

AT A COUNTY COMMISSION HELD FOR PENDLETON COUNTY, WEST VIRGINIA, AT THE COURTHOUSE, ON TUESDAY, SEPTEMBER 7, 2021 AT 9:00 A.M.

COMMISSIONERS PRESENT: GENE MCCONNELL, PRESIDENT, CARL HEVENER AND CAROLE HARTMAN

OTHERS PRESENT: KAREN PITSENBARGER, ADMINISTRATOR; ELISE WHITE, COUNTY CLERK; CHAD BOWERS, SHERIFF; BRUCE MINOR, EMERGENCY MANAGEMENT DIRECTOR; DIANA MITCHELL, 911 DIRECTOR; KEN BUSTEN, EDITOR, THE PENDLETON TIMES; ED MARTIN, WATERSHED PROGRAM MANAGER, WV CONSERVATION AGENCY; DON WHETZEL, WATERSHED MANAGER, WV CONSERVATION AGENCY; LOIS CARR, POTOMAC VALLEY CONSERVATION DISTRICT; AMBER HEDRICK, HEALTH DEPARTMENT ADMINISTRATOR

Minutes of the August 17, 2021 meeting of the County Commission, on motion of Carl Hevener, were unanimously approved.

Maintenance:

No major maintenance issues.

Diana Mitchell, 911 Director, handed out information she had received at the Fusion Control Conference she had attended in August.

She informed the Commission that she has talked with Colleen Miller who applied for the part-time dispatcher position and feels she would be a good candidate.

They are taking measures to assure the safety and well-being of the dispatchers in regards to the COVID-19 pandemic with distancing and cleaning.

There was no update on the County Annex.

Ed Martin, Watershed Program Manager, informed the Commission regarding the straight-line winds in the Brandywine area in July. There was no presidential or state declaration for that event. He discussed the 713U agreement that the County could enter into with the WV Conservation Agency. This agreement gives counties the authority to enter streams to clean them up. The agreement would be good for five years.

They have identified several areas that would need cleaning up as a result of the straight-line winds. He estimated it would take approximately 8 days for the clean-up at an estimated cost of \$24,000. The Conservation Agency has already agreed to cover up to 50% of the cost.

Carl Hevener made a motion, vote unanimous, to enter into a 713U agreement with the Conservation Agency.

Amber Hedrick, Pendleton County Health Department Administrator, updated the Commission on COVID-19. As of this date, the County currently has 86 active cases with 7 hospitalizations. There have been a total of 10 deaths contributed to COVID-19 since the beginning of the pandemic. She

stated that are having more cases this time than when at the peak the first time around and several of them have been children. They have had some positive cases of vaccinated persons. They are assuming that most of the cases are the Delta variant.

Amber also stated that they can only make recommendations to local organizations and businesses, they cannot mandate any regulations regarding COVID-19 precautions. She said predictions show that cases may start easing up within 2 – 3 weeks.

Elise White, representing Treasure Mountain Festival Association, informed the Commission and Amber of the extra steps they are taking to help protect festival attendees and vendors. They will have additional hand-washing stations, hand sanitizer stations and masks available for the public. They have posted on social media and will also have signs posted that weekend encouraging the public to wear masks and to take safety precautions.

She also requested permission to purchase additional boxes of masks from the County in case they start running low on the ones that they have already purchased. The Commission agreed but said that instead of purchasing them to just replace them after the festival.

On motion of Carole Hartman, vote unanimous, the Commission approved and signed a resolution to form a Broadband Advisory Council.

RESOLUTION OF THE PENDLETON COUNTY, WV COMMISSION

A RESOLUTION OF THE COUNTY COMMISSION OF PENDLETON COUNTY, WEST VIRGINIA ESTABLISHING THE BROADBAND ADVISORY COUNCIL; PROVIDING FOR THE DUTIES, MEMEBERSHIP AND TERMS OF MEMBERSHIP THEREOF.

WHEREAS, the County Commission of Pendleton County, WV, by authority granted to the County Commission by WV code, §7-1-3j, deem it advisable, in order to facilitate and expedite the provision of broadband internet service to the citizens of Pendleton County,

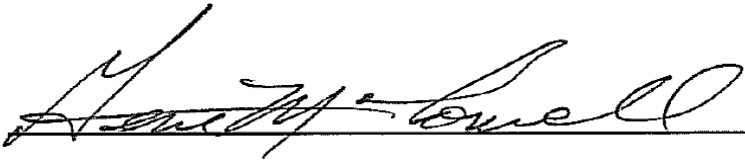
AND WHEREAS, with respect to providing assistance in attaining, achieving and or provisioning broadband service;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF PENDLETON COUNTY, WV THIS 7TH DAY OF SEPTEMBER, 2021 as follows:

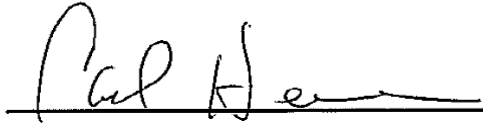
- A. There shall be a Broadband Advisory Council in Pendleton County.**
- B. The Broadband Advisory Council shall be comprised of not less than three nor more than five members appointed by the county commissioners.**
 - a. Membership shall be as follows:**
 - 1 member representing the business community**
 - 1 member representing Pendleton County Schools**
 - 1 member representing the county commission**
 - Pendleton County EDA Director**
 - 1 at large member**
- C. All members, except for County staff, shall be given staggered terms of 1, 2, or 3 years upon appointment. Thereafter, appointment of non-county staff shall be for a 3-year term. Members may, at the discretion of the county commissioners be reappointed to subsequent terms.**
- D. The Broadband Advisory Council shall advise and provide recommendations to the county commissioners regarding provision of broadband services and infrastructure in Pendleton County.**
- E. The Broadband Advisory Council shall adopt rules and regulations for the conduct of its meetings and shall annually select a chairman and vice chairman. In accordance with WV code §7-1-3j, the County Clerk is designated as the secretary and shall attend all meetings, keep a record of the proceedings and transmit a copy of all such proceedings to the county commission.**
- F. Broadband Advisory Council membership is an uncompensated position.**

Authorized by the County Commission of Pendleton County, West Virginia on September 7, 2021.

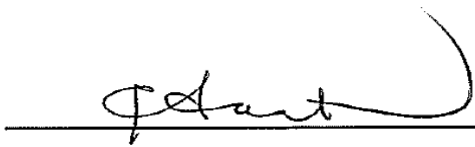
Commissioners:



Cmr. Gene McConnell



Cmr Carl Hevener



Cmr. Carole Hartman

Attest:



**Elise White
Pendleton County Clerk**

Carole Hartman informed the Commission that two individuals need to be appointed to the North Eastern Regional Emergency Management Service (NEREMS) Advisory Council. On motion of Gene McConnell, vote unanimous, Bobby Davis and Tina Eye were appointed.

Laura Brown, Pendleton County Economic and Development Authority (PCEDA) Director, submitted Brooke Alt to replace Ryan Boggs who has resigned from the board. On motion of Carl Hevener, vote unanimous, Brooke Alt was appointed to the board.

On motion of Carole Hartman, vote unanimous, the Commission approved a General County fiscal year 2022 budget revision to budget funds for the Emergency Services Coordinator position.

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26301
 Phone: 827-2415 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-B-26a)

CONTROL NUMBER
 FY: 2022
 Fund: 1
 Rev. No. 2
 Pages: 1

Pendleton County Commission
 GOVERNMENT ENTITY

Person To Contact Regarding Request: P.O. Box 1167
 Name: Elise M. White STREET OR PO BOX COUNTY
 Phone: 304-358-2505 Franklin 26807 Government Type
 Fax: 304-358-2473 CITY ZIP CODE
 Email: countyclerk@pencowv.com

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

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
699	Contingencies	616,021		83,850	532,171
711	Emergency Services/OES	102,219	83,850		186,069
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR
 BY: Deputy State Auditor, Local Government Services Div. Date

Elise M. White 9/7/2021
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

RESOLUTION

At a regular session of the Pendleton County Commission, held September 7, 2021 the following order was made and entered:

SUBJECT: The revision of the General County Levy Estimate 2021-2022 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} ~~one~~, a copy of which is entered as part of this record.

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

- Gene McConnell - Yes
- Carl Hevener - Yes
- Carole Hartman - Yes

WHEREUPON, Gene McConnell, 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.

An Audit finding in 2015 discovered that for fiscal years 2012 through 2015, tax overpayments were made to the State, School and Town. The School and Town have both reimbursed the County for those overpayments. The County has not received reimbursement from the state, whose overpayment amounted to \$2,864.68. Karen Pitsenbarger, County Administrator, stated she had contacted the State Auditor previously about this overpayment but reimbursement has never been received. On motion of Carole Hartman, vote unanimous, the Commission approved to write off the overpayment.

On motion of Carole Hartman, vote unanimous, the Commission approved the Sheriff's Fall Delinquent Publication list.

Chad Bowers, Sheriff, informed the Commission of a company that about half of the other counties in West Virginia use to collect unpaid personal property taxes. They charge 25% of whatever they collect. Currently there is no attempt to collect these unpaid taxes. Gene McConnell requested information on what the collection response rate is with the other counties. Carole Hartman moved that this be tabled until the next meeting to obtain additional information.

Chad also submitted a report on the calls and services he and the deputies have done since the beginning of the year. He also inquired if there was an update on insurance for retirees. The insurance broker will be at the October 5 Commission meeting with information.

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 CAROLE HARTMAN, AND UNANIMOUSLY CONFIRMED.

The appointment of Timmy Bennett as Administrator in the **Estate of Betty A. Bennett, deceased**. Bond in the amount of \$1,520.00 with Donna Hoover as Surety.

The appointment of Anita Harper as Administratrix in the **Estate of Frank Garth Harper, deceased**. Bond in the amount of \$370,000.00. Sole heir, no surety required.

The appointment of Jessica Potter as Administratrix in the **Estate of Terry Ruddle, deceased**. Bond in the amount of \$26,000.00 with Peggy Ann Mullenax as Surety.

The probation of the Last Will and Testament of **Merl N. Warner, deceased**; Witnesses proven by affidavit, Elizabeth McNemar and Amanda McNemar; The appointment of Carolyn June Wimer as Executrix of the **Estate of Merl N. Warner, deceased**; Bond not required per Last Will and Testament of deceased.

The appointment of Robert Greig Livingston, Jr. as Administrator in the **Estate of Ladona Kay Livingston, deceased**. Bond in the amount of \$55,000.00 with State Farm Insurance as Surety.

The probation of the Last Will and Testament of **Ruth S. Vogel, deceased**; Witnesses by affidavit, John H. Treadway, Jr. and Patricia M. Musgrove; The appointment of B.H. Mitchell and Jeffrey S. Bowers as Co-Executors of the **Estate of Ruth S. Vogel, deceased**; Bond not required per Last Will and Testament of deceased.

THE FOLLOWING SETTLEMENTS OF ACCOUNTS WERE THIS DAY PRESENTED TO THE COMMISSION, APPROVED ON MOTION OF CAROLE HARTMAN, UNANIMOUSLY CONFIRMED AND ORDERED RECORDED AND FILED:

Mary L. Hedrick, as Executrix of the **Estate of Ona G. Hedrick, deceased**; Waiver of Final Settlement

On motion of Carl Hevener, vote unanimous, the following exonerations were approved:

Donald G. & Donna Kain, Franklin District, \$1,749.50
Johnnie W. Tidd, Jr., Sugar Grove District, \$15.98
Joseph Adamson, Union District, \$29.08
David Lee Sponaugle, Circleville District, \$734.95
Christopher & Melissa Grimes, Circleville District, \$734.95
Steve Bland, Union District, \$207.57
Frances McLaughlin, Mill Run District, \$4.03

ORDERED THAT THE FOLLOWING ALLOWANCES BE MADE PAYABLE OUT OF:

GENERAL COUNTY FUND:	Check Nos. 32356 – 32391	\$44,135.20
COAL SEVERANCE FUND:	Check No. 200112	\$951.14
MAGISTRATE COURT FUND:	Check No. 300114	\$216.48
911 FUND:	Check Nos. 3585 – 3592	\$36,065.12
PARKS & RECREATION FUND:	Check Nos. 1169 - 1174	\$4,629.50
PENDLETON COUNTY CB FUND:	Check Nos. 1180 - 1181	\$640.26
COVID-19 FUND:	Check No. 165	\$203.43
AMERICAN RESCUE PLAN FUND:	Check No. 100	\$990.00

ORDERED THAT COMMISSION DO ADJOURN ON MOTION OF CARL HEVENER, VOTE UNANIMOUS, UNTIL TUESDAY, SEPTEMBER 21, 2021.

President