMISSIONER for the Pendleton County, for settlement thereof.

*Elise M. White*

Wednesday, August 16, 2023

Elise M. White  
Clerk of the Pendleton County Commission

Confirmed

Estate: 462  
FiduciaryReport

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

Ronald L. Daniels, Executor of the **Estate of Thomas A. Warner, deceased**; Affidavit and Waiver of Final Settlement

Sandra E. Burgoyne, Executrix of the **Estate of Thomas M. Burgoyne, deceased**; Affidavit and Waiver of Final Settlement

Betty Tingler & Carrie Southerly, Co-Executrices of the **Estate of Anita Frances Harper, deceased**; Report of Receipts, Disbursements and Distribution

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

**EXONERATIONS:**

Danita S. Alt, Mill Run District, \$910.94  
Christina Kimble, Union District, \$142.38  
Joseph & Nichole Ours, Union District, \$8.14  
John L. & Rita J. Todd, Franklin District, \$574.44  
William Wunderle, Franklin District, \$50.72  
Robert L. & Kaitlyn N. Arbaugh, Union District, \$282.33  
Robert L. & Kaitlyn N. Arbaugh, Union District, \$139.54  
Caitlin Cain, Franklin District, \$272.63

**INCREASES:**

Danita S. Alt, Mill Run District, \$467.15

**ORDERED THAT THE FOLLOWING ALLOWANCES BE MADE PAYABLE OUT OF:**

GENERAL COUNTY FUND:	Check Nos. 34236 – 342	\$26,259.75
COAL SEVERANCE FUND:	Check No. 200185	\$25.23
DOG & KENNEL FUND:	Check No. 447	\$173.70
MAGISTRATE COURT FUND:	Check No. 300202	\$24.00
911 FUND:	Check Nos. 4012 – 4018	\$40,506.77
HOME CONFINEMENT FUND:	Check Nos. 312 – 313	\$857.00
PARKS & RECREATION FUND:	Check Nos. 1369 - 1375	\$2,905.92
PENDLETON CO COMM BLDG. FUND:	Check No. 1229	\$255.20
SPECIAL LAW ENFORCEMENT FUNJD:	Check No. 115	\$2,500.00
AMERICAN RESCUE PLAN ACT FUND:	Check No. 122	\$142.50

Rick Gillespie, Emergency Services Coordinator, requested the Commission to go into Executive Session to discuss a personnel issue. On motion of Commissioner Dahmer, vote unanimous, the Commission went into Executive Session at 10:47 a.m. The Commission adjourned out of Executive Session at 11:04 a.m. No decisions were taken in Executive Session.

**ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF COMMISSIONER BENNETT, VOTE UNANIMOUS, UNTIL TUESDAY, SEPTEMBER 5, 2023.**

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President

PENDLETON COMMUNITY BANK	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
GENERAL COUNTY CHECKING	1,084,168.66	373,087.56-	127,080.61	838,161.71
PENDLETON COUNTY 911	32,993.35	3,546.16-	.00	29,447.19
HOME DETENTION	78,674.80	.00	165.00	78,839.80
PARKS & REC	84,233.56	.00	80.00	84,313.56
CHCB	194.41	100.41-	.00	94.00
PCCB	1,001.63	492.09-	.00	509.54
HEALTH REIMB	235,818.04	.00	.00	235,818.04
ASSESSOR'S VAL	113,135.59	.00	13,909.66	127,045.25
CONCEALED WEAPONS	8,820.89	350.00-	10.00	8,480.89
SPECIAL LAW ENFORCEMENT	20,791.34	.00	.00	20,791.34
AMER RES PLAN ACT	1,092,087.68	6,773.00-	.00	1,085,314.68
CERTIFIED TO STATE	8,036.57	.00	.00	8,036.57
BOARD OF HEALTH	293,733.64	6,799.33-	.00	286,934.31
CLEARING ACCOUNT	.00	.00	.00	.00
RESER FOR SPEC EMERG MM	56,858.51	.00	.00	56,858.51
FINANCIAL STAB.-MONEY MAR	233,210.44	.00	.00	233,210.44
FINAN STABIL FUND	1,318,261.21	.00	.00	1,318,261.21
GENERAL CO MONEY MARKET	1,488,153.79	.00	.00	1,488,153.79
GEN CO CD	1,527,623.03	.00	.00	1,527,623.03
PEN CO 911 FEES FUND MM	511,626.00	.00	.00	511,626.00
911 CD FEES FUND	101,318.80	.00	.00	101,318.80
*** BANK TOTAL ***	8,290,741.94	391,148.55-	141,245.27	8,040,838.66

SUMMIT COMMUNITY BANK	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
WORTHLESS CHECK	1,938.21	.00	.00	1,938.21
PEND CO HOUSING	68,589.13	.00	.00	68,589.13
*** BANK TOTAL ***	70,527.34	.00	.00	70,527.34

THE GRANT COUNTY BANK	BANK BALANCE	OUTSTANDING CHECKS/DEBITS	OUTSTANDING DEPOSITS/CREDITS	BOOK BALANCE
*** BANK TOTAL ***	.00	.00	.00	.00

*** COUNTY TOTAL ***	8,361,269.28	391,148.55-	141,245.27	8,111,366.00
CASH ON HAND				200.00
GRAND JURORS				1,082.29
*** TOTAL ***				8,112,648.29

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		3882311.89	713467.81	850340.81-	3745438.89
FUND - 002	COAL SEVERANCE				
FUND 002 TOTALS		9561.25	6535.17	3173.53-	12922.89
FUND - 003	DOG AND KENNEL				
FUND 003 TOTALS		6560.70	1290.00	1160.28-	6690.42
FUND - 004	GENERAL SCHOOL				
FUND 004 TOTALS		14358.59	2563.77	.00	16922.36
FUND - 005	MAGISTRATE COURT				
FUND 005 TOTALS		177.67	216.50	298.00-	96.17
FUND - 006	WORTHLESS CHECK				
FUND 006 TOTALS		1938.21	.00	.00	1938.21
FUND - 007	PEND CO 911				
FUND 007 TOTALS		684119.74	10040.05	51767.80-	642391.99
FUND - 008	HOME DETENTION				
FUND 008 TOTALS		76829.60	2475.00	464.80-	78839.80
FUND - 011	RES FOR SPEC EMERG				
FUND 011 TOTALS		56692.64	165.87	.00	56858.51
FUND - 013	BOARD OF PARKS				
FUND 013 TOTALS		71087.80	19339.15	6113.39-	84313.56
FUND - 024	PEND CO HOUSING				
FUND 024 TOTALS		68387.43	201.70	.00	68589.13
FUND - 025	CHCB				
FUND 025 TOTALS		123.86	.00	29.86-	94.00

ACCOUNT	DESCRIPTION	BEGINNING BALANCE	CURRENT MONTH COLLECTIONS	ORDERS ISSUED	BALANCE PER BOOKS
FUND - 026	PCCB				
	FUND 026 TOTALS	297.42	1291.12	1079.00-	509.54
FUND - 052	HEALTH REIMB				
	FUND 052 TOTALS	239366.34	736.59	4284.89-	235818.04
FUND - 056	ASSESSOR VALUATION				
	FUND 056 TOTALS	130773.36	14200.23	17928.34-	127045.25
FUND - 058	FINAN STABIL FUND				
	FUND 058 TOTALS	1546810.26	4661.39	.00	1551471.65
FUND - 059	CONCEALED WEAPONS				
	FUND 059 TOTALS	8105.89	410.00	35.00-	8480.89
FUND - 073	SPEC LAW ENF INVEST				
	FUND 073 TOTALS	20789.58	1.76	.00	20791.34
FUND - 207	AMER RES PLAN ACT				
	FUND 207 TOTALS	1093532.68	.00	8218.00-	1085314.68
FUND - 312	CRIMINAL CHARGES				
	FUND 312 TOTALS	.00	92.00	92.00-	.00
FUND - 313	COURT REPORTER				
	FUND 313 TOTALS	.00	20.00	20.00-	.00
FUND - 314	STATE FINES				
	FUND 314 TOTALS	.00	40.00	40.00-	.00
FUND - 315	STATE POLICE				
	FUND 315 TOTALS	.00	350.00	350.00-	.00
FUND - 316	STATE CURRENT				
	FUND 316 TOTALS	.00	3933.87	3933.87-	.00
FUND - 361	CERTIFIED TO STATE				
	FUND 361 TOTALS	8036.57	.00	.00	8036.57
FUND - 364	TAX LIEN				
	FUND 364 TOTALS	68326.45	.00	.00	68326.45
FUND - 365	DELINQ NONENTERED				
	FUND 365 TOTALS	4823.64	.00	.00	4823.64
FUND - 366	BOARD OF HEALTH				
	FUND 366 TOTALS	228286.40	81664.67	23016.76-	286934.31
FUND - 373	GEN CURRENT EXPENSES				
	FUND 373 TOTALS	.00	297480.74	297480.74-	.00
FUND - 378	FRANKLIN CURRENT				
	FUND 378 TOTALS	.00	12289.43	12289.43-	.00
FUND - 903	CLEARING ACCOUNT				
	FUND 903 TOTALS	.00	13900.62	13900.62-	.00
	FINAL TOTALS	8221297.97	1187367.44	1296017.12-	8112648.29
	BALANCE IN COUNTY DEPOSITORIES AT END OF MONTH:	8,361,269.28			
	ORDERS/DEBITS OUTSTANDING:	391,148.55-			
	DEPOSITS/CREDITS OUTSTANDING:	141,245.27			
	NET BANK BALANCE	8,111,366.00			
	CASH ON HAND	200.00			
	GRAND JURORS	1,082.29			
	TOTAL IN COUNTY DEPOSITRIES AND OFFICES:	8,112,648.29			

I, Chadwick 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 July 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 9 day of August 2023

Chadwick Bowers Sheriff of Pendleton County