

**AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON TUESDAY, SEPTEMBER 3, 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; DIANA MITCHELL, 911 DIRECTOR; SHERRY MONGOLD, SENECA ROCKS REGIONAL EDA; STEPHEN SMOOT, THE PENDLETON TIMES; MIKE ALT; MATT KONTYKO; DARREN GILKESON; CHARLOTTE VINCENT; MARY THOMPSON; TAYARE MEADE, EASTERN REGIONAL FAMILY RESOURCE NETWORK**

Commissioner Dahmer led those present in prayer. Commissioner Hevener called the meeting to order.

Minutes of the August 20, 2024 meeting of the County Commission, on motion of Commissioner Dahmer, were unanimously approved.

Maintenance:

The Pendleton County Senior Center will be using the kitchen at the Pendleton County Community Building (PCCB) until their kitchen repairs are completed.

The Sheriff purchased a dog kennel and 4 bags of dog food to provide to Mr. Shupp for accepting the stray dogs. Hott's Feed also donated an additional 4 bags of dog food.

The tiles in the hallway between the County Commission Office and Magistrate Office are coming up. Ms. Pitsenbarger will contact Omni to send a structural engineer to determine if there may be an issue that needs to be addressed before replacing the flooring.

Omni will also be contacting Lantz Construction in regards to the handicap ramp that is in non-compliance.

The storage shed will be arriving and installed this week.

Diana Mitchell, 911 Director, presented two road name requests to the Commission. One at the Golf Course and one off of Roy Gap Road in Seneca Rocks. On motion of Commissioner Dahmer, vote unanimous, Eaglewood Trail at the Golf Course, was approved. On motion of Commissioner Bennett, vote unanimous, Seneca Rocks Overlook was approved. However, upon concerns from Rick Gillespie and Mike Alt regarding the Overlook at the top of Seneca Rocks possibly creating some confusion, the motion was rescinded. Upon review of the alternate choices given, on motion of Commissioner Bennett, vote unanimous, the Commission approved Seneca Rocks Vista as the road name.

Rick Gillespie, Emergency Services Coordinator, informed the Commission that they are currently waiting for the contractor to schedule the installation of the tower as the concrete foundation has been poured and has passed the seven-day break strength. The power company installed the power to the site last week.

There are no updates regarding the Courthouse Annex. Ms. Pitsenbarger stated that we are waiting for the grant funds to be released.

Ms. Pitsenbarger informed the Commission that she received a letter of interest from Jena Miller for the Seneca Rocks Regional Economic Development Authority (SRREDA) board member opening created by the resignation of JP Mowery. Upon motion by Commissioner Dahmer, vote unanimous, Jena Miller was appointed to the board.

Mr. Gillespie brought to the Commission's attention some concerns regarding the power companies and the internet service providers (ISP) on the broadband projects. The power companies state that they are having additional costs for replacing electric poles and running additional lines for these projects. They are wanting the ISP companies to cover these costs. Some ISP's have been walking away from the projects as they have not budgeted for these additional costs. Mr. Gillespie suggested that the Commission may want to consider allocating some additional contributions from the American Rescue Plan Act (ARPA) funds to help cover these costs. He is hopeful that the State may come up with additional funds. On motion of Commissioner Dahmer, vote unanimous, the Commission allocated up to \$250,000 of the ARPA funds be earmarked for this issue.

Charlotte Vincent and Mary Thompson inquired of the Commission if there were any plans to extend the water line in Riverton from the sawmill up to Briery Gap Road. With the current drought conditions Ms. Vincent wondered if there weren't some state grant funds available. Commissioner Hevener suggested that she contact the Pendleton County Public Service District for information regarding costs and requirements before contacting our state representatives.

Tayare Meade, Juvenile Remediation Case Manager for the Eastern Regional Family Resource Network, requested support from the Commission to establish a Pendleton County Teen Court. She stated that this is a second chance program through the Juvenile Justice System with the goal of helping mainly first-time offenders. The prosecution, defense and jury consist of their peers - teens who are well-trained. She asked for a letter of support from the Commission along with encouragement of law enforcement, local attorney's and magistrates to promote the program. On motion of Commissioner Dahmer, vote unanimous, the Commission will provide a letter of support.

The Commission was awarded a Cybersecurity Grant in the amount of \$36,890. On motion of Commissioner Dahmer, vote unanimous, the Commission signed to accept the grant.

The County Fire Protection Fund received a distribution of \$10,218.23 from the State. On motion of Commissioner Dahmer, vote unanimous, the Commission approved to disburse \$2,000.00 to each of the five fire departments in the County.

On motion of Commissioner Dahmer, vote unanimous, the September Delinquent Taxes List was approved.

The following exonerations, on motion of Commissioner Bennett, vote unanimous, were approved:

William C. Turner, Union District, \$154.40  
Carleton Temple, Bethel District, \$967.44  
Arthur Simmons, Franklin District, \$356.26  
Willa Jane Nelson, Circleville District, \$315.40  
Eldon Rexrode, Bethel District, \$143.81  
Danny Miller, Mill Run District, \$381.88

On motion of Commissioner Dahmer, vote unanimous, the Commission signed a Resolution opposing the continued intervention in public safety and cellular/wireless communications by the National Radio Quiet Zone.

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Carl Hevener, President  
Roger Dahmer, Commissioner  
Jimmie Bennett, Commissioner  
Karen Pitsenbarger, Administrator

**A RESOLUTION BY THE PENDLETON COUNTY COMMISSION OF WEST VIRGINIA OPPOSING CONTINUED INTERVENTION IN PUBLIC SAFETY AND CELLULAR/WIRELESS COMMUNICATIONS BY THE NATIONAL RADIO QUIET ZONE**

**WHEREAS**, it is the mission of the Pendleton County Commission, West Virginia (PCC) to provide for the safety and security of our county citizens, to include providing direct law enforcement and emergency management/911 functions, as well as communications support to all county Fire and EMS agencies;

**WHEREAS**, PCC believes that the National Radio Quiet Zone (NRQZ), whose regulations were first adopted in the late 1950's has not kept pace with the modern wireless communications tools used by first responders and our citizens;

**WHEREAS**, the NRQZ is an ever-growing unfunded federal mandate on our county emergency services/911 operation wherein it causes us to spend large amounts of funding building a larger number of tower sites than would be needed absent the NRQZ restrictions;

**WHEREAS**, PCC believes that the NRQZ Agencies should fully fund and support filtration of unwanted signals at the head-end of the NRQZ-Agency equipment and not by unfunded mandates of reductions and nulls of signal imposed on the public safety, cellular and satellite internet providers;

**WHEREAS**, the NRQZ inhibits widespread growth of commercial cellular/wireless systems throughout Pendleton County, thereby greatly diminishing the use of AT&T First Net and similar systems by first responders and commercial cellular systems by our current and prospective citizens, businesses, and tourists, all to the detriment of our economic well-being;

**WHEREAS**, well-prepared and vibrant communities are not restricted in any way by the NRQZ. Being the host of Sugar Grove Research Station and in close proximity to Green Bank Observatory, Pendleton County is highly-impacted in a negative and unfunded way by the NRQZ, placing us at an unfair disadvantage to areas outside the NRQZ, with no consideration or support from the federal government.

**NOW, THEREFORE, BE IT RESOLVED**, that PCC shall voice its opposition to continued enforcement of NRQZ restrictions absent significant federal funding to allow us to better meet said restrictions; further

**BE IT RESOLVED** that PCC prefers dissolution of the NRQZ. Absent such dissolution, PCC fully supports total waivers of any NRQZ restrictions imposed on Public Safety Radio Frequency Bands currently in use, as well as all the commercial cellular/wireless Bands, and commercial satellite internet providers, such as Starlink, throughout the NRQZ; and

**BE IT FURTHER RESOLVED** that PCC shall convey its opposition to the NRQZ and its request for immediate federal assistance to the members of the United States Congress and Executive Branch.

This resolution shall take effect immediately upon adoption and entry thereof.

IN WITNESS WHEREOF, the Pendleton County Commission has caused this Resolution to be adopted on this 3<sup>rd</sup> day of September, 2024.

Carl Hevener, Commission President

Jimmie Bennett, Commissioner

Roger Dahmer, Commissioner

The following appointments of administrators, executors, etc., done by the County Clerk in vacation of the Commission were approved on motion of Commissioner Bennett, vote unanimous.

The appointment of Krista Hiner as Administratrix in the **Estate of Donald Lee Nelson, deceased;** Bond in the amount of \$6,500.00 with Diana Hiner as Surety.

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

Amber Hedrick, Administratrix cta of the **Estate of Estyl C. Shreve, deceased;** Affidavit and Waiver of Final Settlement

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

|                          |                            |             |
|--------------------------|----------------------------|-------------|
| GENERAL COUNTY FUND:     | Check Nos. 35131 – 35155   | \$23,296.61 |
| COAL SEVERANCE FUND:     | Check Nos. 200254 – 200255 | \$1,052.24  |
| MAGISTRATE COURT FUND:   | Check No. 300226           | \$24.00     |
| 911 FUND:                | Check Nos. 4260– 4266      | \$5,766.88  |
| PARKS & RECREATION FUND: | Check Nos. 1477 - 1480     | \$266.12    |

ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF COMMISSIONER BENNETT, VOTE UNANIMOUS, UNTIL TUESDAY, SEPTEMBER 17, 2024.

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President