

AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON TUESDAY, FEBRUARY 6, 2024 AT 9:00 A.M.

COMMISSIONERS PRESENT: CARL HEVENER, ROGER DAHMER AND JIMMIE BENNETT

OTHERS PRESENT: ELISE WHITE, COUNTY CLERK; KAREN PITSENBARGER, COUNTY ADMINISTRATOR; RICK GILLESPIE, EMERGENCY SERVICES COORDINATOR; APRIL MALLOW, PROSECUTING ATTORNEY; LAURA BROWN, SRREDA DIRECTOR; STEPHEN SMOOT, THE PENDLETON TIMES; BROOKE HOTT; ELIZABETH SCOTT; ANDREA LANDIS; CHARLOTTE HOOVER; LOIS CARR; DON WHETZEL; ROBERT LIVINGSTON; AMBER HEDRICK; KIM PITSENBARGER; SCOTT RIGHTSSELL; TERRI FARLEY

Commissioner Dahmer led those present in prayer.

Commissioner Hevener called the meeting to order.

This being a day set for the Commission to meet as Board of Review and Equalization of Pendleton County, for the purpose of reviewing and equalizing the assessment of said Pendleton County as returned by the Assessor thereof, the Commission met as such.

No appointments being scheduled for this date before the board, it was continued until Monday, February 12, 2024.

Minutes of the January 16, 2024 meeting of the County Commission and January 31, 2024 Board of Review, on motion of Commissioner Dahmer, were unanimously approved.

Maintenance:

No major issues.

Charlotte Hoover, Conservation District Supervisor, Lois Carr, Conservation District Supervisor and Don Whetzel, Watershed Manager, updated the Commission on the dams in Pendleton County. Ms. Hoover mentioned that they have an emergency action plan for every dam. Ms. Carr inquired if the Commission wished to continue working with the Conservation Agency under the 713U agreement. The Commission stated they were. Mr. Whetzel will draw up a new agreement for the Commission. They appreciate the financial support the Commission provides and asked for their continued support.

Brooke Hott, Pendleton County Health Department (PCHD), presented to the Commission a proposed change to the subdivision rule that was approved by the PCHD Board in January. The WV Legislature passed a ruling two years ago that the County Commission is required to approve each rule that the PCHD Board makes. The new change would apply to lots of 5 acres or less, and would require the owner to have a perk test done before selling the lot. She stated that the perk test would help buyers in advance to know whether they would be able to obtain a septic system permit for the property. Commissioner Dahmer requested to table the decision until the next meeting to allow them to review and obtain additional information.

Elizabeth Scott, Director of Chamber of Commerce and member of Treasure Mountain Festival (TMF), asked the Commission to reconsider their decision to not allow any holes to be placed in the parking lot at the Pendleton County Community Building (PCCB). She stated that the tents used during the Trout Fest and TMF for music must be staked due to their size. She has talked with the tent

company and they have stated this is the only way to secure those size tents. They also fill the holes with asphalt once the tents are taken down. The Commission informed her that every time a hole is put in the pavement there is a risk of cracking and leaking of water under the pavement. Commissioner Bennett inquired if there was a possibility of putting a permanent anchor system in the pavement that would alleviate the problem of drilling a hole each time a tent is put up. The Commission agreed that this could be a solution if the Chamber and TMF were willing to cover the cost of doing this. On motion of Commissioner Dahmer, vote unanimous, the Commission approved to allow the Chamber and TMF to place a permanent anchor system in the pavement at their cost and that if it was not completed by the time of the Trout Fest, the Chamber would still be allowed to erect their tent.

The Commission reviewed the report and recommendations from the fiduciary commissioner, Marla Zelene Harman, for the Terry Runion estate. Kim Pitsenbarger, heir, inquired if the correction she had requested had been made to the report. She stated that several items were wrong and some assets were not addressed. The Commission stated that no changes had been made, and that they did not have the authority to change the report. Commissioner Dahmer made a motion, vote unanimous to accept the report from the fiduciary commissioner as submitted and if the heirs have any issues, they would need to go through the Circuit Court.

Rick Gillespie, Emergency Services Coordinator, stated that 5 applications have been received for 911 dispatchers. They will start interviewing soon. He also mentioned that the 911 recorder system is aging out and will need replacing. As there are still ARPA funds available, he would like to use those funds toward the purchase. He will obtain an estimate for replacement.

Mr. Gillespie said that the National Science Foundation has agreed to fund a study regarding the National Radio Quiet Zone. A meeting is scheduled next Monday with CTA Consultants who will be conducting the study.

The recent 24-hour Appalachian event went well and brought many positive responses for our County.

The Seneca Rocks Tower is currently in the historical and environmental study stage. The grant funds have been approved and are awaiting the check.

He gave an update on the traffic cameras in the County. He said they are accessed frequently, in fact, they were accessed over 100,000 times in the last 90-day period. At the request of Commissioner Hevener, Mr. Gillespie will get estimates to have a traffic camera installed on Rt. 28 at the Pendleton-Pocahontas line.

Laura Brown, SRRDA Director, reported that there was a Broadband Council meeting this past Friday, where Jeff Hartley of Thrasher, gave an update on the projects in Pendleton County. She stated that the LED 3 grant wins were to be announced later this month.

Ms. Brown stated that a new company, Continent 8, was moving into Grant County and could have a positive impact on our County also.

The Commission signed a resolution for the Seneca Rocks Regional Development Authority to obtain a grant with a \$32,000 local match for the fiscal year 2024/2025 under the Local Economic Development (LED) grant program.

Omni Associates submitted a bill for an additional \$19,000 for redrawing the plans to conform to the Supreme Court's changes. Karen Pitsenbarger, County Administrator, will request an itemized statement of these additional charges.

Mr. Gillespie recommended that the Commission hire the Clerk of Works who would have the County's best interests in mind.

Omni will be attending the February 20, 2024 Commission meeting to finalize everything and prepare to publish the request for bids for the annex.

The Commission signed the lease for the Prosecuting Attorney's new office space. The rent is \$750 per month plus utilities.

On motion of Commissioner Dahmer, vote unanimous, the renewal for the Health Reimbursement Account was approved and signed for plan year December 1, 2023 – November 30, 2024.

The Commission set February 20, 2024 as a budget workshop meeting after the regular Commission 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, January 15, 2024, through Monday, February 5, 2024

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, January 19, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **SAMUEL J. MACMICHAEL**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

JEREMY TOWNSEND, who was named in the last will and testament of **SAMUEL J. MACMICHAEL**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

On, Monday, January 22, 2024, the following matters were disposed of in the presence of the Clerk:

The said estate of **SHARON CARR PHARES**, deceased was referred to **G ISAAC SPONAUGLE III**, a FIDUCIARY COMMISSIONER for the Pendleton County, for settlement thereof.

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **MICHELLE CONNOR** was appointed and qualified as ADMINISTRATRIX of the estate of **DELMAS RAY HOSE, JR**, deceased. Bond was 5,000.00.

On, Friday, January 26, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **GERALD SMITH**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

KEVIN DOUGLAS SMITH, who was named in the last will and testament of **GERALD SMITH**, deceased, as ADMINISTRATOR CTA DBN thereof, qualified as such. No bond was required.

Elise M. White

Monday, February 5, 2024

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:

Jerry M. Warner, Executor of the **Estate of Dottie Lou Warner, deceased**; Waiver of Final Settlement

Sarah G. Kellam & Jessica G. Madden, Co-Executrices of the **Estate of Anne Elizabeth Hill Johnson, deceased**; Final Settlement

Sarah G. Kellam & Jessica G. Madden, Co-Executrices of the **Estate of Welford Kemper Johnson, deceased**; Final Settlement

There were no exonerations.

ORDERED THAT THE FOLLOWING ALLOWANCES BE MADE PAYABLE OUT OF:

GENERAL COUNTY FUND:	Check Nos. 34573 – 34612	\$29,326.92
COAL SEVERANCE FUND:	Check Nos. 200213 - 200216	\$7,829.26
JUSTICE FINES FUND:	Check No. 82	\$20,000.00
MAGISTRATE COURT FUND:	Check Nos. 300211 – 300213	\$597.99
911 FUND:	Check Nos. 4126 – 4141	\$11,939.75
HOME CONFINEMENT FUND:	Check No. 327	\$352.00
PARKS & RECREATION FUND:	Check Nos. 1417 - 1422	\$1,606.96
CLINTON HEDRICK CB FUND:	Check No. 1145	\$190.00
AMERICAN RESCUE PLAN FUND:	Check No. 126	\$19,488.00

ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF COMMISSIONER BENNETT, VOTE UNANIMOUS, UNTIL TUESDAY, FEBRUARY 20, 2024.

President