

**AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON TUESDAY, OCTOBER 3, 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; APRIL MALLOW, PROSECUTING ATTORNEY; CHAD BOWERS, SHERIFF; DIANA MITCHELL, 911 DIRECTOR; LAURA BROWN, SENECA ROCKS REGIONAL DEVELOPMENT AUTHORITY DIRECTOR; JANICE LANTZ, PENDLETON SENIOR AND FAMILY SERVICES DIRECTOR; STEPHEN SMOOT, THE PENDLETON TIMES; SCOTT SOMERVILLE; SUSAN SLOWINSKI**

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

Minutes of the September 19, 2023 meeting of the County Commission, on motion of Commissioner Dahmer, were unanimously approved.

Maintenance:

The Commissioners will check the Clinton Hedrick Community Building (CHCB) to determine if it is in need of being pressure washed.

The second HVAC system at the Health Department Building is in need of replacement. AQS has submitted an estimate of \$6,900. On motion of Commissioner Dahmer, vote unanimous, the replacement was approved.

Mike Alt has requested that instead of replacing the tile flooring in the Rescue Squad Building area at PCCB, that it be painted instead. On motion of Commissioner Dahmer, vote unanimous, it was approved to paint the floor instead of replacing the tile.

Diana Mitchell, 911 Director, stated that they have been busy lately at the 911 Center. The Regional 911 Council meeting is scheduled for this Friday. Rick Gillespie, Emergency Services Coordinator, hauled over 400 pounds of unusable items to the dump to clean up the building. Ms. Mitchell mentioned that the State has been notified and agreed to change and correct the sign they placed at Brady Gap, but have not done so as of this date.

Mr. Gillespie discussed the leasing of land in the Seneca Rocks area for a possible tower site. April Mallow, Prosecuting Attorney, has reviewed the lease draft and indicated that except for a couple of minor things to change, the substance of it is good. It is written in the lease that the County would be able to walk away from the project due to any issues that may occur to prevent the building of the tower and to be allowed to do core drilling on the property to make sure that it is a viable site for a tower. Mr. Gillespie indicated that he has had a verbal interest from both AT&T and T-Mobile to go on the tower if it is built. He also stated that he would apply for a grant from the state to assist with building the tower, however, the deadline to apply is in November, so time is of the essence. On motion of Commissioner Bennett, vote unanimous, the Commission approved for Mr. Gillespie to move forward on this project with the lease and grant application.

On motion of Commissioner Bennett, vote unanimous, it was approved to accept the Motorola contract for maintenance on equipment at the 911 Center. The contract goes through 2028.

Laura Brown, Seneca Rocks Regional Economic Development Director, updated the Commission on another possible grant they will be applying for. She also mentioned that the EDA land sale to Fisher Mountain will be completed this week.

Omni Associates will be sending a response to the Supreme Court regarding the Annex plans. We are waiting on approval from them on the plans. The handicap ramp is now completed.

The Commission discussed the plus/minus discrepancies when a taxpayer writes a check to the Sheriff's department for the incorrect amount of taxes. Morgan Basagic, Chief Tax Deputy, showed the Commission a tax statement and where on the statement the taxpayers are picking up the wrong amount. They questioned if Mr. Basagic could contact the State Auditor's Office and see if this feature could be changed on the statements. Commissioner Hevener checked with the surrounding counties and found that some contact the taxpayers as this County has been doing and some set a dollar amount for the plus/minus discrepancies. After additional discussion and on motion of Commissioner Dahmer, vote unanimous, the Commission voted to allow a plus/minus discrepancy of up to \$1.00. Commissioner Hevener also requested the Sheriff's department keep track of how many tax payments are returned to the taxpayer due to an incorrect amount.

The Department of Natural Resources (DNR) office space lease at the Pendleton County Community Building (PCCB) will be up for renewal in the Spring. As it takes time for them to work on their contracts, they were requesting that the one-year renewal period be extended to either five or ten years. On motion of Commissioner Bennett, vote unanimous, a five-year renewal period was approved.

On motion of Commissioner Dahmer, vote unanimous, the Commission went into Executive Session at 9:45 a.m. to discuss a personnel issue. The Commission adjourned out of Executive Session at 10:05 a.m. No decisions were taken in Executive Session.

On motion of Commissioner Dahmer, vote unanimous, a 12-hour shift for 911 dispatchers was approved, effective the first full pay period in January 2024.

On motion of Commissioner Dahmer, vote unanimous, the Commission approved retroactively to September 1, 2023, that holiday pay for 911 dispatchers will be equivalent to the total hours worked on the holiday.

Elise White, County Clerk, presented to the Commission the financial statements for the fiscal year ending June 30, 2023. After review, the Commission unanimously approved the financial statements.

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

Greg F. Bowers, Executor of the **Estate of John F. Bowers, deceased**; Waiver of Final Settlement

R. Kent Simmons, Executor of the **Estate of Barbara Ann Simmons, deceased**; Waiver of Final Settlement

Nayone Moats, Executrix of the **Estate of Melvin Moats, Jr., deceased**; Affidavit and Waiver of Final Settlement

Amanda Jollie, Administrator of the **Estate of Daniel Jollie, deceased**; Affidavit and Waiver of Final Settlement

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, September 18, 2023, through Monday, October 2, 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, September 21, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of PHYLLIS S. RAINES, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

WILLIAM E. RAINES, who was named in the last will and testament of PHYLLIS S. RAINES, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

DOUGLAS RAINES, who was named in the last will and testament of PHYLLIS S. RAINES, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

On, Friday, September 22, 2023, the following matters were disposed of in the presence of the Clerk:

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

TERRI FARLEY, who was named in the last will and testament of TERRY RUNION, deceased, as CO EXECUTRIX thereof, qualified as such. No bond was required.

KIMBERLY PITSENBARGER, who was named in the last will and testament of TERRY RUNION, deceased, as CO EXECUTRIX thereof, qualified as such. No bond was required.

On, Tuesday, September 26, 2023, the following matters were disposed of in the presence of the Clerk:

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

DANIEL KISAMORE, who was named in the last will and testament of JACOB KISAMORE, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

*Elise M. White*

Monday, October 2, 2023

Elise M. White  
Clerk of the Pendleton County Commission

Confirmed

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

- Charles E. Turner, Bethel District, \$42.16
- Charles E. Turner, Bethel District, \$25.62
- Jared Alt, Mill Run District, \$117.33

ORDERED THAT THE FOLLOWING ALLOWANCES BE MADE PAYABLE OUT OF:

GENERAL COUNTY FUND:	Check Nos. 34337 – 34370	\$97,754.53
COAL SEVERANCE FUND:	Check Nos. 200191 - 200194	\$1,269.13
DOG & KENNEL FUND:	Check No. 449	\$198.00

MAGISTRATE COURT FUND:	Check Nos. 300205 - 300206	\$48.00
911 FUND:	Check Nos. 4048 – 4064	\$63,212.87
HOME CONFINEMENT FUND:	Check No. 317	\$200.00
PARKS & RECREATION FUND:	Check Nos. 1390 - 1394	\$1,270.67

ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF COMMISSIONER BENNETT,  
VOTE UNANIMOUS, UNTIL TUESDAY, OCTOBER 17, 2023.

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President