

AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON TUESDAY, JUNE 6, 2023 AT 9:00 A.M.

COMMISSIONERS PRESENT: CARL HEVENER, PRESIDENT AND ROGER DAHMER AND JIMMIE BENNETT (BY PHONE)

OTHERS PRESENT: ELISE WHITE, COUNTY CLERK; KAREN PITSENBARGER, COUNTY ADMINISTRATOR; RICK GILLESPIE, EMERGENCY SERVICES COORDINATOR; DIANA MITCHELL, 911 DIRECTOR; LAURA BROWN, EDA DIRECTOR; APRIL MALLOW, PROSECUTING ATTORNEY; CHAD BOWERS, SHERIFF; STEPHEN SMOOT, THE PENDLETON TIMES; DARREN TAYLOR, DIRECTOR, SOUTH BRANCH VALLEY REGIONAL DAY REPORT CENTER

PUBLIC PRESENT: FRIENDS OF BEAUTIFUL PENDLETON COUNTY

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

Minutes of the May 16, 2023 meeting of the County Commission, on motion of Commissioner Dahmer, were unanimously approved.

Maintenance:

Construction on the handicap ramp is scheduled to begin June 19, 2023 and should take approximately three weeks.

Scott Somerville, on behalf of Friends of Beautiful Pendleton County, spoke to the Commissioners about the possible impact of the wind turbines on tourism. He distributed a study that was done by North Carolina State University.

April Mallow, Prosecuting Attorney, stated that she was still waiting on an opinion from the West Virginia Attorney General's Office regarding a moratorium.

Darren Taylor, Director of South Branch Valley Regional Day Report Center, gave an update on what they have been doing and the various services that they offer. They have recently signed a lease with the Pendleton County Economic and Development Authority (PCEDA) for space at the old Hanover Building to have an office in this County.

Rick Gillespie, Emergency Services Coordinator, stated that there was nothing to report for 911. He is working on a Department of Defense grant online. Also, the generator at Pendleton County Community Building (PCCB) is ready for diesel delivery and then will be operational.

There were no updates on broadband, per Laura Brown, EDA Director.

Karen Pitsenbarger, County Administrator, mentioned that she has still not received any estimates for removal of the heating oil tank. The Supreme Court is reviewing the Annex plans. Omni Associates will be at the next couple of meetings to keep us updated.

On motion of Commissioner Dahmer, vote unanimous, Amber Nesselrodt was appointed to the Pendleton County Board of Parks.

On motion of Commissioner Dahmer, vote unanimous, the final Budget Revisions for General County and Coal Severance for fiscal year 2023 were approved.

LGSD BR (Ver. 2020)
Ora Ash, Deputy State Auditor
West Virginia State Auditor's Office
200 West Main Street
Clarksburg, WV 26301
Phone: 627-2415 ext. 5114
Fax: 304-340-5090
Email: lgs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET
Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)
Pendleton County Commission
GOVERNMENT ENTITY

CONTROL NUMBER
FY: 2023
Fund: 1
Rev. No. 4
Pages: 1

Person To Contact Regarding Request:
Name: **Elise M. White**
Phone: **304-358-2505**
Fax: **304-358-2473**
Email: **countyclerk@pencowv.com**

P.O. Box 1167
STREET OR PO BOX
Franklin
CITY
26807
ZIP CODE

COUNTY
Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
301-02-05	Prior Year Taxes	33,500	17,100		50,600
309	Hotel Occupancy Tax	100,000	9,647		109,647
322	Federal Grants		20,730		20,730
365	Interest Earned	33,000	30,305		63,305
370	Gaming Income	45,000	250		45,250
	#N/A				
			78,032		

NET INCREASE/(DECREASE) Revenues (ALL PAGES)
COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	1,040,598	17,530		1,058,128
425	Other Buildings	92,000	30,000		122,000
711	Emergency Services/OES	193,976	20,730		214,706
713	Fire Department	32,500	2,412		34,912
715	Ambulance Authority	32,500	2,412		34,912
900	Parks & Recreation	22,500	125		22,625
911	Visitor's Bureau	50,000	4,823		54,823
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Expenditures			78,032		

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Div. Date

Elise M. White
AUTHORIZED SIGNATURE OF ENTITY

6/6/2023
APPROVAL DATE

RESOLUTION

At a regular session of the Pendleton County Commission, held June 6, 2023 the following order was made and entered:

SUBJECT: The revision of the General County Levy Estimate 2022-2023 Budget for the County of Pendleton. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the County Commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number four, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Commissioner Roger Dahmer, and duly seconded by Commissioner Carl Hevener, the vote thereon was as follows:

- Commissioner Carl Hevener - Yes
- Commissioner Roger Dahmer - Yes
- Commissioner Jimmie Bennett - Yes (by phone)

WHEREUPON, Carl Hevener, President, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the County Clerk, Elise M. White is authorized to fix her signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Ora Ash, Deputy State Auditor
West Virginia State Auditor's Office
200 West Main Street
Clarksburg, WV 26301
Phone: 627-2415 ext. 5114
Fax: 304-340-5090
Email: lgs@wvsao.gov

Person To Contact Regarding Request:
Name: **Elise M. White**

Phone: **304-358-2505**

Fax: **304-358-2473**

Email: countyclerk@pencowv.com

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Pendleton County Commission

GOVERNMENT ENTITY

P.O. Box 1167

STREET OR PO BOX

Franklin

CITY

26807

ZIP CODE

CONTROL NUMBER

FY: **2023**

Fund: **2**

Rev. No: **2**

Pages: **1**

COUNTY

Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Coal Severance Tax	16,000	11,307		27,307
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

11,307

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
424	Courthouse	20,000	11,307		31,307
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

11,307

APPROVED BY THE STATE AUDITOR

BY:

Deputy State Auditor, Local Government Services Div.

Date

Elise M. White
AUTHORIZED SIGNATURE
OF ENTITY

6/6/2023
APPROVAL
DATE

RESOLUTION

At a regular session of the Pendleton County Commission, held June 6, 2023 the following order was made and entered:

SUBJECT: The revision of the Coal Severance Levy Estimate 2022-2023 Budget for the County of Pendleton. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the County Commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number two, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Commissioner Roger Dahmer, and duly seconded by Commissioner Carl Hevener, the vote thereon was as follows:

Commissioner Carl Hevener - Yes

Commissioner Roger Dahmer - Yes

Commissioner Jimmie Bennett - Yes (by phone)

WHEREUPON, Carl Hevener, President, declared said resolution duly adopted, and it is therefore **ADJUDGED** and **ORDERED** that said resolution be, and the same is, hereby adopted as so stated above, and the County Clerk, Elise M. White is authorized to fix her signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

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 Dahmer, and unanimously confirmed.

United States of America

State of West Virginia



County of Pendleton, ss:

Clerk's Fiduciary Report

Estate from Monday, May 15, 2023, through Monday, June 5, 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, May 15, 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, **DAVID M. HONE** was appointed and qualified as ADMINISTRATOR of the estate of **STEFANIE HONE**, deceased. Bond was 300,000.00. *This appointment was vacated on May 31, 2023 due to will being presented.*
On, Tuesday, May 16, 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, **TERRY W. BENNETT** was appointed and qualified as ADMINISTRATOR of the estate of **ROBBIE DEAN MARTIN**, deceased. Bond was 8,000.00.

On, Wednesday, May 31, 2023, the following matters were disposed of in the presence of the Clerk:

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

BILL SITES, who was named in the last will and testament of **STEFANIE HONE**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

On, Friday, June 2, 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, **RILEY RODGERS** was appointed and qualified as CO ADMINISTRATRIX of the estate of **TIMOTHY CALVIN RODGERS**, deceased. Bond was 50,000.00.
More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **BAILEY RODGERS** was appointed and qualified as CO ADMINISTRATRIX of the estate of **TIMOTHY CALVIN RODGERS**, deceased. Bond was 50,000.00.

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

NORMAN CARL NELSON JR., who was named in the last will and testament of **DOROTHY M. NELSON**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

WILLIAM ROBERT NELSON, who was named in the last will and testament of **DOROTHY M. NELSON**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

Elise M. White

Elise M. White
Clerk of the Pendleton County Commission

Monday, June 5, 2023

Confirmed

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

Donald L. Mallow & Frederick M. Mallow, Co-Executors of the **Estate of Morris L. Mallow, deceased**; Affidavit and Waiver of Final Settlement

Donald L. Mallow & Frederick M. Mallow, Co-Executors of the **Estate of Mary Sue Mallow, deceased**; Affidavit and Waiver of Final Settlement

Shari Moyers, Executrix of the **Estate of Thomas William Riggle, deceased**; Affidavit and Waiver of Final Settlement

Anita Warner, Administratrix of the **Estate of Isaac David Warner, deceased**; Affidavit and Waiver of Final Settlement

Melissa Harrison, Executrix of the **Estate of Eston Wayne Propst, deceased**; Affidavit and Waiver of Final Settlement

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

Darrell E. Thompson, et als, Mill Run District, \$466.21 (2022)
Sampson Barrow, Franklin District, \$18.67 (2022)
Sampson Barrow, Franklin District, \$22.54 (2023)
Richard D. & Debra S. Gillespie, Franklin District, \$21.42 (2022)
Richard D. & Debra S. Gillespie, Franklin District, \$21.42 (2023)
James & Tammy Propst, Bethel District, \$57.85 (2023)

Chad Bowers, Sheriff, informed the Commission that he had hired Brandon Ours as the new deputy. He is currently certified and will begin on July 1, 2023.

He also mentioned that he had picked up a 2022 Dodge Ram 1500 and a 2023 Chevrolet Silverado last week.

ORDERED THAT THE FOLLOWING ALLOWANCES BE MADE PAYABLE OUT OF:

GENERAL COUNTY FUND:	Check Nos. 34028 – 34073	\$55,456.45
	May Payroll & Benefits	\$214,338.46
COAL SEVERANCE FUND:	Check Nos. 200167 – 200170	\$7,865.46
MAGISTRATE COURT FUND:	Check Nos. 300195 – 300197	\$298.00
911 FUND:	Check Nos. 3973 – 3978	\$39,939.64
HOME CONFINEMENT FUND:	Check No. 307	\$600.00
PARKS & RECREATION FUND:	Check Nos. 1350 - 1354	\$1,274.20
CLINTON HEDRICK COMM BLDG:	Check Nos. 1140 – 1142	\$239.84

On motion of Commissioner Dahmer, vote unanimous, the Commission went into executive session to discuss a personnel issue at 10:08 a.m. Commissioner Dahmer made a motion, vote unanimous, to adjourn executive session at 12:20 p.m.

No action was taken during executive session.

ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF COMMISSIONER DAHMER, VOTE UNANIMOUS, UNTIL WEDNESDAY, JUNE 21, 2023.

President