

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 04, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, January 04, 2023. Present were: Commissioner Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present was County Commission Attorney Greg Tucker.

The first order of business was the election of President of the Nicholas County Commission for 2023. In the absence of a President, Clerk Robert Painter called the meeting to order. He asked for nominations for President. Commissioner D. Craig Chapman nominated Commissioner Garrett E. Cole for President of the Nicholas County Commission for year 2023. Commissioner Chapman's nomination was unanimous.

President Cole welcomed everyone to the first meeting of the 2023 agenda, for the Nicholas County Commission. He proceeded to welcome the new Commissioner, of the Cherry District, Commissioner Gary E. Roberts, Jr. He congratulated him and said he looks forward to working with him. He noted that he attended Commissioner college with Mr. Roberts and he believes he is well astute and prepared to take on his roll and they have high expectations, so no pressure.

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Upon review of the Commission's Special Minutes of December 07, 2022 and December 14, 2022, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

President Cole read the Holidays for the upcoming 2023 year. Upon a move by Commissioner Chapman, the Holidays were set by the Commission with a copy being attached to be recorded for this record. Discussion - none

President Cole moved to set February 24, 2023 at 4:30 p.m. as the budget deadline for the elected offices. Discussion - none

Upon a move by Commissioner Roberts, the Commission entered an Order designating the payment of salaries, invoices and utilities semi-monthly. Discussion - none

President Cole stated that we needed to reaffirm a Commission appointee to serve on the New River Gorge Regional Development Authority. Commissioner Roberts moved to appoint Commissioner Chapman as Commission appointee. Discussion - none

Commissioner Roberts moved to reappoint Commissioner Chapman as appointee to serve on the Nicholas County Community Partnership, Inc. Board. Discussion - none

Commissioner Chapman moved to reappoint Commissioner Cole to serve on the Nicholas County Fire Board. Discussion - none

In the matter of: Estate of Marjorie Smith - File #10492

Appearing before the Commission, Wilma Wamsley, William Loper Jr. and Chief Deputy County Clerk Betty Griffin. Sitting in: Nicholas County Commission Attorney Greg Tucker.

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Wilma Wamsley and William Loper Jr., were sworn in to offer testimony. These individuals are present regarding contesting of the Will of Marjorie Smith.

President Cole requested Ms. Wamsley go first, to give her reason for contesting of the Will. She stated that the Will filed is not the same Will that her mom filled out, because this Will says the land was to be sold or mortgaged and her mom did not agree to that. She said her mom told them and her Grandma and Grandpa that the land would stay in the family and was not to be sold or mortgaged. Therefore, this is not the same Will. She added that Mr. William Loper Jr., is not her brother. She said her brother is in a nursing home in Ansted, WV. President Cole asked her about Mr. Timothy J. Loper and she said he is her brother. Chief Deputy County Clerk Betty Griffin noted that what Ms. Wamsley is objecting to is William Loper Jr. is listed in the Will as a child and as a son, but Ms. Wamsley says he is Marjorie Smith's grandson, and not a son. President Cole stated it is listed multiple times and when looking on page one it reads as three adult children, which names Mr. Loper Jr. Commissioner Chapman inquired as to when this Will was written and Clerk Griffin stated this Will was written on February 21, 2022. He inquired of Ms. Wamsley as to if she had another Will. She said that she and her mom went to Attorney Greg Tucker to have a Will filled out and it did not look like this one. Commissioner Chapman explained to Ms. Wamsley that Attorney Greg Tucker is present today and Attorney Tucker said he wrote this Will. Attorney Tucker added that Marjorie Smith told him that Mr. William Loper Jr. was her son. He went on to say that, they can correct him if his information is not correct, but she said that she essentially raised this young man and treated him as her son. Commissioner Chapman inquired of Attorney Tucker, saying if he was not able to answer that is fine, but did he feel like this was Ms. Smith's intent and Attorney Tucker said yes. Attorney Tucker also told those present that any Will being contested would involve circuit court. President Cole said he felt that this was getting into legal terminology and intent and unfortunately this Commission really cannot make a decision on this, and that would be his recommendation that if there is any further action taken it be taken upstairs to circuit court. Commissioner Chapman inquired of Ms. Wamsley if she was just contesting the fact that there is a Junior and he is in charge? She said no, she is contesting the Will because it says on the title that he is her brother and he is not my brother. He is not a son of our family. Commissioner Chapman said apparently your mother thought that so we have to accept that. He explained that if she wanted to contest this, his advise to her was to hire a lawyer and file a suit. As Commissioner Chapman was preparing to make a motion, Ms. Wamsley interrupted him by questioning if Mr. William Loper Jr. is allowed to sell the property? Mr. William Loper Jr. said he made a promise to his Grandmother. He said he was pretty much raised on that property and did not want to sell it. Commissioner Cole said so the Will is like liquidation, the land could be sold only if needed to cover bills etc. than Mr. Loper Jr. could do so and Attorney Tucker said exactly. Attorney Tucker added that he feels they are misreading the Will. He said the Will is left to the three individuals, if the executor has need to sell the property due to claims or debts that are due, Mr. Loper Jr. could file in circuit court to get permission to sell the property and he could have done so. The Will does not require him to sell the property unless necessary. Commissioner Chapman moved to accept the Will, as written, and if Mrs. Wamsley wants to take further action it will be up to her. Commission's decision was unanimous.

After the above decision was agreed upon, Commissioner Chapman expressed to those present that his advice was for them to just get along. Attorney Tucker explained to them that once they close the estate Mr. William Loper Jr. loses the authority to sell the property anyway. Commissioner Chapman said that was what he was going to say, close the estate, as quickly as possible, because then you have each undivided interest. Chief Deputy County Clerk Betty Griffin added that if anyone still wanted to object to please get an attorney. Commissioner Chapman said, again, settle the estate. President Cole thanked these individuals for coming in today.

At the request of Commissioner Cole, discussion on Commission procedure changes and additions and request of ban of TikTok on government issued devices

President Cole noted that, in the New Year, he felt that this would be a good opportunity just to expand on some potential revisions this Commission might consider just to expedite the people's work and also become even more available. He went on to say that, as Commissioner Chapman and he know, over the last couple of days they have definitely taken quite a few phone calls for this job, over fire matters, but none the less just a few things to continue cleaning up their work and doing an even better job. He conveyed that the first thing that he would like to discuss is the agendas. He

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would like to request the Commission to consider moving the Public Comment Period to the first of the Agenda. He said that is something that they have discussed previously, and we would have Public Comment first, at 9:00 a.m., and then the motions to take place afterward. Instead of voting on the approval of the minutes of the previous meeting, at the beginning of the session, approval would be done prior to approval of the other agenda motion items and it would also be proper for the Commission to consider waiving the reading before being voted on and we can vote to approve the minutes as presented or amend. Moving on, he recommended moving the appointment blocks from fifteen minutes to ten minutes, for each block. He said they could always make them longer, but it tends more often than not that they can usually take care of business pretty quickly. A break would be established at the end of each hour. He noted that he started a face book page for the Commission, and the agenda would be added to the face book page. In place of the Public Comment Period appearing at the end of the meeting, he recommended we add a Commissioner's Comment Period. He went on to say that we did not have to set a schedule today, but he would like for the Commission to begin considering work sessions. He believed that this would be a good way for the Commission to expand their footprint in the communities. He added work sessions do not have to be preformed in the courthouse, as a regular meeting does, so they can consider a neutral location or just right here at the courthouse in Summersville, Richwood, Mount Nebo or Craigsville, with an open invitation to the public, published in the Chronicle and social media. The Commissioners can add discussion items, of course minutes will not need to be taken and no decisions can be made during this time. He also said there could also be a potential for town hall meetings to be held. He noted that Commissioner Roberts and Commissioner Chapman have mentioned this possibility before in order to be available to the public, Commissioner's need not talk county business, perhaps even set up multiple stations to be available to the public to be able to discuss anything they might not feel comfortable calling about, but be willing to show up in person.

President Cole gave the following Committee assignment breakdown:**President Cole:**

LEPC
E911 Advisory
Farmland Protection
County Audit Review
Nicholas County Fire Board
Nicholas County Parks and Recreation

Commissioner Chapman:

Airport Authority
NRGRDA
Region 4
Landfill Board
Community Action
Nicholas Intervention Council

Commissioner Roberts:

DRC
Historic Landmark
Workforce WV
WVU Extension
Central Appalachian Empowerment
Nicholas County Wage and Benefit Board

President Cole moved on to propose a monthly Commission report. This would be a monthly press release, perhaps an article, but he did not know if they would go that far. He said at least in the beginning just a simple social video, and he is asking the Commissioner's to consider a rotation, which will simply be a Commissioner giving an update of what the Commission has done in the last month and what is coming forward the next month, just for community involvement.

President Cole noted that he wished that Assessor Ernie Dennison were already here, because he would like for us to consider following Summers County's rule, whereas for the Board of Equalization and Review, which is where citizens and companies can protest their property taxes. Commercial properties will get business companies from Alabama, Washington State and other states to try to get these Nicholas County Commercial taxes reduced and if they save them any money, these companies they have working for them get a percentage of what they save the company. Therefore, if you are going to do business, in Nicholas County, and you want to take

money away from the citizens of Nicholas County, he thinks they should appear in person. Administrative Assistant, Patty Neff and Commissioner Chapman, noted that this rule was made last year. Therefore, President Cole said that he wants to reaffirm this rule. He said he is not saying that we should overcharge anybody that is out of state, or anything like that, but if they are going to contest us and take money away from citizens of Nicholas County they can at least show up. He went on to say contributions to groups, and this can be waived as needed, but he thinks that all 501C3 groups, entities, government entities that we get a proof of financial statement, as to where they are currently on their finances. This will be required before any contribution will be considered, in order to clarify their financial need, before we invest in county money. Commissioner Roberts suggested to President Cole that they add on to this requirement a followup in status, to show where the money was used. Attorney Tucker suggested, to the Commission, that when businesses represent Commercial properties concerning taxes for companies in Nicholas County that we should make sure that they have a license to operate in this state, so that we can require them to pay taxes on the money that they make from trying to get a reduction on taxes. Commissioner Chapman moved to accept these recommendations. Discussion - none

Moving on, President Cole went on to discuss the request of ban of TikTok on government issued devices. President Cole noted that it sounds odd for a county to be considering this request, but he wanted to explain himself. He noted that the West Virginia Auditor's office, the West Virginia State Senate, the West Virginia Governor's office and the United State's Congress is currently considering a ban of TikTok on any government issued devices period. He added, while he did realize that we are not a five billion dollar state, as the State of West Virginia is, we are still fiscally responsible for the seven million dollar budget that this County Commission manages. We are responsible for a lot of legal matters, a lot of law enforcement cases and things of that matter and he does not know why any Chinese company would want to infiltrate our county government, however he does feel we do not need to open the door. Therefore, he is requesting a ban of Tik Tok on all government issued devices. He noted that personal devices we cannot regulate, we are just hoping that our employees do not put sensitive information on their own devices, but for the security of the financial responsibility of this Commission, he is requesting ban as well. Commissioner Chapman asked, if someone is accusing me of using WIFI inside the courthouse could also relate to that as well. President Cole said that he did know that Congress has not considered that specifically. Commissioner Roberts noted that you can block certain web sites and they could actually block that web site. A memo will go out addressing these issues.

Appearing before the Commission - Assessor Ernie Dennison regarding setting dates for Board of Review and Equalization for 2023.

Assessor Dennison presented the Commission with a listing of the dates indicating that a preliminary date was done on any districts that a protest could be heard by citizens of Nicholas County regarding their real estate ,and this listing also contains the times of the hearings. He said any corrections that have been made, that would be in conflict with the Commissions schedule, he presented this schedule earlier to Administrative Assistant, Ms. Neff, so it should be adjusted accordingly, to whatever conflict the Commission may have had. Assessor Dennison said the only conflict he has is that he has to be in Charleston on the dates of February 06 and February 07, 2023. He will be back on the February 08, in the afternoon for any hearings. He added that another issue that they have run into this year is that the West Virginia State Tax Department was notified approximately three weeks ago to give us a date for our mineral hearings. We gave them two dates as an option, which was February 10 and February 13, and as you can see, on the calendar, that we just received yesterday evening at 4:30 p.m., after the second email was sent to them, we did not receive our requested dates. We are not even on the agenda at all for the month of February. He went on to say that the conflict that we have regarding this is that we need a date for the mineral hearing, but we needed a date earlier in the month, so that any problem with the mineral meeting the state has to review and then we meet again should there be a problem. Later, in the day, this issues was resolved. Assessor Dennison requested a authorization letter be given to him allowing him the ability to handle any corrections or adjustments according to clerical errors, along with a letter to the state. Following discussion, the following dates were approved and will be publicized as follows:

Beaver District & Richwood Corporation	February 01 @ 1:00 p.m.
Wilderness & Kentucky Districts	February 03 @ 9:00 a.m.
Grant and Jefferson Districts	February 08 @ 1:00 p.m.
Natural Resource & Industrial - Personal/Real Estate	February 13 @ 4:00 p.m.
Summersville District & Summersville Corporation	February 15 @ 1:00 p.m.
Hamilton District	February 17 @ 9:00 a.m.

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Commissioner Roberts moved to accept the amended schedule. Discussion - none

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council regarding Nettie Leivasy PSD - equipment purchase - Excavator

President Cole noted that Ms. Lawson called in and notified the Commission that Debbie McClung from Nettie Leivasy PSD would be doing the presentation today. Ms. McClung presented the Commission with an estimate on a Case 580M Loader Backhoe, Enclosed Cab, 4X4, Extended hoe with flip over pads for \$39,000.00. Commissioner Chapman noted that it certainly is not a new Backhoe and Ms. McClung said it has a little rust on it, but the men checked it out and it will work for them, at a lot cheaper cost. President Cole asked Ms. McClung to let everybody know what the need is for and what the request is for here. Ms. McClung said presently they just have a small Bab Cat excavator, which is very old and unpredictable and they have to have it for digging ditches, repairing leaks and even hauling gravel. Commissioner Roberts asked if it is being purchased from an individual or company? Ms. McClung answered it is being purchased from a business. President Cole inquired if there is any funding that the PSD might have available? Ms. McClung said that they would have to apply for a loan. Commissioner Roberts inquired of Ms. McClung if they are anticipating any additional equipments needs for the rest of the calendar year? She said they have a dump truck in the shop now, but one thing at a time. President Cole noted that what the Commission might consider, with the absence of our legal council, is to table this request until our next meeting, and figure out how we might go about this, should we proceed, and that will give us time to consider all options just for the sake of setting a precedence, not only with one PSD but having multiple PSD's. Commissioner Chapman said that he thought that rather than kicking the can down the road, he felt that they should go ahead and approve this purchase and give them the money from the TLRP fund. He added because we have helped out other PSD's. Commissioner Chapman moved to give the Nettie PSD the money to purchase the Case 580M Loader Backhoe. Commissioner Roberts added that he would be fine with it being a one time thing and the PSD being responsible for maintenance. Following a brief discussion, the Commission requested Ms. McClung provide this Commission with a couple more estimates, which she replied that she would do so. The Commission thanked her for coming in today.

Review of Sheep Claim submitted by Colten O'Dell

President Cole noted that we have received a claim by Colten O'Dell, from Mount Nebo, West Virginia. Mr. O'Dell has submitted the Sheep claim form concerning four calves of cattle that were attacked by stray dogs, signed into effect on December 22, 2022. He has gone through the necessary steps. He does have the three non-biased appraisers, from three different farmers listed and they have all come to a price that does seem to be conservative for the four cows at \$775.00 a head. These were attacked by two stray dogs and we do have the evidence provided of the four cattle, as well as the two dogs who were killed in the middle of trying to kill the cattle, and all have been buried. President Cole stated that we do have photographic evidence, which most people forget to do. President Cole noted that this entire claim has been submitted properly and is sufficient for consideration by the Commission under code section 19-20-10. Commissioner Chapman moved to pay this and to take the funds from the dog tax fund. President Cole noted that this claim is for a total amount due of \$3,100.00. Discussion - none

Decision on Space Lease Agreement for the temporary use of facilities for the American National Red Cross

President Cole noted that he reviewed Administrative Assistant Patty Neff's email and he was a little bit confused. He asked her if the Deputy that handles abuse cases is wanting to trade places with Red Cross? Ms. Neff said yes that the deputy took over the DEP vacant office, at the top of the stairs, in the WV Extension office. President Cole inquired as to where the Red Cross office was located and she said it is down toward the end of the hall across from the Forestry Division. President Cole, after determining that the Deputy wanted to trade with the Red Cross, because the Woman's Resource center is located directly across from him, with the high traffic and he has clients from their office, wanted to know if we know if there is a difference in square footage between these two offices? Ms. Neff said there is a difference in square footage between these two offices. He asked if the lease with the Red Cross had anything to do with a minimum square footage? Ms. Neff presented the lease between the Commission and the Red Cross. President Cole noted that after viewing the lease there is not a minimum of square footage agreement. Commissioner Chapman moved to table this matter until the January 18, 2023 meeting. Discussion - none

President Cole introduced Homeland Security Director John McGinnis and Fire Fee Coordinator

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Dalynne Sizemore. President Cole noted that we have had a very busy couple of days with the Fire Usury fees being sent out. He added that he wanted to clarify some things for the public's benefit, hopefully it will be on the SCTV, the Chronicle and elsewhere. He said there have been some technical difficulties from the software company. Vacant lots are being charged along side of house lots. He conveyed that they understand people's concern and they are not to be billed and just asked for people's patience. He added that property owners have until July 1, 2023 to have these bills corrected. He said he does understand that a lot of people are calling in right now and they are not being able to get in touch with anyone. He understands their frustration, but he promised that they are doing everything they can to answer questions and additional staff has been placed on this project, as well as the one coordinator to talk to as many people as they can. President Cole inquired of Ms. Sizemore if she had anything she wanted to add. She asked that people just be patient that she really is trying to do the best she can with it, and she will get to it as fast as possible. President Cole noted that this entails land, residential or commercial. It does not matter what the issue is on the bill, do not hesitate to wait to make your payment, until you get to talk to Coordinator Sizemore. He noted that the office phone number is on the Fire Fee bill. He conveyed that if you call anywhere else in the courthouse, such as the tax office, County Clerk's office, Assessor's office, etc., they, unfortunately, cannot help because this is a specific department. So, all questions regarding the Fire Fee need to be addressed to the Fire Fee Coordinator at 304 872 7892, because she is the only one able to make corrections on the Fire Fee billing.

The Commission discussed setting their meeting schedule, and except for the exclusion of June, they will meet the first and third Wednesday of each month at 9:00 a.m.. Commissioner Chapman moved to accept this schedule. Discussion - none

President Cole requested that Homeland Security Director John McGinnis publish a letter, in next weeks addition of The Chronicle, explaining to people what is going on with the fire fee and how we are working to address it.

President Cole also noted that each Commissioner had received a packet regarding broadband consultants and he asked them to review those and they would choose, at the next meeting, which ones they want to interview for that project.

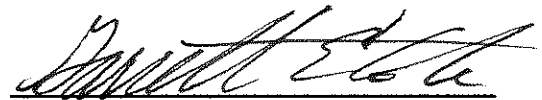
PUBLIC COMMENT

It is being noted for the record that no one appeared during this segment of the Commission meeting.

DOCUMENTS ATTACHED

Order appointing the President of the Nicholas County Commission
Order approving the payment of salaries, invoices and utilities semi-monthly
2023 Holidays
Order appointing Commissioner Roberts to the Nicholas County Extension Service
Committee

Being no further business to come before the Commission, the Commission adjourned its meeting until January 18, 2023.



Garret E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Mary O'Dell
Office Assistant

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The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, January 18, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Roberts moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

President Cole noted for the record that following the Nicholas County Firemans' Association meeting and in view of all the investigations that have been ongoing with Wilderness Volunteer Fire Department Chief Charley Bickford, to the best of our knowledge that Mr. Bickford is no longer living in the county, that we should suspend him from the Nicholas County Fire Board. Attorney Tucker noted that he received information that he has actually relocated from the county which makes him ineligible to serve on the fire board, since he no longer meets the qualifications. Mr. Tucker reiterated that he has moved and that he provided the state statute to the Commission last week that in order to qualify that you must be a resident of the county, and Mr. Bickford does not meet that. Upon a move by Commissioner Chapman, it was determined by the Commission that Charley Bickford who was a Board Member on the Nicholas County Fire Board, was no longer a resident of Nicholas County due to moving out of State, and therefore was removed as a member of the Nicholas County Fire Board. Discussion - none

President Cole noted for the record that it was the desire of the Firemans' Association to have the City of Richwood's Fire Chief Tommy Coleman serve once again on the Nicholas County Fire Board. He noted that this was discussed at the Association meeting and since all remaining departments have Fire Chiefs who are relatively new or well established within their respective departments. Upon a move by Commissioner Chapman, the Commission moved to fill the vacancy created by the removal of Mr. Bickford with Richwood Fire Chief Tommy Coleman. The unexpired term will end February 6, 2025. Discussion - none

Upon a move by Commissioner Chapman, the Commission reappointed Robert Adams to the Nicholas County Civil Service Board with a term of office ending January 1, 2027. Discussion - none

PUBLIC COMMENT

No one appeared for public comment

President Cole was up next on the agenda for consideration of a Topographic Survey of Nicholas County Veterans Memorial Park for drainage and future planning. He noted this was talked about in the past which was part of some long term planning and was something that Commissioner Chapman wished to speak about again. He conveyed that Allegheny Survey, a company within the county would do the survey of the park in its entirety for \$5,700 which entails a drone flyover and provide topo mapping of the park as a as a whole. Commissioner Chapman noted that this was the same company that is doing the mapping for Director McGinnis for our E911 Department. Following discussion, upon a move by Commissioner Roberts, the Commission moved to approve the drone flyover to include topo mapping of Nicholas County Veterans Memorial Park in its entirety from Allegheny Surveying in the amount of \$5,700.00. Discussion - none

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At 9:10 a.m., the 2nd reading on the Proposed Amended E911 Landline Fee Ordinance was scheduled. Also present was NCDHSEM Director John McGinnis

President Cole opened the floor for discussion information while noting for the record that no oral or written comments were received. For the public's information, the purpose of the public meetings are to receive citizens input on increasing the monthly land line fees only from the current county rate of \$3.50 per line per month to \$4.75 per line per month, and that we are still lower than the majority of our neighboring counties. He went on to say that the State of West Virginia handles the wireless fees when it comes down to cell phones and not the county. With that being said, upon a move by Commissioner Chapman, the Commission waived the 2nd Reading on the Amended Proposed Ordinance for Nicholas County, West Virginia to raise the E911 fee on local exchange service lines, VOIP, PBCX and Centrex from \$3.50 to \$4.75. Discussion - The proposed Ordinance can be viewed in the office of the Nicholas County Commission should anyone from the public wish to stop by. For the purpose of this record, said Ordinance is also on the county's website at www.nicholascountywv.org under Ordinances.

Appearing before the Commission - NCDHSEM Director John McGinnis and Redi-Care Ambulance representative Daniel Taylor

Director McGinnis appeared before the Commission to talk about the Nicholas County Volunteer Fire Departments ISO Improvement Plan and County Ambulance Planning.

Director McGinnis noted that this past Monday at the Birch River Fire Department the Nicholas County Firemans' Association held its county meeting. At that time he gave every fire chief plus our commissioners a packet of upgrades and where we want to go to as an emergency service over the next five (5) years. There has been many question over the fire fee and we knew that was going to be coming. So what he did was reached out to Chief White of the South Charleston Fire Department who has a Class 1 rating which is the best in the country and he inquired of him and asked what he had done to improve their rating in moving from a 3 to a 1. At their meeting on Monday evening they fire departments threw out some ideas that would help them improve upon their respective fire departments. With this intergrating the fire fee into that, over the next three to five years, not only will they be purchasing new equipment, new fire trucks, advance training and so on that's going to drop the citizens of this county's homeowner's insurance down. Director McGinnis was asking the public to be patient and to let this process work and read the following statement~

Over the last several weeks the Nicholas County Homeland Security and Office of Emergency Management has answered a lot of questions and concerns over the Fire Fee. We are aware that the majority of the citizens of Nicholas County wasn't aware the fee was coming either by not reading The Chronicle or not by social media. This Ordinance proposal has been in the process since 2018. In 2022 we accumulated enough signatures to start the process. There were public meetings and even a 45 day grace period where citizens could have rejected it. We started this fee to help keep fire departments throughout the county stay open, help purchase new equipment, new trucks, and in return over the next 3-5 years homeowners will see a decrease in their insurance rates. This past year in 2022 our dispatch center received and dispatched 17,427 emergency calls. What if you called 911 and nobody showed up. Over the last 5 years the number of volunteer firefighters and volunteer fire departments has decreased significantly across the state. The commissioners' as well as myself didn't want this to happen in Nicholas County. We know there has been a lot of problems with the billing itself. We apologize for that, however, all of that information came from the State Tax Department in Charleston. With the exception of the City of Summersville, there has not been a new fire truck purchased in this county over the last 13 years. I am asking for everyone to be patient and let this process work to benefit everyone in Nicholas County as we continue to make this county even better than it already is.

Mr. McGinnis stated his office is open from 8:00 to 4:00 Monday through Friday and they are willing to answer any questions and provide any documentation to show how this process will work. They have been running into problems, especially with the billing, as people are coming in and lying to their Fire Fee Coordinator. He was informed this morning. Ms. Sizemore conveyed to him that people are coming in telling her that their lots are vacant when in fact they have one or more structures on the property. Now that they have the program that was recommended by the Commission, they are able to pull up to verify with the property owner that shows structures on the property, then they change their tune. This is something that will need to be discussed and addressed

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at their fire board meetings because not only are they saying that its something they are not going to pay, they are providing documentation and falsifying records to the contrary.

Commissioner Chapman stated that he had a conversation with a gentlemen who owned a mobile home park (property only) but owned none of the homes within. He wanted to know how those are being handled. President Cole noted that what was discussed at the Fire Board meeting was that the landowner was responsible for the amount of trailers on the property July 1 of each year, and it's on them to pass that cost on to the Tenant. Also, the owner of the property will need to come up with a contract of sorts for each homeowner in order to collect the fire fee and in turn provide each Tenant a receipt . This will be followed up on.

Concerning the County Ambulance Resource Planning, Director McGinnis conveyed that as of February 1, the Wilderness Fire Department EMS will be closing its doors on theis EMS Agency. Currently, they are still operating depending on work crews - its hit or miss. He noted that now we are down to four EMS units in the whole county. When he came in this morning there was 1 truck in the whole county because they were doing transports. Director McGinnis informed the Commission that he would like to see us advertise the chance to come to Nicholas County and get onto our 911 system in order to increase our coverage here in Nicholas County. Director McGinnis stated he would like to have six (6) service providers operating here in the county. It's not only a money issue, but a people issue as well as you just can't get people to work. He did say that health teams from WVU have reached out to his department, based out of Flatwoods, Sutton area in Braxton County who can provide an emergency truck as a last resort should something happen and we did not have any and had a call in the Birch River area or something like that. When asked how many employees did Wilderness Fire Department EMS have that does EMS and Mr. McGinnis replied he thought 6 to 8. When asked if they will be available to go to Jan-Care or Redi Care and he stated if they chose to. He went on to say that Summersville Regional Hospital has already implemented 24-7 security service and two have left to work there. Commissioner Roberts asked about wages and asked he heard that Craigsville's wages was around \$11.00 + per hour and Mr. Taylor confirmed. Mr. McGinnis conveyed that ideally, he would like to have six (6) ambulances in county at all times. But would he would like for the Commission to consider to place an ad in the paper for companies to come into the county and get on our 911 system to run emergency 911 calls, but not transports, for Nicholas County. President Cole noted we should not and cannot leave the county without adequate coverage. He stated that Nettie, Leivasy, Fenwick and Richwood were areas having our biggest liability as it currently stands. Director McGinnis confirmed. Attorney Tucker conveyed that the Commission could seek proposals and the Commission gave its approval for Director McGinnis to work through Mr. Tucker with an advertisement and give it to Ms. Neff to be placed in the papers.

At the request of President Cole, the selection process of consultants to interview for Nicholas County's Broadband Projects was next on the Commissions agenda. For the record this is in regard to the Nicholas County GigReady Broadband project Consultant RFP proposals the county received sometime ago and are as follows ~ Fiber Management Services, S&S Engineers, Thompson & Litton, The Thrasher Group and Vecima. Following discussion, it was the decision of the Commission to meet with Region 4 Planning and Development Council Director John Tuggle just for a refresher on the scope of this project.

In the Matter of: Estate of Ulysses Grant Crislip, File #10501

Appearing before the Commission - Jerry Browning, Executor, Charlotte Browning, Douglas Crislip and Grant Crislip, Deputy Clerk Chief Betty Griffin and Attorney Greg Tucker

It was noted for the record that everyone offering testimony were sworn in for this matter.

Chief Griffin conveyed that the Executor, Mr. Browning wished to be removed and that the second person who was named in the Will is present and will serve. Mr. Tucker conveyed that Mr. Browning will need to prepare an file his Final Settlement before he can prepare an Order of his removal and appoint the new Executor in this matter. It was mentioned that Douglas Crislip, the son of the decedent will be appointed as Executor and will be able to qualify once all is followed through and that Mr. Crislip can post an appropriate bond. Commissioner Chapman moved that the Commission accept the withdrawal of the Executor, as well as the second appointee named in the Will and pending the Final Settlement being provided to the Nicholas County Clerk's office, and in their place, Mr. Douglas Crislip be named the new Executor over the Estate File No: 10501 pending his posting of an appropriate bond. Discussion - none

Appearing before the Commission - Terri and Albert Rodebaugh representing Mountain State Giant Growers, LLC

This husband and wife team came before the Commission with to introduce something new and

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exciting for the State of West Virginia and for Nicholas County, that they were giant pumpkin growers. Mrs. Rodebaugh was the primary speaker. Their son Chris won last year in Raleigh, NC with his pumpkin - 1,946 lbs. She presented a pamphlet which included in part weigh off rules to each commissioner which was still a work in process and they wanted to include giant watermelons as well. They were trying to get the Giant Pumpkin Commonwealth (GPC) to sanction a weigh off to coincide with the Craigsville Fall Festival. The venue currently will be at the Foodland in Craigsville has offered its parking lots. In order to pull this off. Their scales have been made. They were here today looking for some seed money and provided the Commission with an estimated itemized list. Mrs. Rodebaugh conveyed the Mountain State Giant Growers was looking at a budget nearing \$15,000 but was here today seeking \$12,000. They will be selling T-shirts and pumpkin seeds, they hope to get some more sponsorships, but as they go along, they come up with items that they will need, if just for a day or two, such as a forklift to lift the pumpkins, watermelons from the trucks/trailers and line them up. Their group is meeting this weekend in Flatwoods this weekend and they will be going over items. Also growers from all over the state will be coming to this meeting as well to share their ideas too. Commissioner Roberts stated that he paid the Rodebaugh's a visit and after talking to them, he went over to one of the schools who conveyed that whether this event takes place or not, they would like to pursue something with the Rodebaugh's for a school activity and in turn they will augment that and bring it into the other elementary classes within the county. It brings a new aspect into the schools for clean, wholesome fun for the kids. Mrs. Rodebaugh conveyed that they intend to speak to the future farmers as well, and their organization could sell them. Also there is the Howard Dill Award that comes with a \$300.00 cash prize as well as the heaviest green squash. She noted that the Howard Dill award is for the most beautiful pumpkin. Unusual color is a strategic award as well. She also wanted to incorporate the Farmers Market. Also, the pumpkins will go through the parade. Following discussion, the Commission encouraged Mrs. Rodebaugh to make application with the City of Summersville for grant funding. In addition, after they return from their weekend meeting to come back before the Commission with an update. The Commission also made it known that they may not be looking at covering the whole amount but contribute. Also, they would like to see what other entities are doing. The Commission

At the request of President Cole, clerical corrections on Fire Fee Ordinance was scheduled for 10:30 a.m., but was tabled at his request to be determined at a later time.

Appearing before the Commission - Jane Bard and Marsha Hanna appeared on behalf of Mary Jane Williams, Project Coordinator, for the Richwood City Pool Renovation who county not be present today. Ms. Bard was the primary speaker.

Ms. Bard presented to each Commissioner a handout of the work needing to be done. It was noted that they were seeking \$30,400 to complete the planned renovations because bid prices came in above the 2020 estimated needs for the project cost. A USDI Land and Water Conservation Fund grant was awarded in 2023 for leak and other repairs to the pool itself and renovations primarily designed for accessibility of the bathhouse. The pool repair portion was contracted at a price of \$63,900 and is almost complete. The remaining construction work was advertised several times, and a bid for \$102,000 was recently received from Simco Contracting that would cover all the essential repairs. However, only \$71,600 is budgeted and available. They were requesting for the county to make up the shortfall. They reminded the Commission that the park is partly owned by the county as they would like to get the pool opened by this season. President Cole asked what was the other bids received, and she replied that earlier during a different bid opening, one bid was sent in from a different company and it was around \$145,000. At that time they just didn't think about coming to the county. Ms. Bard did state that they did get permission from the USDI Land and Water Conservation Fund office to break out the work to be done by separate bids and they made several calls to local contractors, but no one would step forward. Commissioner Chapman inquired if any of the Contractor's bid was broken out or was it all in one lump sum? The epoxy flooring of the bathhouse was mentioned as Commissioner Chapman mentioned that they are working on renovations at the new 911 center putting in epoxy flooring and that if more work could be done by local people, the Commission would be more apt to fund, and reiterated, if we were helping our local people. He proceeded to ask Ms. Bard if she could get the Commission a breakdown by our next Commission meeting? She conveyed that she could give him the cost of the epoxy with it being approximately \$20,900. Commissioner Cole noted that the pool was ready and that he would like to see the Commission proceed with assisting the City with these repairs.

Upon a move by Commissioner Roberts, a motion was made to assist the City of Richwood / Richwood City Park Board with the planned renovations to accessibility of the bathhouse. Discussion - Commissioner Chapman stated for the record that he knew they did not contact the people about the epoxy flooring because he does it, and he travels a good bit. He asked for the ladies

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to provide him with the square footage price. Next, what he was about to say that he did not mean in a bad way, but it probably will come out that way, that he was really sick and tired of people bringing bids in here and not having Nicholas County people doing it. And Nicholas County people pay the taxes that we distribute out. When people come in here with bids from Beckley, Ripley, places like that, it upsets the Commission because it should go back to our constituents whenever possible. In addition, Commissioner Chapman conveyed to the ladies that their organization has been before the Commission on several occasions asking for money and they need to be better prepared in answering questions. Ms. Bard stated that she would email Commissioner Chapman a blueprint of the building in a pdf format. President Cole reminded the Commission of the motion on the floor and inquired of Commissioner Roberts if he wanted to stand to be voted or amended? Commissioner Roberts stated its to cover the cost no matter where the work comes from. Commissioner Chapman conveyed back to Commissioner Roberts that he could probably amend his motion by saying up to \$30,400 but if they can find somebody cheaper than that would be nice. Commissioner Roberts amended his motion that the Commission will assist the City of Richwood / Richwood City Park Board with the planned renovations to accessibility of the pool bathhouse up to \$30,400 and any bid that comes in lower, the difference will be subtracted from the allocated amount, and any and all bids must be received within a reasonable time frame. Discussion - none
Motion passed unanimously

Decision on filling the unexpired term of office for the position as Nicholas County Prosecuting Attorney - Sitting in: Assistant Prosecuting Attorney Mike Cox, Chief Probation Officer David Sales, Attorney McKenzie Holdren and Attorney Greg Tucker

Upon a move by Commissioner Chapman, the Commission entered into an executive session pursuant to West Virginia Code §6-9A-4 at 11:12 a.m., to discuss a personnel matter. Discussion - none

Upon a move by Commissioner Chapman, the Commission entered back into regular session at 12:05 p.m.. Discussion - It was noted for the record that no decisions were made while in the executive session.

Commissioner Chapman stated for the record that the Commission interviewed two candidates for the position of Nicholas County Prosecuting Attorney. As a result of those interviews some other questions were raised and this Commission has asked for some additional information to be provided. Therefore, we are tabling this matter until those are received and this Commission will either set a Special Meeting or this will be placed on our next regularly scheduled meeting of the Commission, February 1. President Cole stated that both candidates had until January 24 to have their responses turned over to the Commission or office staff.

Upon a move by Commissioner Chapman, the Commission agreed to table this matter to a later date. Discussion - none

Appearing before the Commission - Pete Conrad, Director of Operations for Cranberry Tri Rivers Trail Rail Trail

Mr. Conrad conveyed to the Commission that they are putting a Team together in Richwood to apply for the BRECC Program - Building Resilient Economic Coal Cities. He noted that Richwood has a very good chance to be accepted into the program since it is a coal community and the industry has declined over the years. This programs goal is identifying one economic diversification project and building toward an application for EDA funding to address it. They are focusing on Trail Development. The WV Community Development HUB will be coaching their group through this process. If they are accepted, they into the program part of the requirement would be participation from county government to be part of the group to attend virtual meetings on occasion to gather information and give input. Their team will consist of 6-8 members, two of those members will need to travel to Austin, TX in July for training, approximately 4 days, with all expenses paid. It is an outstanding opportunity for not only Richwood but the entire county for trail development. In addition, this could be a wonderful chance to learn and gather information to better serve all the small communities within the county. There are other programs as well that could help economic development within the inner cities and communities. Mr. Conrad noted their application has been submitted. The announcement of the selected Teams will be made come February 14, 2023 with the Kick-Off Webinar with selected Teams being sometime in February as well. The duration of the Action Challenge Program is one year. Should the Commission decide to participate, they would be required to attend the quarterly virtual meetings and on occasion gather information and give input. What will Action Challenge Teams do?

- Quarterly meetings will be headed up by subject matter experts on the strategies of economic diversification, including topics such as access to housing and education, workforce retraining, rural industries, multi-sector planning and investment funding resources

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- One-on-one coaching with an economic development expert from the BRECC program partners over a 12 month period
- Technical planning assistance that results in a community action plan for economic diversification
- Identification of potential economic development projects eligible for federal support
- Peer mentoring activities where teams will be intentionally paired with another community to share ideas and implementation advice, and
- A capstone event held in-person at the end of the 12 month cohort where teams will present action plans and receive feedback and support from peers and Advisory Council Members

Mr. Conrad noted that there would be no monetary ask to participate in this program and he is here needing our willingness to participate and a county representative from the Commission to serve. Upon a move by Commissioner Roberts, the Commission agreed to participate in the Building Resilient Economic Coal Cities - (BRECC Program) and nominated our Grant Administrator Lindsay Brady to participate in this program. Discussion - none

At the request of City of Summersville Mayor Robert Shafer, he was seeking a financial commitment from the county for the proposed Visitor's Center.

President Cole noted for the record that this request is applicable to the real estate that the visitor's center will be built on. He noted that Mayor Shafer has gone through a couple of rounds of air marks and has received over one million dollars and possibly two million. President Cole went on to say that everything remains in the planning stage, but he does have renderings, real estate selected. The Mayor believes the land acquisition will be in the amount of \$800,000 but he has talked about it some time ago being at \$500,000. President Cole noted that we committed before to this by pledging \$100,000 toward property acquisition. If we can, he believed it would be appropriate to try and arrive at some sort of resolution on our part as the Mayor looks for another round of funding for the City to continue on with this project. Commissioner Chapman noted he would be in favor of \$500,000. Commissioner Roberts stated he was in favor of the full \$800,000, and with that being said, Commissioner Roberts moved for the Commission to allocate \$700,000 to the City of Summersville, to include the commission's previous commitment of \$100,000 for an overall total of \$800,000 for property acquisition for the proposed Nicholas County Visitor's Center; and, should the facility never come to fruition or should the Visitor's Center cease its operations in the future, the City of Summersville is to reimburse the Nicholas County Commission the purchase price of the land. Discussion - Commissioner Chapman stated if we are paying for the property, why can't we place the property in the county's name. President Cole noted that he did not know how he applied for his air marks and Mr. Tucker noted that he did not know how he has been applying for other funding, and that would be a question that only the Mayor could answer. Commissioner Roberts noted that tourism is a lot of what we have going on here and he is looking at it as a countywide investment. The return on our investment will be jobs and economic impact. It's a low cost or probably no cost means for businesses no matter how big or how small to advertise their services within the area. And it gives folks a reason to leave Rt. 19. Its informational, there's opportunities that come up with that, and he sees it as a direct investment. President Cole did state that he appreciated the countywide approach that the City is willing to take on here. And regardless of the amount, we need to consider if there is a board of directors to be over this that the county has a seat to said board. Commissioner Roberts concurred and added that the City of Richwood should have a seat as well as certain unincorporated areas within the county. The Commission took a five minute recess.

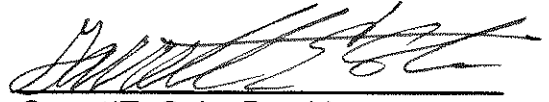
COMMISSIONERS' COMMENTS:

President Cole noted that he forgot to mention to Director McGinnis that he needed an update on a generator for the Leivasy Peoples Place Community Center. He thought, however that one of the generators at Jane Lew would work out for them. Commissioner Chapman inquired about the ones at Craigsville PSD. President Cole conveyed if he or Commissioner Roberts could go to the PSD and tract down the person in charge that would be great. He wanted the folks to know that they have not been forgotten and the county is still working on their situation.

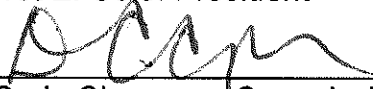
DOCUMENTS ATTACHED

Being no further business to come before the Commission, the Commission adjourned its meeting until February 1, 2023.

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Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Patricia Neff
Administrative Assistant

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The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, February 01, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present was County Commission Attorney Greg Tucker.

Upon review of the Commission's Minutes of December 21, 2022, Commissioner Chapman moved to waive the reading and approve accordingly. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

Commissioner Chapman moved to accept the emailed resignation of Aaron Kelly, from the Nicholas County Airport Authority, term of office expiring July 1, 2026. Discussion - none

Commissioner Chapman moved to appoint Jerry Rader, to fill the unexpired vacancy of Aaron Kelly, from the Nicholas County Airport Authority, term of office expiring July 1, 2026. Discussion - none

President Cole noted, for the record, that the Nicholas County Fire Board bylaws do require a maximum of two consecutive terms. He noted that James "Jim" L. Marsh has served two terms, so he is considered termed out. His term of office will be expiring on February 6, 2023. Therefore, Commissioner Roberts moved to appoint Jennifer Coffman, term of office expiring February 6, 2026. Discussion - none

President Cole noted that in the appointment of Chief Evan Aldredge of Summersville Fire Department that he was just appointed in the transfer of power from their former chief, so he is eligible for another full term. He said it would be his recommendation and already the recommendation of the Fire Association to reappoint Chief Aldredge. Commissioner Roberts moved to reappoint Chief Aldredge to the Fire Board term of office expiring February 6, 2026. Discussion - none

PUBLIC COMMENT PERIOD:

Mr. Junior Samples came before the Commission regarding the E911 landline fee Ordinance and other matters. President Cole gave the floor to Mr. Samples and told him that he had three minutes to convey his issues. Mr. Samples noted that he is here to object against the landline fee. He noted that the majority of the people of this county are on a fixed income and a dollar and a half here, two dollars there, three dollars and ten dollars there, can be really exhausting. He said he tries to keep up with what happens here and he asked the Commission if they have ever done anything, since they have been Commissioners, to benefit the old seniors in this county? President Cole asked Mr. Samples if that was a question? President Cole noted for Commissioner Robert's benefit that the Commissioners do not have to respond, during this period, but they could elect to. President Cole told Mr. Samples that they have done quite a bit for the seniors. He noted that they have supported every Senior Community Centers in this county. They have never done anything to change the homestead rules or anything like that and in fact some of those things could apply to the Fire Ordinance and different things like that. Mr. Samples asked the Commission if they have ever bumped heads with any utility companies over these increases that they get every time the moon changes? President Cole said that they would personally probably object to every single one of

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them, but he does not know if they have any authority. Attorney Tucker said that would fall under Public Service Commission. He noted that he personally would be glad to do even more. He said he would have to research what they could do. Mr. Samples said that everything that they have is under survival and they are not living off of a big inheritance. He went on to say that the Commission could come up with some money and are getting ready to sell some property. He said that money could be used for this E911 project. He moved onto the Nicholas County Airport. He asked what good Nicholas County Airport was to him and the Commission, at the present time? He said he drove down to the airport last summer and the gate was locked and the grass needed mowed. He noted that he felt the Commission could come up with something other than to increase the landline fee, which are high enough, which would cover the expense needed for the E911 situation. He said that everything that a person needs for survival has gone up. Commissioner Roberts conveyed that what he felt that they were looking to do is the long term impact, so looking at the short term, he could understand how that might throw one off a little bit in the mind set. But, in the long term, we are trying to pose ourselves with an ageing population to address this. He said we are losing the work force, and he said he said that because we have an older population, which is going to require a more advanced E911 system, rapid faster responses to quickly get on the scene. One of the things that they are going to address is an ISO rating, which will mitigate or maybe even lessen your homeowner's insurance. He said so he doesn't think that any of the decisions that have been made, and he said he sat in here for two years and has only been on the Commission for a month, but he thinks that the decisions that are made are definitely not made in haste, so the due diligence that we put in is how we are addressing the seniors, of the area as well. In other words, it is not the first option that is not the first option that is being taken, it is way down the line. They are trying to exhaust all means before anything is raised. He went on to say as far as the Public Service Districts and utilities go, they are regulated by the State and Federal government. He said we could push back on them, but he felt their due diligence will be best served in the county pushing back on the county aspects. President Cole told Mr. Samples he would give him another three minutes to speak. Mr. Samples stated bottom line is that he felt the Commission could come up with another way to finance the E911 project, without increasing the landline rate. He feels that this increase is not only going to affect our seniors but our school system and everybody else. He went on to say that he thought they could think about it and forget about this increase for a while. President Cole said he wished it was that easy. Commissioner Chapman said they have looked at every angle and, if you want to know where the cost is, it comes right out of the state, because of all the stuff they make you do to build that E911 center, which cost millions of dollars. He added, who needs the E911 system, the seniors. We are doing this for the senior citizens and every other citizen, in this county. Mr. Samples asked, how many of us are going to use it? Commissioner Chapman said he hoped no one needed to use it, but he asked Mr. Samples if he wouldn't want it to be there if he did need it or if his wife got sick, or his grandchildren got sick or hurt? Mr. Samples said they have survived in this county and he has been here forty eight years and we have gotten by so far with what we had. President Cole noted that the potential cost's savings that should be brought to everyone's attention is that had we not gotten the Post Office, and this state was going to mandate that we build this E911 Center regardless, in four to five years, it was probably going to be a nine million dollar ticket and we are getting by with one third of the costs. Commissioner Chapman added that the phone rate would probably have gone up five or six dollars a month, so what we are doing may not seem like it to you Mr. Samples, but if you were sitting here in the middle of these decisions, you would have a different outlook. Mr. Samples moved onto the Fire Fee. He said he had some people tell him that they were misinformed when they were signing that petition. He said they thought they were signing the petition to get this fire fee put on a ballot to vote on. President Cole said that he could not doubt what they are saying, but he said he could tell him that was not the directive from the fire board or the Commission. He noted that the State Code of that section is honestly poorly written at best, and the only way you could put it on the ballot was to have thirty percent of the voting population write up a petition against it. He noted that he was never truly against putting it on the ballot, but they could not unless that threshold was met. Mr. Samples said that years ago, when Lyle Neal was sitting here, he took a petition around in his neighborhood and got names on it for the fire fee, and then it was swept under the rug for three or four years, then it came back the way it was handled the last time. President Cole thanked Mr. Samples for his time.

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Third reading of the Proposed E911 Landline Fee Ordinance and Possible action

President Cole requested a motion to waive the reading of the Ordinance. He said for the public's information there is a copy of this landline fee on file at the Commission's office, if anyone would like to get a copy. Commissioner Roberts moved to waive the reading of the Ordinance.

Discussion - none

President Cole stated that he did appreciate Mr. Samples coming and appreciated his concerns. He said that he knew that Homeland Director McGinnis did a search and we were the lowest of the surrounding seven or eight counties. It is not a pleasure by any means to raise any kind of fee but he will continue his support of this fee simply for the fact that we do have to provide these services. He noted that he does have a grave concern, and we do have to talk about this going forward, regarding ambulance coverage in this county. We do have large voids in it right now that he is not comfortable with, and he knows we are all concerned about this. But, in order to provide better services, he thinks this also ties into this proposed amended ordinance. President Cole inquired as to if there was any action or motion to table or approve this proposed Ordinance? Commissioner Chapman moved to approve this ordinance. Discussion - none

Appearing before the Commission - Terri and Albert Rodebaugh with Mountain State Giant Growers LLC, regarding funding request for the First West Virginia Giant Growers Sanction Weigh Off

Mrs. Rodebaugh presented the Commission with an example of their budget. She said the budget could change but she wanted to give them a rough draft as to what it looks like at the moment. She noted that they did have their seed auction. She said they raised \$4,705.00 and one seed went for \$270.00 and that seed came from England and they had some that went for \$70.00 and those were given to the organization. She went on to say there were expenses in that, such as postage, envelopes, etc. Mrs. Rodebaugh went on to say that they raised \$225.00 in merchandise sales for the first \$700.00. She conveyed that they are looking at an expense for this year of \$14,305.00, but they have increased that figure, as she said she told the Commission the last time they were here, that they would need around \$15,000.00, now they are looking for around \$20,000.00 for expenses. She went on to say that they have increased the prize money just a little bit, which will be dependant on how much money they can raise, because they want to get the best dollars for per pound, per pumpkin, and watermelon and fruit, that will be shown. She noted that they think they have at least ten growers from West Virginia that will be there and that is not counting the out of state growers. She said she does feel the budget is off just a tad bit on some things such as unforeseen postage and those kinds of things. Commissioner Chapman asked Mrs. Rodebaugh if she has applied to the City for funds yet? She said she has not applied yet. She said she went over there and got the information needed and she will complete it after leaving here. She added that they are an LLC right at the moment, so they cannot get the grants, from the City, but she does understand that the Mayor can give out some funds, not related to grants. President Cole said to Mrs. Rodebaugh, so you are not a non-profit? She said that they are not a non-profit, at the moment. Mr. Rodebaugh noted that they discussed it at their annual meeting and everybody said they need to do this, but it was the most expedient method of getting the organization up and running by making it an LLC. He added then they would transfer from an LLC to a non-profit, but they just have not done it yet. President Cole added, with that being said, the Commission cannot contribute until they are a non-profit as well. After further discussion, Mrs. Rodebaugh will make a date to come back after they have worked toward being a non-profit.

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council regarding Richwood/Hinkle Mountain Little Laurel Water Extension Project - Resolution #8 and Birch River Ruritan Club Demolition Update

Ms. Lawson stated that she had for consideration a kind of unique inquiry. She said that Resolution #8, for the Hinkle Mountain Project was actually approved by the City of Richwood on November 17th and submitted it to the funding agency on November 30, 2022 and the funds have still not come through. She said because of the holidays, illness and some of the employees being new to the processing of construction invoices, vendors have not yet been processed for work done in October. They do have confirmation that the invoices have been submitted to the Auditor's office but as of this morning the payment was not pending. She went on to say that these contractors have been awaiting payment, which was approved in November, for the work done in October, so this has really put them in a bad situation. Because the Commission does have a \$750,000.00 commitment to the project, what they are asking is if the Commission would be agreeable to pay the amounts that are owed for the November Resolution and then when the funds come in from the funding agency, Mr. Tuggle can work out the details as to how reimbursement would work. This payment will entail Contract #1, #2 and #3, with Contract #1 being in the amount of \$92,643.29,

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which is the Little Laurels' construction contract, Contract# 2 is for Tribute Consultants, in the amount of \$243,788.05 that is for the Hinkle Mountain Water Line Extension and Contract #3 in the amount of \$124,467.57 for Mid Atlantic Storage Systems. The totals of these charges come to \$460,898.91. Ms. Lawson stated that after all the work through January is taken care of, there will be a balance due of approximately \$60,000.00. President Cole stated that he was okay with this request because it is well within the amount allotted already, by the Commission. After conferring with County Clerk Painter regarding this matter, President Cole noted that he wanted this to be understood that this is his position as well, just for the simplicity of the matter, nothing against our friends at Region 4 or the City of Richwood, but once those funds are returned from the state, those funds are to be resubmitted to this County Commission and a request made for payment be submitted again down the road and Mrs. Lawson said absolutely. Commissioner Chapman moved to pay the payment to the vendors on Contract #1, #2 and #3, from here directly, in the amount of \$460,898.91 and when the funding stream pays the amount will be reimbursed back to this commission. President Cole stated that he would like to amend Commissioner Chapman's motion to include a written agreement, from the City of Richwood, saying that they agree to this payment recommendation, before the checks are written. Discussion - none

Mrs. Lawson moved onto the Birch River Ruritan Club Demolition update. She noted that they have taken several months vetting options to store the assets within the building. She said they did not want to have to sell those items such as sinks, cabinetry, chairs and things like that, and they finally secured a location for the contents they intend to keep. She went on to say they anticipate the demolition project should be ready in about a month. She just wanted to find out what process they need to follow once the demolition starts and to find out what is the best way to proceed. She noted that the Commission already noted that they would provide 80% and they would provide 20%. She just wanted to know if they wanted to provide that percentage all the way through the project? She said that if she recalled correctly Mr. Chapman had requested maybe 50% and 50% at completion or something like that, so she just wanted a refresher on how the Commission wanted to see payments distributed. President Cole asked Mrs. Lawson if they already have a contractor in place, and she answered yes. Commissioner Chapman asked if they wanted the Commission to pay the contractors direct or put the money with them and they pay the contractors? President Cole said they could do 20% Birch River Ruritan Club and 30% County Commission first payment, and Commission pay the final payment. Mrs. Lawson wanted to know if they want her to come before them with each allocation, as they do with any other Region 4 project and present the invoice, etc. President Cole said yes if she found that acceptable from the Ruritan Club's standpoint. She noted that they actually have a meeting next week and they will discuss this payment matter. She wanted to know if they needed to give the Commission a head's up concern progress? President Cole said maybe but they have already approved our commitment, unless there is going to be something to hold up progress. Commissioner Chapman asked Mrs. Lawson how long this project will take. She said the Contractor has not given them a time yet, because they were still a little bit in limbo. She went on to say that they still have not had the power turned off and taken the last few things out, so it has been a little bit hard for him to say, until we give him a definite okay we are ready.

Mrs. Lawson brought a letter concerning a prior meeting, stating that this was not on the agenda, but in followup to the City of Richwood Sidewalk Improvement project, which the Commission made a commitment for a total amount not to exceed \$25,000.00 contingent upon the receipt of the WVDOH TA grant request, in the amount of \$550,000.00. President Cole stated that he had that letter signed and ready. Mrs. Lawson said she would take that letter with her and take care of it for them.

At this point, Mrs. Lawson asked the Commission if they had any questions for her on any other projects? President Cole inquired of her as to where we are on the Nettie Leivasy Ward Road improvement plan. Mrs. Lawson said that project is actually starting to make some movement. They are going to schedule monthly office calls, and all three Commissioners will receive an invitation. She added that they are working with EPA directly, out of Washington, where congress request a spending request. They do have to submit an application to them. They have committed the funding essentially, but they still have to have their procedures in place, before they can actually release the funds. She went on to say that for congressionally funded request the State sat aside non-federal matching funds, and they have submitted a request to the Governor's office to utilize about a million dollars, for matching the CBSR and they have received contingent approval. President Cole said just so he understood this properly that this is a fully funded project. Mrs. Lawson said they will not actually issue their binding commitments until the project is further along, but essentially there is a funding strategy for the entire project and there is not a short fall. President Cole said so this is an upgrade he is assuming from Panther Creek School all the way through. Mrs. Lawson said she thinks this addresses Ward Road, McCutcheon Lane and another Lane that she cannot remember the name. Commissioner Chapman asked Mrs. Lawson how far along is the

Richwood Water project? Mrs. Lawson gave an update on the construction concerning Hinkle Mountain and Little Laurel Water projects, as well as stating that they have a really long wait on delivery so not much has happened at the water plant yet. Commissioner Chapman also inquired as to the broadband project and she said that they are waiting on the operation maintenance agreement to be orated and that will dictate how the IST CityNet is responsible for operating a system and what the roles of what the Commission is on that. With further questions, the Commission thanked Mrs. Lawson for coming in today.

Appearing before the Commission - Joan O'Quinn Administrative Assistant for Nicholas County Farmland Protection Program Board regarding approval of Resolution for the purchase of the Butler Easement

Mrs. O'Quinn noted that she served on the Nicholas County Farmland Protection Program Board for about six years and left the board to become their Administrator. She went on to give the Commission information that she felt they might not be aware of. She said farmland in the United States is disappearing at a rate of two acres per minute, so in the time she is here this morning 20 acres of farmland will have disappeared and in an hour's time one hundred twenty acres will have disappeared. She added that West Virginia has about 3.6 million acres that are registered in crop, pasture or timberland, so it would only take about three years and a few months for all of that to disappear, if it was just in West Virginia. Therefore, they find it very important to preserve the farmland. She noted that the Butler project is their tenth farm and they are up to one thousand two hundred seventeen acres protected, in Nicholas County. She is requesting the Commission to approve a Resolution for the program to spend \$128,050.00 for the easement of the Butler Farm property. She said they are not buying the property. Mrs. O'Quinn noted that some people get confused the farmer still owns his land and he still controls it, but it will forever be farmland. The property is owned by Claude E. Butler, Tammy Hinkle, and Carolyn J. Carper, (landowners) and Ruth Ann Butler, who has a Life Estate, consisting of a tract of land located in Hamilton District of Nicholas County, West Virginia, and containing 93.75 acres, more or less. President Cole noted, for the public's benefit, a portion of collection on the purchase and sale of Real Estate and transfer tax goes toward this program, in accordance with state code. Commissioner Roberts inquired of Mrs. O'Quinn as to who determines the value of the property. Mrs. O'Quinn stated that they do an appraisal and the appraiser appraises it as if it was going to be sold Commercial and if it was going to be sold as farmland, and the difference is what they pay, because farmland does not bring the same price as Commercial. She added that since it will never ever be sold as Commercial, they are paying them for the difference. After further discussion, Commissioner Chapman moved to approve the Resolution presented here today. Discussion - none

Mrs. O'Quinn moved onto another issue. She stated that when she was last here she asked about the seat in our bylaws that says a Regional Development Authority Executive Director sit on their board and they must be residents of the county. Attorney Tucker expressed to Mrs. O'Quinn that he checked this out and responded to somebody but he was sure who, but as he recalled what Fayette County did was they put in a County Resident, designating that person to vote. He said he thought they could do that except he was not sure they have a vote and he will follow up on this. He added that the Director would set as a statutory member of the board, and typically that Director is not a member of the county and the statue goes on to say members have to be a resident of the county, so what they were doing is appointing a designee, in the meeting and the question came up could he vote and Mrs. O'Quinn said this is correct. Attorney Tucker said so what Fayette County did is his designee was a Fayette County resident so yes that person can vote, but, in Nicholas County, the designee was not a resident. After further discussion, the Commission thanked Mrs. O'Quinn for coming in today.

COMMISSIONER'S COMMENTS

President Cole asked this county to please understand the role of County Commissioner. We can't always make the best the decisions that some people think would be the best alternative. This Commission is inundated with facts, figures, information on a daily basis. He noted we probably receive more than thirty to fifty emails a day some days trying to understand how our county runs compared to others. This is the second Republican majority of the Commission, in ninety years. He said he really can't see us being pro tax, he really can't see us being pro fee, but he wants everybody to understand that this Commission has to refer back to state code. As a County Commissioner, you can't walk inside the courthouse without reading state code how to walk up the steps. He went on to say we are tasked with fire service, we are tasked with filling vacancies of terms of office, we are tasked with a lot of uncomfortable decisions. And, one coming up soon is that we are going to have to figure out the ambulance situation, and it is probably not going to be what a lot of people want it to be, but when we don't have adequate coverage in x area and x area

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and the other x area of our county, we have a constitutional responsibility that we must fulfill. He just asks for the public's patience, understanding and willingness to try and understand the position of this Commission and anytime you don't understand, he feels that this perhaps one of the best run Commissions in his lifetime, so that is at least twenty six years now. He added we are trying. We are keeping cost low, as Commissioner Chapman has mentioned many times in this meeting, some people don't understand the cost savings that we do by raising fees now rather than much more down the road. An example would be the E911 center, we saved this county over six million dollars, that this county does not have to spend. He went on to say that he guaranteed within the next ten years the state would require us to spend. So, again, he just asks for patience, understanding and if you have a concern just call one of them. He said, if this is not an accessible Commission, he would be afraid to see what one was. He noted that they are very involved in their communities. Commissioner Roberts is probably the best example and makes himself and Commissioner Chapman work a little harder now and than, but they appreciate his addition to the Commission. He said we are kind of like the patriarchs, in the county, sometimes you don't always like our decisions we just hope you understand why we made them. Commissioner Roberts said he hated to reiterate or expound on what President Cole said but what we are looking at is the long run, the long term. Short run decisions tend to bite and we have seen many examples of that over the past, over his fifty years of being around, because we have seen some short run decisions really come around and bite you in the backside in the long run. So, we are trying to make sure that we are looking at things with regard to longevity, to the regard to the impact you can have on the whole, not just serving a few and he said he always says if you are serving a few people here, you might be into something that is a little unethical or immoral. He went on to say that he feels that is one of the things that they do is any increase in a fee is a last measure and it is because they have exhausted all other means and he thinks it is an admirable thing, and it is unfortunate that we do have a rise in cost, as President Cole stipulated, set forth by state statute and in some cases federal, that they have to abide by it, so our hands are tied. As he said, he would ask for patience and understanding and you have any questions, or you are confused or angry about something and you do not feel that you are being addressed, it is probably because you do not have all the information or all of the pieces of the puzzle put together.

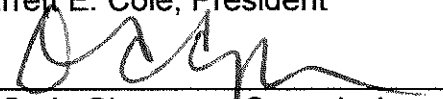
DOCUMENTS ATTACHED

- ✓ Resolution #8 on behalf of the City of Richwood.
- Resolution authorizing and approving the Nicholas County Farmland Protection Board to purchase Claude E. Butler, Tammy Hinkle, and Carolyn J. Carper and Ruth Ann Butler's tract of land located in the Hamilton District of Nicholas County, West Virginia, and containing 93.75 acres, more or less for the total purchase price of \$128,050.00.
- Amended Ordinance for Nicholas County, West Virginia to raise the E911 fee on local exchange service lines, VOIP, PBX and Centrex from \$3.50 to \$4.75


Being no further business to come before the Commission, the Commission adjourned its meeting until February 15, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Mary O'Dell
Office Assistant

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The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, February 15, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Upon a move by Commissioner Chapman concerning the Minutes of January 04, 2023, January 18, 2023 and February 1, 2023, the reading of said Minutes were waived with no amendments and motion to approve was given. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

PUBLIC COMMENT

No one appeared for public comment

Next up on the agenda was to discuss the Contract Lease with the American Red Cross which was an in house matter. President Cole noted due to his untimely arrival that he would like to move this matter to our break at 9:50 a.m., in order to get caught back up with our schedule. The Commission concurred.

In the Matter of: Estate of Lillian Virginia Boone

Appearing before the Commission - Chief Deputy County Clerk Betty Griffin / Also, via telephone both Douglas Wells and Dianna Lynn Wells, President Cole swore both in to give testimony Chief Griffin noted that Mr. Wells came in and presented the Will to their office. It was determined to be a copy. He had stated at the time that he had no idea the whereabouts of the original Will. Ms. Wells testified she believed that the Will was stolen and that her mother's home had been robbed and that a locked box had been taken. She further stated she did not believe her mom thought they would need the original Will and by giving copy would be good enough. Chief Griffin asked if they were the only children and Ms. Wells stated that was correct. Attorney Tuck inquired if there were any deceased children who may have had children and Ms. Wells responded by reiterating they were the only children. Following discussion, Commissioner Chapman moved to accept the copy of the Will of Lillian Virginia Boone as filed by Douglas Wells. He noted that he was good with this decision as long as no other heirs come forward. Discussion - none

Appearing before the Commission: Adam Bryant and Andrew Sullivan representing New River Gorge Disc Golf

The gentlemen appeared to present a power point presentation for Disc Golf for Nicholas County which can be played year round in any type of weather. Adam Bryant was the primary speaker. He noted Richwood has one which consists of six baskets in an open field. What they need is terrain such as hills, mountains, woods are the best, one acre per hole, 9 holes - 18 holes if you want to host tournaments. Mr. Bryant went on to say that a person is essentially hiking when they are playing disc golf. A person definitely will get their steps in. Raleigh County has six courses, Fayette County has six and another one is going in. The nicer the course, such as an 18 hole, the more people it will attract, which could have a slight impact on the economy. What they were looking for was 20 to 50 acres of land to put together such an 18 hole course, clearing and installation could be done by local

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volunteers and they would not need to hire outside companies to do the work, Andrew has experience with design so they would not need to hire an outside designer for this project while noting they could do it themselves, if the course was on a park, then perhaps park staff could pitch in and do some of the cutting. The baskets - \$5,000 to \$9,000 as he had a few quotes. He did have a quote from one company for top of the line baskets for 19 holes which would be 18 holes (baskets) and one practice basket (hole) would be \$11,000. For cheaper options \$5,000 to 7,000 would be more realistic. For the tees, you would need lumber, concrete pad or lay down papers. Mr. Bryant stated for a top end 18 hole it would take an estimated \$30,000 investment and that he could fund raise approximately 9,000 and \$500 to sponsor a hole and discussed other means such as grants available and specialty items he personally had to auction off. Following a lengthy discussion, the Commission thanked Mr. Bryant for coming in. In the meantime, if Mr. Bryant's power point presentation had so much information included that if he could send it to the Commission to digest they would certainly appreciate it. He conveyed that he would. No decision was made by the Commission at this time.

Appearing before the Commission - Summersville Fire Department Assistant Chief Brian Bell and Lieutenant Gene Ferguson, Sheriff William Nunley, Chief Deputy Johnny Evans, Deputy Sheriff Sergeant Bobby Holdren Chief Probation Officer David Sales, Circuit Court Bailiff Deputy Paul O'Dell, Office Deputy Chief Shannon Bailes, Prosecutor Paul Williams and Jamie Baker, wife of fallen Deputy Sheriff Sergeant Tom Baker

Assistant Chief Brian Bell being the spokesperson on behalf of the Summersville Fire Department presented to the Nicholas County Sheriff's Department a very elaborate encased shadow box to the Nicholas C containing the flag that was flown when Sergeant Baker was brought home and during his funeral possession among other items In Memory and In Remembrance of Tom and his service and call of duty, and his sacrifice. Mr. Bell went on to say that they had this special made by an individual and inferred this was done in honor and in recognition of what law enforcement are met with on a daily basis.

Sheriff Nunley conveyed on behalf of his department that they appreciated it and that it certainly means a lot, especially throughout the communities, his family and friends. He went on to say upon getting moved into their new location it will be going up on the wall. Sheriff Nunley extended a heartfelt sentiment to Summersville Fire Department and thanked Mr. Bell and Mr. Ferguson and for coming.

President Cole stated to those present that it was very fitting and a very kind gesture and on behalf of the Commission he wanted to thank Chief Aldridge who couldn't be here and Assistant Chief Bell and everyone else who couldn't be here, and look forward that Tom continues on in multiple county facilities moving forward.

In the Matter of: Renewal of Contract for office space for the American Red Cross

Appearing before the Commission - Kris Warner, Executive Director, West Virginia Economic Development Authority

Mr. Warner appeared to give an overview on what the West Virginia Economic Development Authority has to offer. The mission of the WVEDA is to provide financial assistance and credit enhancement enabling a favorable environment for job creation and retention for business in West Virginia and presented a power point presentation. Nicholas County is one of twenty counties out of 55 counties who have not taken advantage of any of the programs that WVEDA has to offer. The power point presentation is being attached to be made apart of this record.

Following Mr. Warner's presentation, President Cole stated there is always a push and as the youngest member on the Commission, most people his age no longer live here and have moved on to what they believe to be greener pastures. But we are talking about employment within the state, and having the fastest growth within our states history. Our GDP is higher than everyone else within the state, our personal income is growing faster than everyone other than Ohio, he conveyed to Mr. Warner that commission meetings usually are doom and gloom and we deal with a lot of hard decisions, but he found his visit this morning to be very exciting and quite frankly energized him this morning to make Nicholas County one of the red or blue counties on the map he presented. President Cole inquired how can the business community reach out to his office. Mr. Warner left

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business cards to be given out. The Commission thanked him for coming in.

At the request of President Cole:

- request for proposals on new portable radios
Sitting in: NCDHSEM John McGinnis via telephone, Sheriff William Nunley and Chief Deputy Johnny Evans

It was noted for the record that the Sheriff department's portable radios life expectancy were maxed out and that the county's maintenance provider which is Two-Way Radio will not work on them any longer nor can they obtain parts. Mr. McGinnis noted that in working with the Sheriff and his department, over the past couple of months, they have been doing testing on radios and is believed by all that the Motorola Radio's which are the Apex 4000 Series would be the most beneficial to have for their department. They would need to obtain 30 portable's which would give each deputy one and 3 spares and give 6 portables to Mr. McGinnis office to use in emergency situations. He went on to say that he would like to put this out for bid with the Commission's approval, Commissioner Roberts moved for the Commission to approve the request of Mr. McGinnis to place the portable radios out for bid. Discussion - Mr. McGinnis stated that he would get the needed information to Ms. Neff by tomorrow morning. Ms. Neff inquired if anyone had checked to see if the portables they were looking at were perhaps under the State of West Virginia's bid contracts. If so, we would not need to bid this out. Following a brief discussion, the gentlemen conveyed they would further look into this. Commissioner Chapman inquired if the old ones could be used for trade value. Mr. McGinnis replied his guess would be no since the life expectancy of the portables has expired and parts can no longer be purchased. His plan was to perhaps find another county who would like to have them to piece together or to place them on Go Deals. President Cole stated for the record for the Commission to regroup on March 01 if the portables are not on the State Bid. Upon a motion move by Commissioner Roberts, he rescinded his previous motion. Discussion - none. Upon a move by Commissioner Roberts, if it turns out that the Apex 4000 Series portable radios are not under State Bid Contract, Director McGinnis has the consent of this Commission to proceed with publication in putting this out to bid and getting the details to Ms. Neff for advertisement. Discussion - none.

- request for proposals on ambulance coverage for under served areas of Nicholas County
Since Director McGinnis was already on the phone and he was last on President Cole's list to discuss ambulance coverage for Nicholas County, he was bumped up to discuss this agenda item. In preparation of this meeting, both he and Director McGinnis met with the ownership and management of Redi Care Ambulance and Jan Care Ambulance who currently service Nicholas County to prepare them what we were looking for. We talked to our legal counsel who suggested we advertise this in form of a request for essentially what these companies believe they can provide should the Commission be willing, have too or may have to consider any kind of subsidy to get the kind of coverage we need countywide. President Cole went on to say that this is not a commitment of any kind, but rather to see what types of service might need to consider in order to obtain adequate coverage. Director McGinnis concurred with President Cole, and that he would definitely like to request along with assistance from legal counsel to advertise a proposal for service that this was not a bid, and stressed the advertisement would be for any EMS provider who would have an interest in providing additional service to Nicholas County. And for any company who may be interested to contact Mr. McGinnis to set up a meeting, President Cole noted he was fine with that but first we should define the areas where we deem added coverage is needed. President Cole noted the areas he was looking at was Nettie, Fenwick, New Hope, Richwood and Leivasy. Director McGinnis noted he would like to have any interest parties to contact him before March 3 and then meetings can take place through March 22 and come back during the Commission's first meeting in April to discuss any proposals received. Director McGinnis conveyed he would work this through our legal counsel and before turning it over to Ms. Neff for publication. Upon a move by Commissioner Chapman, the Commission authorized Director McGinnis approval to proceed. Discussion - none

- Richwood Community Center basketball floor project
Appearing before the Commission - Cory Chambers, Liaison to the Board of the Richwood Community Center (formally the Armory)
Mr. Chambers appeared seeking financial assistance for its community center's basketball flooring project. He conveyed they are now in their 3rd year of remodeling the former Richwood Armory which has proven to be quite successful. Currently the floor is concrete. To make it look more visually appealing, they did paint the floor by receiving a grant from Lowes. However, about six months ago they started a fund raising campaign for flooring for a basketball court and have reached

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the point where they feel comfortable at looking at bids from companies. They have raised just under \$98,000 and have a few more asks out to local companies who may want their logo added to the flooring. Currently, they have been dealing with the Cincinnati Flooring Company and the Ohio Flooring Company, both of which are highly reputable gymnasium install companies and have been around since the early 1900's. Both companies have done installs in West Virginia, He noted that they were leaning toward Cincinnati Flooring. They are looking at synthetic flooring which would range between \$125,000 to \$135,000 or hardwood at \$140,000 to \$155,000 of which both include install to cover 75'x100'. Mr. Chambers also noted that if the flooring was to be used for other things other than sports such as ramp feeds, arts & craft shows, etc.. he had a floor cover added in with the price which is an additional \$5,000 to \$7,000 purchase. Commissioner Chapman inquired if they had a moisture test performed? His response was no. A study was also done to coincide with the type of heating of the building with good results. They were told there would need to be some re-leveling of certain spots of the floor in the concrete and certain areas needed to meet ADA criteria, but as Commissioner Chapman had pointed out, there would be a moisture barrier put down. Mr. Chambers wanted to thank the Commission for its past support to the Armory project in funding close to \$50,000 of needed repairs. His request before the Commission was for them to consider granting this project proposal \$30,000.

Commissioner Chapman inquired if these were the only two options that they had looked at and Mr. Chambers replied yes. He went on to say that there to be other options available and that his company puts down similar types of flooring that looks like hardwood for half that much. He gave Mr. Chambers a couple of places in Nicholas County, one at New Life Christian Academy and Gilgal Methodist Church and encouraged him to look at them because Mr. Chambers could probably get his project done for \$75,000. He went on to say the estimated cost from both companies in his opinion were a little high, but ended by saying that he has worked along with both companies, with each being very reputable companies.

Commissioner Roberts conveyed as he recalled there was other issues as he recalled that was a major concern, that being the roof and perhaps and due to the cost at the time, rather than to replace it, it was their decision to patch it. Now, the Committee is coming back to us wanting a additional funding to put down expensive flooring while no one know at what point additional problems will occur with the existing roof or even the area that was patched. Mr. Chambers conveyed in all honesty, that roof will need to be replaced within the next two to three years. Mr. Roberts believed that should an emergency situation would arise unexpectedly, that the Commission would be made to feel that they were locked into helping to fund the roofing project. Mr. Chambers conveyed that both he and Mary Jane Williams are getting very good at writing grants and identifying other state agencies. If all goes well, it is they're hope so as not to come and bug the County Commission for additional funding.

President Cole conveyed it would acceptable to him to go with the synthetic or to table this for one meeting, thus allowing the others to collaborate and look at the floorings mentioned, but he did want to make a decision by March 1.

Commissioner Chapman stated he would like to just table this matter for consideration.

President Cole stated to let the Commission table this until March 1 to make a decision. Mr. Chambers conveyed that he will be out of town on our next meeting so someone else may be attendance representing their Committee.

Upon a move by Commissioner Roberts, this matter was tabled pending some talks from different companies and price points. The Commission will take this matter back up on March 1.
Discussion - none

- Nicholas County Fair and Richwood's Cherry River Festival - financial request

President Cole asked Mr. Chambers that he may want to stick around for this agenda item. Mr. Chambers thanked the Commission on behalf of both the Nicholas County Fair Association and Cherry River Festival for last years support. He eluded there were things happening in the background concerning the Nicholas County Fair that he did not want to speak on, however, it was his request that the Commission give its utmost consideration to both entities for monetary assistance in the amount of \$5,000 each for the upcoming year. Following a brief discussion, upon a move by Commissioner Roberts, the Commission tabled this matter until March 1.

Wayne Acord who was sitting in observing the meeting asked to speak and was given three minutes. He conveyed that he was a past member of the Nicholas County Fair Association and served on its Board of Directors for many, many years. He happened to notice on the website page that it read that due to lack of ample members, volunteers and a very serious illness, it is with heavy heart and much regret, it is announced that the Nicholas County Fair Board has been dissolved immediately. Mr. Acord conveyed he was upset about it. He conveyed that he would venture to say there to me a lot of people upset because he was not aware of anything being sent out or posted

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saying that they were having a meeting or - nothing indicating what anything was even about. He spoke to Brian Sparks who is the Nicholas County Cooperative WVU Agriculture Agent who was upset as well. He was questioning if in fact the Fair Association was in fact dissolved and stated when he spoke with Jennifer Coffman, she told him that she had sent everything to the Secretary of State Mac Warner's office. When getting in on the website, he did know that the Fair Association's 501c3 status was pulled at the end of December 2022 due to failure of filing their year end report. They failed to file in 2019, 2020 and 2021. Because of this, as far as he knew, the county can no longer give the Nicholas County Fair any monetary assistance. Mr. Acord stated that wasn't the reason he was here. The fair began in Nicholas County around 1915 and became chartered in 1923. The Nicholas County Cooperative Extension Service through its Agents and staff offers many programs, and camps which help children who have a desire to exhibit their work and receive recognition awards and an opportunity to move onto the State Fair. He believed had it been advertised, that enough people would have come together to say we do not want this to go away and what can we do to help. He did want the Commission to know that the Fair purchased the bleachers that are there as well as the stage, and he understood there to be a large sum of money that the fair board had in an account. Another option was if someone thought they could not do their job, then it would be time to step aside and let someone else step up.

Commissioner Chapman conveyed that they learned about it when he learned about it and that they have been upset about it as well, probably Commissioner Cole more so, as he has been working around the clock trying to bring certain people together just to talk. Mr. Acord's concern was if she did submit paperwork to dissolve the Fair Association and what about the State pulling its 501c3 status.

Attorney Tucker noted that was a huge concern of his and the sooner that was dealt with, the better.

Commissioner Cole noted he was glad that Mr. Acord had stopped in this morning. He was an officer on the Board for 36 years, but served as a volunteer even longer.

- Nicholas County Veterans Memorial Park - audit assistance

President Cole explained to the Commission that while he tried to have the Park included in with the county's audit for Fiscal Year ending 2022, like the Landmark Commission and Building Commission are, he was unable to do so. In addition, as it turned out, the park was also three years behind in having its audits prepared. Therefore they had to go through the State's requirements and solicit at least three companies from a list of qualifying companies, solicit proposals, rate them through their selection process. Upon going through the scoring process it was the Parks and Recreation Commission's recommendation to hire the firm of Ferrari & Associates, PLLC from Morgantown, WV with their fee being \$3,000 for each year - FY 2020, FY 2021 and FY 2022.

- Nicholas County Veterans Memorial Park - roof request

President Cole informed the Commission that roof on the Park Manager's House is in bad need of replacement and that the Parks and Recreation Commission did solicit three estimates in getting this done. One contractor was from Webster County while the other two contractor's were from Nicholas County. The estimates came as follows: Brian's Home Improvements, Inc., from Summersville with a bid of \$8,500.00 / Mountain Technology Resources, Inc., from Erbacon with a bid of \$ 9,931.89 / All Pro Contracting LLC from Canvas with a bid of \$15,500.00. It was being recommended to go with the lower bid of Brian's Home Improvements in the amount of \$8,500.00.

- Nicholas County Veterans Memorial Park - stadium parking lot

President Cole mentioned that not since Commissioner Neal has been with the Commission has there been anything done to the parking lot behind the stadium which is included in our part of the Lease Agreement with the Board of Education. He went on to say that the Parks and Recreation Commission did receive a bid on that which amounted to \$4,900 to break down all the chug holes, resettle it and then gravel off the entire area. The Board asked for this to be rushed as well as the track season begins February 22. The bid received was from Holcomb Home & Excavating.

Following discussion concerning the above three bullet points concerning park matters, upon a move by Commissioner Chapman, the Commission approved the recommendations as presented by President Cole. Discussion - none

Appearing before the Commission - Mark Whitley representing Roane and Jackson County Development Authority

Mr. Whitley informed the Commission that in conjunction with seven counties, they developed a partnership to extend 288 miles of broadband from Jackson County to Webster County. As they

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were finalizing their plans, it would appear that they would be impacting 2.6 miles of the western end of Nicholas County that could impact approximately 144 households. When asked in what vicinity of our county and he responded by saying around the Dixie and Bintree portion that's considered in Nicholas. Of course, they would own the system. He noted that the State Broadband Council like to have and hope to have from their lawyers this week a MOU and Resolution from Nicholas County Commission allowing them to come through that area. There is no financial liability whatsoever, while noting that Roane County is covering the matching money for this \$17 million dollar project of approximately \$6 million dollars. Mr. Whitley went on to say they are hopeful that construction will be able to start early next year, with all of the detailed engineering being finalized in December 2023. He noted that the Governor wants that money spent in 2 ½ years. He did say that they plan on using the utility poles.

Commissioner Chapman asked for a copy of the Agreement of which Mr. Whitley said their lawyers should have it to them by the end of the day. He noted that we perhaps may request for it to be changed as we may want to own part as well. Mr. Whitley indicated that he would make a copy available. The Commission thanked Mr. Whitley for stopping in with this update.

Appearing before the Commission - Cassandra Lawson representing Region 4 Planning and Development Council, Libby Coffman, T. G. Griffith and Alvin Rose representing Birch River Public Service District, and Kenneth Kinder, Engineer, CFM and W. D. Smith, Project Manager with E. L. Robinson

Mrs. Lawson conveyed that the Birch River PSD is undergoing a waterline extension project called Wilson Ridge that runs across a ridge line that flows through Clay, Nicholas and Braxton County's. The construction of the project is almost 100% complete. This project was funded in 2018 through the West Virginia Infrastructure Development Critical Needs Grant in the amount of \$800,000. The project is expected to exceed the grant by \$45,000. The reason for the overage is after the project went to construction, the Department of Highways requested more shoulder stone than what was originally stated in their permit, that also increased construction time of about two weeks, which also resulted in an increase in engineering fees for inspection services. There was also some pressure reducing valves (PRV) needed at several of the individual meters/households that were not anticipated as well. Mrs. Lawson went on to explain because this occurred in three separate counties, the Birch River PSD is going before each County Commission to see if each would be agreeable in providing supplemental funding based upon the number of residents that commission has impacted by the project. Nicholas County has 4 residents which points to 15% of the customer base with our cost share coming in at \$6,750. When asked if the group has been to the other two counties yet and the response was they have a meeting with set with one coming up the week after next. Following discussion, President Cole conveyed he believed that this was fair and equitable in how they were going about it. Attorney Tucker noted that we should perhaps get Senator Deeds involved in this matter to address this matter with representatives at the Division of Highways. There is no way this should have by-passed 3 different regional DOH District's in permitting this project without including the additional gravel and work into the permit granted through their department, as the scope of work to be performed was quite explicit from the onset of the application itself.

Commissioner Chapman moved to table this to the next meeting and meanwhile explore other avenues while waiting to hear back from the other two county's. Discussion - none.

Upon a move by Commissioner Chapman, the Commission tabled making its decision until its next meeting to be held on March 01, 2023 to learn how the other two counties plan to proceed. Discussion - none

COMMISSIONER'S COMMENTS:

President Cole stated for the benefit of the public that the county's ARPA Funds are in fact dwindling down . We have contributed to water projects, made improvements to our parks, worked on special projects with both cities, contributed to 501c3 organizations needing assistance. But at some point the checkbook has to close. He would ask for organizations and groups to keep this mind in as we move forward.

In addition to the comments made earlier today concerning the Nicholas County Fair Association, President Cole wanted the public to know that he is committed in seeing the fair through. Anyone interested in becoming a member go online to their Facebook page to show your support. He noted it is a worthwhile organization and hope by working together we can make something happen.

Commissioner Roberts just had a couple of comments to add to what President Cole had just


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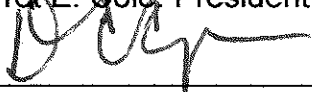
expounded upon. Concerning the ARPA Funds, he did know that they could not be used on recurring costs.

Concerning the fair there is a common misconception that the Nicholas County Commission has oversight of Fair matters. This is false. The Nicholas County Fair Association is an entity of its own and chartered as such. Serving on this Board or any board comes with great responsibility and commitment and is not to be taken lightly. But the end result can be very rewarding


Being no further business to come before the Commission, the Commission hereby stands adjourned until Wednesday, March 01, 2023.



Garret E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Patricia Neff
Administrative Assistant

Document Attached:
Power Point - WV Economic Development Authority

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The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, March 01, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. (via Zoom) Also, present was County Commission Attorney Greg Tucker.

PUBLIC COMMENT PERIOD

It is being noted for the record that no one appeared during this segment of the Commission meeting.

It is being noted for the record that the 2023 Board of Review and Equalization minutes and the minutes of February 15, 2023 were not available for approval.

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Roberts moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

President Cole noted that we have an appointment open for the Historical Society & Genealogical Society Representative. Mr. Joseph R. Strickland filled the unexpired term of office expiring on February 22, 2023. This office is for a one year term only. Commissioner Chapman moved to reappoint Mr. Joseph R. Strickland to this position expiring on February 22, 2024. Discussion - none

Appearing before the Commission - Mr. Pete Conard of Richwood Convention and Visitors Bureau and Ms. Tracy McCoy Executive Director of the Summersville Convention and Visitors Bureau regarding Richwood Convention Visitors Bureau update on status

Mr. Conard stated that he was present here today to give the Commission updates on their last Richwood Convention Visitors Bureau board meeting. He noted that they decided, as a board, to dissolve the operations of the Richwood Convention Visitors Bureau, with a stipulation of a probation process and let Nicholas County move forward with the process, because it is easier to have one County Visitors Bureau rather than two. He is here to say that they are dissolving their Convention Visitors Bureau operations as of February 07, 2023, so that Nicholas County can move forward with whatever progress we can do. Mr. Conard asked Ms. McCoy if she had anything to add and she declined. President Cole inquired of Mr. Conard if there was an update of the discussions back and forth between both boards, moving forward. Mr. Conard noted that was part of the reason to just make it easier and they did have several meetings, but rather than drag everything out it would be easier to dissolve what they have, because basically they have nothing to bring to the table. He went on to say that it would probably be simpler to dissolve and let the county move forward with one Convention and Visitors Bureau, because if they keep going meeting after meeting it is kind of pointless. Nicholas County Convention and Visitors Bureau would have all the funding and the whole county would have better representation with all of the promotions and help from the Commission. President Cole thanked Mr. Conard and Ms. McCoy for coming and giving the Commission an update. President Cole asked Commissioner Roberts if he had any questions. He stated that he just hoped that once we move forward with the Visitors Center that contributions will be from representatives throughout the county.

In the matter of the Estate of Gerald Paul Tinney, File #10453 regarding an objection to current appraisal. Present were: Christina Tinney, Administrator Jack Tinney, Miranda Brown, Jessica

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Grimmitt, Attorney Larry Harrah, II, Esq. and Deputy Clerk Brandi Brown representing the County Clerk.

President Cole requested those present intending to speak be sworn in before beginning this session. Clerk Brandi Brown stated that on January 18, 2023, Mr. Jack Tinney, who is the executor of the Will of Gerald Tinney, brought in the receipts and disbursements for final settlement and on that same day the County Clerk's office sent out letters to the beneficiaries notifying them they had ten days for any objections. Clerk Brown stated that within the ten day time frame, the County Clerk's office received an objection of the Appraisal filed through Ms. Miranda Brown's attorney Mr. Larry Harrah, of Harrah Law Firm. Mr. Harrah said he filed an objection of the Appraisal in this matter, on behalf of his client Miranda Brown. He stated that his client is an heir of Gerald Paul Tinney Jr. She is the daughter of Gerald Paul Tinney Jr. and the granddaughter of Gerald Paul Tinney Sr. He went on to say that Mr. Gerald Paul Tinney Jr. passed away prior to Mr. Tinney Sr. and, therefore through the Last Will and Testament, his client and her sister became heirs of, both, Gerald Paul Tinney Jr. and Gerald Paul Tinney Sr. He added that there was an appraisal filed in this matter and they believe that it is, based on his client's information, not complete. They believe it is not accurate and they would ask that this matter be referred to a Fiduciary Commissioner, so that they may have further hearing on this matter and be able to engage in and determine what exactly Mr. Gerald Paul Tinney Sr. did have, at the time of his death. He noted that Real Estate is listed and nothing else. His client believes, and she will testify here today that there were certain other assets, through the estate that should have been listed on the Appraisal form, and she has not been apprised of any information whatsoever regarding what she is entitled to and when she has attempted to find out, she has been met with severe hostility from certain individuals, so they believe the only way to move forward is to set up a hearing, in front of a Fiduciary Commissioner. He asked the Commission if they would like for him to call his client as a witness today. County Commission Attorney Greg Tucker said that they could see what the response is and then they can go ahead. Mr. Jack Tinney said his response is that the day before Mr. Gerald Paul Tinney Sr. died is when he took over and that is all that was there. Ms. Christina Tinney interjected that she has his bank accounts. She has every account that he had. She went to the bank and had it pulled up and she was the main beneficiary, sole beneficiary, they had a joint bank account. She said you can check with Coleman Funeral Home regarding his life insurance and it was beneficiaries and, upon their death, it went to those who remained and she has those, as well. She went on to say to meet somebody with hostility is kind of an inadequate response because she gave them the key to the house and told them to take what they wanted. She said she has cameras in the house now so that she can make sure, because her Dad lived alone, on Cranberry Road. After putting cameras in the house and watching them go through the house, she was pretty upset. Second of all, her father just passed away and she believes that she has a right to be upset. But, she does have bank accounts and life insurance and she is not certain what other assets that they think that he had, because he had a house, he had three pieces of property and none of them are liveable except one. One house needs torn down and it is going to cost her \$9,000.00 to get it down. She stated that he did not just die. She said they knew in March, probably today's date that he was going to pass. This was pre planned. He was told, at the hospital, that he was going to be put on a life vest. He was put on a life vest and it shocked him three times to keep him alive. She said we knew he was dying. This is not premeditated. He knew what he was doing. It wasn't like he died yesterday. He started getting sick the day his son died. He had a heart attack and he had been in the hospital since. She said she has all of his medical records. County Commission Attorney Tucker inquired as to if those items were put on the non probate inventory of the estate. She said she called the bank and she called Kansas City Life and neither one of those told her they were assets, because she was already the beneficiary. Attorney Tucker said he understood that, but there is a non probate portion of that Appraisal, that those things are listed on. He said he was just asking the question. She said she did not know about that, but she called to see if they went to the assets, and both places told her no, so she put zero. He said it would probably be non probate, but he guesses that is what they are wanting to see. She said she did not know anything about non probate. Attorney Tucker said based on what she is telling him, it is non probate, which means that it does not pass through the estate. He said he knows Larry and thinks he is an honorable man. If he will sit down with you, they will probably be able to resolve all of this. She said she is willing to talk with them, but she is not willing to give up things that weren't theirs to have. She said she actually has the guns that they are wanting and she actually has them registered in her mother's name and her father's name.

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She went and pulled from 2001. Those guns are not registered in their father's name and she has those guns, as well. She said she knows it is all about the guns. After further discussion, under advisement from Attorney Tucker, Commissioner Chapman moved to allow these parties time to consult privately. If they need another appointment, it will be on the next County Commission meeting on March 15, 2023. Attorney Harrah said, after checking his schedule, he needed to be in Roane County, in Circuit Court, on March 15, 2023. Commissioner Chapman said, how about you meet and if you do not resolve this matter, you call Administrative Assistant Patty Neff or the County Clerk's office. Discussion - none

Appearing before the Commission - Kayla Farley Animal Shelter Manager regarding discussion concerning additional help at the Animal Shelter.

Ms. Farley said that they are running into the issues of needing extra help regarding several different things. She noted that some of the reasoning for need of help concerns when an employee is on a shift alone and if any calls come in regarding stray animals, the Animal Shelter has to close down while that one person goes out on the call. She went on to talk about handling mean dogs alone and said they have to do that quite often. She also discussed the situation when one of them needs to take time off, or one of them gets sick, they do not have anyone to cover that time at all. Another situation concerns one person being at the shelter alone on Saturday. She also brought up the situation concerning working with Rescue Transports. Some Rescues want to do their transport on Saturday, which entails one person loading however many animals being transported. She went on to say if they had the extra help that person could go on and do the transport, while the other person remained at the shelter. She noted that it could definitely be a part time person. She conveyed that she was thinking about moving Jessica Meadows, who is a full time person, to Tuesday through Saturday and off Sunday through Monday and if they did get a part time person it would be Saturday, Sunday and 8:00 a.m. to 1:00 p.m. on Monday. She stated that it is hard to find a part time person for those certain days, but they have been able to find somebody that is willing to do so. President Cole stated that what he might recommend on this matter is that we are getting ready to work on our budget process, and that would give the Commission time to look over numbers, as to what the potential cost would be, and then they can discuss it more during the budget hearings. He said he was willing to hear her out and see what they can come up with potentially. Commissioner Roberts said that he thought that something they could look at with this situation is maybe limiting the hours on multiple days a week or every day of the week, like if the shelter is open from 8:00 a.m. to 4:00 p.m. or 8:00 a.m. to 4:30 p.m., the shelter would not open until 9:00 a.m. or 9:30 a.m., that would facilitate paperwork, cleaning and additional things. He said he did not think it would have that much of an impact if you trained the people that come in to say that they are not open at 8:00 a.m. anymore they open at 9:30 a.m., and that would give you the hour and hour and a half to two hours to get the work done in the morning and maybe off shift that type of work. But, maybe another alternative is for the transports, he said that he is not actually a huge fan because he knows how the shelter is originally set up to actually function, so we are going above and beyond for those transports and maybe we could hire somebody just for those days to take dogs down verses a full time employee. He noted that there were a couple of things that we could do to minimize some of those procedures and one of the suggestions that he had with Kayla, when he talked with her the other day concerning the phone calls, is that he would encourage people via a voice mail message not to leave a message, but to call back in an hour, that way it puts the ownership back on them because they are going to remember to call back if it is something that is urgent to them. He said this was just maybe a few things that we could take into consideration. Ms. Farley noted that the way that they do things there is that they go in at 8:00 a.m., so that way they get everything cleaned etc., so that they can be open by 10:00 a.m. to be open for the public and they are there until 3:00 p.m., and that works pretty well, but like she said if there is just one person it is just a lot. After further discussion, President Cole said that they will take this under advisement and try to figure something out when they meet March 07, 2023 for budget, and try to figure something out.

Appearing before the Commission - Mrs. Robin Bartlett Director of Richwood Public Library regarding a heating system.

Mrs. Bartlett noted that their heating and cooling system is twenty years old. She has had problems with the cooling system countless times over the summer and then it started with the heating this year. She stated that she would like to get both of them replaced, because it is just a matter of time before the AC goes out too. She said she would settle for one, but she knows she is going to be back this summer saying she has no air conditioning. President Cole inquired about the quotes Mrs. Bartlett brought with her today. He asked her if all of the quotes were heat and air? Mrs. Bartlett said yes except the one for \$30,179.00, because they quoted for two units. She marked on that quote one unit would only be \$6,896.50. President Cole asked for clarification that these

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quotes were for the whole building, all done, and all in and she said yes. He also asked her if she knew how much she has to have to get her state match and she said she only needed about \$2,500. Commissioner Chapman asked Mrs. Bartlett, again, if each of the quotes were for one unit except the one for two units. She said yes except for the one proposal where she wrote on the side that one unit would be \$6,896.50 and that quote would be just for the heating unit. She added from what she has looked at Alpha Construction, Inc. is the lowest bid, and he is the one that has been taking care of her heating system for the last twenty years, and he has been amazing. Commissioner Chapman said he did a heat and air proposal and Mrs. Bartlett said that he did one for heat and one for heat and air. Commissioner Chapman moved to digest the proposals and wait until Commissioner Roberts is back to make the decision. Mrs. Bartlett asked if she was the one that got to make the decision as to whom she uses and President Cole said they go by the lowest bid. Commissioner Chapman said that they will give her the money for the lowest bid and it is up to her to decide. President Cole said that they will table this until March 15, 2023 and will get her back on the agenda.

At the request of President Cole:

1) Discussion on the Richwood Community Center Floor

President Cole noted that it is his understanding that no progress has been made on the other alternative floorings. He inquired of the other two Commissioners as to if they had heard anything differently, and Commissioner Chapman said he had not. President Cole said that he is not sure that we really have much to discuss here today, unless the other two have anything. Commissioner Chapman stated that we do not have the money to do it. He said there is not really anything to discuss. President Cole inquired if they wanted to table this matter for a while or motion to reject, or anything, or wait and see if we get anything other than the two quotes that we have. Commissioner Chapman said, in his personal opinion, rather than kick it down the road because we do not have the money to do it close the matter and Commissioner Roberts agreed. President Cole inquired of Commissioner Chapman or Commissioner Roberts if they wanted to make a motion or move onto the next. Commissioner Roberts moved to reject the bid as is currently and revisit this after alternative bids have taken place and come back. He added that maybe they could have a side discussion and explore some other options and get a different direction on this. President Cole said that hopefully they will be able to bring something better to the table and we might be able to do something else, or they might already have the funding. Decision - The Commission unanimously agreed to table this matter to a future date and perhaps look at additional bids down the road, along with possible additional funding avenues.

2) Revisit Portable Radio request

Sheriff William Nunley presented the Commissioners with a quote from Motorola Solutions for new portable radios for his department, which is under state bid. The quote amount is for \$103,336.50, for APX4000 series, for the sheriff's department an E911, which includes the following: APX 4000 UHF R1MHZ Model 2 portable (30) for \$48,272.40; ADD: ADP ONLY NON-P-25 CAP COMPLIANT) (US ONLY) (30); ENH:3600 OR 9600 TRUNKING BAUD SINGLE SYSTEM (30) for \$35,748.90; ADD: TDMA OPERATION (30) for \$10,246.50; ADD: 3 Y ESSENTIAL SERVICE (30) \$3,990.00; ADD: CHARGER, CHGR DESKTOP SINGLE UNIT IMPRES EXT PS US/NA/TW (30) for \$1,846.80; MICROPHONE, IMPRES RSM, 3.5MM JACK, IP55 (30) for \$3,231.90. President Cole noted that he understood that this is a sizeable amount. However, our Coal Severance is up. He added that he does want to support this project, because we have kicked this can down the road for twenty five years as a county. He explained that these radios will work with our current out of date system and will obviously work with our new system. He noted that our fire departments and deputies have told many stories about communication issues, with a lot of them going back to radios older than himself. He conveyed that we do have other options of payment than Coal Severance. Commissioner Roberts for asked for clarification just for his own understanding as follows: 1) These have forward growth in them, we our not locking ourselves into current technology. If in the next three, four or five years, hopefully technology will not surpass these radios. President Cole inquired of Sheriff Nunley if these were the most up to date that they could get from Motorola and he responded yes. 2) He brought up the possibility of recouping monies by selling some of the older radios, so that this could be offset slightly. President Cole commented that is right, but the two systems are so old that we cannot count on a cash cow, but we could retrieve something. 3) He noted that a lot of people have been talking about the response time and things like that and he thought that would definitely bring value by adding to the response time, clarity in communications, increase in response time to directions to call areas. Sheriff Nunley added that they have actually physically tested a radio demo of one of these Motorola and it worked very well. Commissioner Chapman said that he always hears Director

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McGinnis talking about when there is a fire or something, the men will always ask for him to bring them batteries. He inquired of Sheriff Nunley if they will personally be purchasing any back up batteries or should this be added? Sheriff Nunley stated that he would imagine that Director McGinnis would have figured this in somewhere, because he generally has a mobile charging station down at E911, where they switch out batteries. After further discussion, Commissioner Chapman moved to accept the quote presented today and they will find a fund to pay for these radios. President Cole said that they needed to decide which fund to take the \$103,336.50 money from and Commissioner Chapman said to take the funds out of the EOS funds. Discussion - none

3) Revisit Fair and Cherry River Festival requests

President Cole noted that there is a meeting tomorrow concerning the Nicholas County Fair and he requested that they just table this matter and wait and see what happens at that meeting. Commissioner Roberts said, as far as the fair, he felt they were up in the air on that a little bit and then the festival. He asked the question, as far as the money goes, is this a need or for the continuation, just because it took place last year? He added if it is a need, he would like to revisit it. If not, he would like to get it off the agenda and be done with it and move forward. President Cole stated that until they get a proof of financials, he did not feel he could answer that question. He said he believed it was probably going to be a need, but they can ask for a financial statement to see. Commissioner Chapman added along with the financial statement, they would also need a formal letter. President Cole said that he would ask for a formal request with an amount, because they did not state an amount. The Commissioners unanimously agreed to table this matter, one more time, until a financial statement with a formal letter requesting a stated amount, from the Fair Board, has been received.

4) Red Cross Lease

Regarding the Red Cross Lease, Commissioner Chapman moved to just let President Cole handle this lease and the Commission will stand behind whatever he decides to do. Discussion - none

5) Discussion on Earmarks

President Cole conveyed that concerning the earmark process, they are coming up on the deadline very quick. He does believe that the county needs to apply for, not just anything, but the things that we believe would be good candidates for this. He believes that we need to apply to both Senators. He feels this is a tactic used by multiple cities and counties. A few of the projects that he thinks that we need to consider concern the exterior of the courthouse, which the State rejected previously, because they wanted it to be interior of the building. Perhaps that could be its own earmark. It is not a large request, it might not have the wow factor to the Senate staff, but hopefully they would understand. Commissioner Roberts interjected, it would help to send them some photos. President Cole also wants to discuss E911 equipment. The Commission agreed to discuss this matter further, when they meet with Cassandra Lawson Senior Project Specialist of Region 4 Planning and Development Council, who has a scheduled appointment coming up next.

6) Regarding the Ordinance that was adopted on February 01, 2023, concerning the Nicholas County Enhanced Emergency Telephone System - Motion to amend said ordinance in order to change the effective date from February 1, 2023 to May 1, 2023.

President Cole noted that this matter is regarding where we considered and inevitably raised the landline fee, in the county. The State Public Service Commission requested that we amend this Ordinance to go from an effective date of February 01, 2023 to May 01, 2023, to give time for the companies, Public Service Commission, and for the cable companies to have adequate time to be notified of this increase. He asked if we amend the Ordinance do we have to have the three readings again? Attorney Tucker stated that you do have to give them a thirty day notice. Commissioner Roberts added that if we make an activity date on our end it does not mean it has to be implemented. We could actually make an activity date now and whatever the date is and let them roll out on their own platform. In other words, the authorization has passed, but the implementation has not occurred. Administrative Assistant Patty Neff agreed with Commissioner Roberts. She added that according to the lady that she spoke with, at the Public Service Commission, she indicated that we went through all the proper procedures, when we enacted our Ordinance. The only thing we felled to do was notify the carriers that there was going to be a rate increase, because of that, we needed to send out a letter notifying them that the fee was going to be going up for the E911 surge charge, from \$3.50 to \$4.75, in Nicholas County only, and provide them with a copy of our Ordinance. Therefore, we need to amend our Ordinance. Attorney Tucker asked Ms. Neff if our Ordinance has a start date in it and she said yes. She went on to say they are not amending the fee, just extending the dead line of the implementation date. Commissioner Roberts moved to notify the public, of the

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proposed amendment, which will allow cause for the 30 day notice to take place and then a hearing on the April 05, 2023 meeting, concerning this change of the effective date. Discussion - none

7) Park Drainage Issue

President Cole noted that there is a drainage issue at the Nicholas County Memorial Park that needs to be discussed this morning. He added that Commissioner Chapman has met with a couple of excavation companies about this issue. President Cole stated that the drainage problem is at the Senior League baseball field and the walkway into the concession area. With the park drainage reconstruction, it has brought about flooding in that area. Commissioner Chapman added that when they opened the ditch it brought about drainage coming down the hill and covering the walkway in mud. So, what they want to do is put a drain from the dugout and intersect it at another area and then take a pipe down to the drain behind the bath houses. Commissioner Chapman stated that the cost to complete this project would be \$4,990.00. Commissioner Chapman moved to eliminate this drainage issue and for the money to come from coal severance. Discussion - none

Appearing before the Commission - Wilderness PSD regarding financial request for a water pump.

President Cole inquired of Mrs. Lawson if she was here today representing Wilderness PSD and she responded by saying no. Commissioner Chapman stated that the Wilderness PSD does not need the additional money for the water pump now. He added that he was told last night that their bid came in under bid so they no longer need the funds for the water pump. He noted that they do still need to have a discussion as to what their bids were. However, their appointment has been cancelled for today.

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council regarding Nettie Leivasy PSD - Generator Project funding request.

Mrs. Lawson noted that the Nettie Leivasy PSD is a recipient of a Congressionally directed spending request for a generator at their raw water location, where the water is taken from the river and pumped to the plant, therefore that provides a redundancy for that pumping station. This situation is similar to what Birch River came to the Commission for recently, while it was funded just through one of the states regular programs. While the Congressionally directed spending request provides seventy five percent of the pot, and the state matches that at twenty five percent. As a requirement to secure the twenty five percent, they are required to vet other resources at a local level to provide those matching funds. She added that the Nettie Leivasy PSD is not able to contribute monetarily. Mrs. Lawson said should local funding not be available, it is their understanding that the state will supplement those funds. She stated that it is her understanding that this is located in an isolated area of Panther Creek that you would probably not be able to see from the roadway. Commissioner Chapman stated that he did not feel that they have the money to fund it. Therefore, he moved to decline the request. Discussion - none

Follow up to 5) Discussion on Earmarks

While Mrs. Lawson was still present, the Commission went back to number 5 of the discussion on earmarks. Sitting in: Lindsay Brady - President Cole noted that he has talked to Senator Capito's staff about the outside of our courthouse facility, such as the sidewalks, fascia, soffit and things of that nature need a lot of repairs. He added that we go rejected by the state because the State Courthouse Facilities Improvement Council said they wanted to do inside the courthouse, but it was only just a few dollars more than \$100,000.00. He asked Mrs. Lawson if that would be forth while for us to put in for? Mrs. Lawson said it is worth pursuing. She went on to say that the way the earmarks work is that you submit them under existing agency programs, and the one that they have found that is kind of the most broad is under HUD and it is like economic development. She noted that there is a community facility's option under USDA, but she thinks it requires a match. She added that is a really good thing about HUD is that it does not require a match. President Cole asked her how much the match would be under USDA and she said she was not 100% sure and she would have to look to remind herself. She said that it would be a good idea to ask Todd Gunter, which he thinks would be the best program to apply under. She went on to say that she did not think it was necessarily a bad thing to go after small projects. She added that they recommend submitting to both Senator Manchin and Senator Capito, because what they have kind of seen is when you submit to both of them, at the end of the day they are kind of splitting those up between the two. She went on to say that they could probably help with this project. President Cole noted that we have our Grant Coordinator here today, Ms. Lindsay Brady, and he asked Mrs. Lawson if they could partner up with us to make sure time frames are met, and any council she might be able to give us, which included President Cole himself, Commissioner Chapman, Commissioner Roberts and Director John McGinnis, which will probably have questions as well.

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 1, 2023

Mrs. Lawson stated that with the application due in by next Friday, costs would be of the utmost importance. President Cole stated that we have the courthouse improvements from last year to go off of and E911 we have all the bids on all of the technology we can look through. After further discussion, the Commission thanked Mrs. Lawson for coming in today.

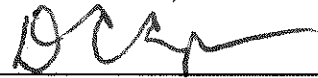
COMMISSIONER'S COMMENTS

It is being noted for the record that no comments were made during this segment of the Commission meeting.

Being no further business to come before the Commission, the Commission adjourned its meeting until March 15, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Mary O'Dell
Office Assistant

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 15, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, March 15, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present was County Commission Attorney Greg Tucker.

PUBLIC COMMENT PERIOD

It is being noted for the record that no one appeared during this segment of the Commission meeting.

It is being noted for the record that the 2023 minutes of the Board of Review and Equalization, the Minutes of February 15, 2023 and March 01, 2023 were not available for approval.

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Roberts moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

President Cole noted that we have an appointment open on the Wilderness PSD Board. Mr. Todd Dean's term of office will expire on April 1, 2023. Commissioner Chapman moved to reappoint Mr. Todd Dean, with term of office expiring on April 01, 2029. Discussion - none.

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council, T. G. Griffith from Birch River PSD, JoAnn Flynn from Craigsville PSD, Gary Robinson Superintendent of Craigsville PSD and Ryan Boustany Project Manager for Thrasher Group regarding:

1) Birch River PSD with Wilson Ridge Extension

Mrs. Lawson noted that the Birch River PSD is back before the Commission today, with an update on the Wilson Ridge Water Plant project. She said that, if the Commission remembered, the project exceeded the total amount allocated to it. Mrs. Lawson added that an error due to stone gravel requirements implemented by the DOH, after the contract was under construction, and also engineering inspection that was a direct result of that as well. She presented the Commission with a breakdown of the cost involved. She added that because this project serves residents in Clay, Braxton and Nicholas County, with 50% being in Clay County, 25% being in Braxton County and 15% in Nicholas County, the PSD has gone before each County Commission and asked if they could provide monetary support based on those percentages. She said the total anticipated overage is \$45,000.00, which equates to \$27,000.00 coming from Clay, \$11,250.00 coming from Braxton and \$6,750.00 from Nicholas. She conveyed that both Clay and Braxton have said, contingent upon the other remaining Commissions being agreeable, they are agreeable as well. Commissioner Chapman asked if any money would be coming from the State? Commissioner Roberts said that he went down and talked to Senator Woodrum, Senator Dietz and the House Majority Leader and he got nowhere with them. He said they all made calls and tried, but it is a done deal, which he thinks is absolutely ridiculous. He added that one thing he wanted to clarify is that this project is already done and Mrs. Lawson answered that yes it is already done. Commissioner Chapman inquired of Mrs. Lawson if she had a breakdown of what all of this is going to costs? Mrs. Lawson said she thought she had the final adjustment change order from the Contractor and that should indicate all the final quantities, however she was unable to locate it. She noted that the final adjustment change order has been referenced and that takes into account all quantities rather they were over or under and will show exactly what has been installed. She noted that what they might suggest, if the

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 15, 2023

Commission is considerable to considering this today, is to consider an amount not to exceed \$6,750.00, with the understanding that, if the project final cost is less than those percentages, they will be applied to the three individual Commissions, and this is the only amount that will be requested. She added that at Region 4 they usually start their billing in February so that in March they can know exactly how much administrative fees are left as well. That can also be applied to that amount and they may find that there is a little less than anticipated, but they will not know for sure until they get that final filing change. She noted that they just will not know for sure but they are just trying to be prepared. Commissioner Chapman said he really did not have a problem paying our fair share, but what is that fair share? He said, but why is this \$45,000.00 over? Is this something that the Engineering found, messed up, and did not get in the bidding? He said, "I want to see those things, because I did not make the mistake, and I do not think I should pay for somebody else's mistake." Therefore, he wants to look at what we are paying. Mrs. Lawson said that they could provide all of the documentation. She went on to say that eventually what happened was that an Engineer had anticipated only graveling the areas that had previously been graveled. But, once after construction, the DOH said no you are going to have to gravel it all. President Cole asked if the DOH had to sign on the initial proposal or was this not called for? Mrs. Lawson said it was her understanding that it did not call for it on the permit. With the additional gravel, it required the Engineering firm to be out on site two or three days longer. And, so any time a contractor is doing work for the PSD, an engineering inspector has to be out there to make sure they are doing it correctly, so that they can actually sign off on the work, and so that causes an increase to engineering fees to also increase. Commissioner Chapman, again, said he wanted to see the breakdown. Mrs. Lawson asked him, again, if he would be agreeable to offering approval not to exceed an amount, and then whenever the final adjustment change order comes to duration, they will schedule to be on our meeting? She added that they could actually provide the information in the meantime and then come before them to present the resolution. President Cole stated that he would have to recommend, like Mrs. Lawson said, approval of the \$6,750.00. He added that we are going to have to do it no matter what, and they have already gone to the other two counties who will be putting up \$27,000.00 and \$11,250.00. He noted that he did understand Commissioner Chapman's concerns and he is also concerned too on who made that mistake, but it sounds to him like the DOH changed their own tune, according to what Senator Dietz told him, and the three told Commissioner Roberts that they were not going to do anything about it. Mrs. Lawson said there were a few other change orders for other items, but there would have been sufficient funding within the project to cover those, so she just wanted to be clear on that. Attorney Tucker asked Mrs. Lawson if this is the first time the DOH has taken a position like this? Mrs. Lawson said no, they were actually talking about it out in the hallway, when Craigsville PSD did their Tioga project, the DOH required them to gravel some areas that were not disturbed at all, but they had actually bored underneath the road and DOH made them gravel. He asked her who actually got billed for the gravel? She said the contractor did the work so the billing is coming to the PSD through the contractor. Attorney Tucker said, "so the contractor paid and now he wants paid." Commissioner Chapman asked Mrs. Lawson if she could get the information he has requested by the next meeting? She said it depends on if the file adjusted change order is ready. She said it may be the following meeting on April 19, 2023. Commissioner Chapman said they can promise her a decision then, but for her to give him the information. President Cole asked her if this was going to hold up what they are doing now. She said she did not think so. After further discussion, Commissioner Chapman moved to table this matter until our April 19, 2023 meeting. Discussion - none

2) Birch River PSD generator Project - Resolution #1

Mrs. Lawson stated that this project is very similar to the generator project that Craigsville PSD had. The funding is exactly the same. It is funded through the State Emergency Management Division, through a FEMA grant. The FEMA grant will pay 75% and 25% comes from the West Virginia Infra Structure Development Jobs and Development Council. She added that the Commission was the sponsor of the FEMA application and the Birch River PSD had to directly apply for the 25% match. They will have the Commission writing the check for 75%, when the funds are received, and the Birch River PSD will write the other 25%, just the way the program works out. Mrs. Lawson noted that since this is the first pay request for the generator project, it is currently out to bid. She thinks the bid opening is March 23, 2023. She stated that Pay Request #1, is for 50% of the cost for design, due E. L. Robinson, in the amount of \$7,500.00 and of that \$7,500.00 the Commission will be requesting from the state 75%, again, the other remaining 25%

the Birch River PSD will request from the matching fund. Commissioner Chapman moved to approve Resolution #1 concerning the Birch River PSD generator project. Discussion - none

3) Craigsville PSD - Influent Pump Station Funding Request

Mrs. Lawson introduced Mr. Ryan Boustany, Project Manager for Thrasher Engineering Group. She stated that he is Craigsville PSD's Engineer for this Project. She also introduced Gary Robinson Superintendent, JoAnn Flynn Board Chairman of the PSD. She added that this meeting is in regard to one of the pump stations that serve the sewer system. At this point, she turned the meeting over to Mr. Boustany to speak regarding this matter. Mr. Boustany said the PSD has an influent pump station, located at the waste water treatment plant. For the most part, it is original to its instillation. He noted that the PSD did a really good job in maintaining valves, pumps, piping and things like that. He said it will last probably a year or so. They have done various patches to the station and its kind of beyond repair, at this point. He told the Commission to keep in mind that this is an influent pump station going into the waste water plant, so all the sewage from all of Craigsville is coming through this station. Mr. Boustany stated that this station is actually upstream from their water treatment plant, so if it were to fail we would have a fairly big problem with shutting the water plant down and cleaning up the spill in Stroud's Creek and Gauley River. He noted that they are applying for funds through the critical needs sub-account through the state Infrastructure Jobs and Development Council and that would replace pumps, the internal piping, rails, the controls, at that station. He added that they talked to people at the Public Service Commission and they are interested in helping fund the project, so what they are looking for is community funding on the project. Mr. Boustany noted that they are here today to request funding from the Commission, to help bolster their application through the critical need's account through the Infrastructure Jobs and Development Council. President Cole asked him if there was a dollar figure to this request and Mr. Boustany, and he answered that they would like to ask for 50% of the total project. He added that they are looking at around \$430,000.00 for this total project. Commissioner Chapman asked him what his basis was for asking for 50%. He noted that the critical needs program is fairly new with the Infrastructure Council. They developed that program over the last couple of years to include water line extension and things like that, which has taken a lot of money out of that account, so in order to try to leverage this project and get it done as soon as they can, they are trying to ask if they could get 50/50%, or whatever the Commission could put forth on this project would obviously help, and they would go back to the Public Service Commission and the Infrastructure Jobs and Development with that number, and put it on their application and try to move this project forward. Mr. Boustany noted that if they would do it through conventional funding, they have to develop a preliminary engineering report. They would have to get with the accountants to do a Rule 42, with that it would take approximately three or four months then going to the Public Service Commission concerning rates. If they do not get a waive of certificate case, they would be looking at right around six months, so this would be over a year process. He added if they could go down the route he laid out, they would look at bidding this project out in probably three or four months. He said that is wishful thinking, but he thought they could push it pretty quickly, with some help in funding. Commissioner Roberts stated that they had the construction total at \$330,000.00 and the total project at \$430,000.00. The Commission asked where the other \$100,000.00 figure came from? Mr. Boustany said they had engineering design fees and he thought their portion was about \$50,000.00 on the project, accounting fees, attorney fees, permit fees and project administration fees, so all and all that total is right around \$100,000.00 dollars, and Mrs. Lawson said there are contingent fees as well. President Cole stated they already had contingent fees included. Mr. Boustany noted that there will be a project contingent fee on top of the construction. He asked the Commission to keep in mind that they put their costs a little bit elevated, not necessarily soft costs, but construction costs because if they go through critical needs and they bid it out and it is \$431,000.00 it is over the amount, and it causes a little bit of a roadblock. He added that he couldn't say if they bid it out and there is \$100,000.00 left on the table that they would have asked could we do 50/50% back. Commissioner Chapman stated that the Commission does not have \$215,000.00. He added that our ARP funds are either committed already or invested. We asked Mrs. Flynn if they put money back for maintenance, and Mrs. Flynn said yes we do, as a matter of fact they have a project going with the sewer now, but the pump station was not included in that project, because at the time when they started this project, which was about five years ago, with COVID and everything, the pump was fine then, but it is going downhill now. She said they critically need to get this fixed and that is why they wanted to go the critical need's route, to try to get the other project finished this spring. Commissioner Chapman asked Mrs. Flynn how much they have in their fund and she said about \$16,000.00. Board member T. G. Griffith said there is \$30,000.00 in the sewer project. \$16,000.00 in water, and the 234 Senate bill has \$110,000.00 in its fund. Mrs. Flynn said they cannot touch the 234 Senate bill money, but she said if they do not get the critical needs money, they are going to have to take it out of there anyway, because they are

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going to have to do something. After further discussion, President Cole asked Mr. Boustany how soon did they need an answer by, and he said as soon as possible. He added that the Infrastructure is going to meet on the 25th or 28th of this month and then they have the full council on April 05, 2023. He said it would probably be April before they review the application. Commissioner Chapman said that the Commission is having a special meeting concerning budget, on Friday, March 17, 2023, and he recommended that they table this matter until then, and they will make a decision at that time. He asked Mrs. Lawson if she would be able to attend? She asked if she was unable to attend, in person, could she attend by ZOOM and was told yes. Discussion - none

Commissioner Cole requested an amendment to the agenda, to skip down to the 9:40 a.m. appointment and to revisit the 9:20 a.m. and 9:30 a.m. appointments afterward, because we have our honored guests here already. Decision to amend the agenda was unanimous.

Appearing before the Commission - Dr. Lew Gilbert President and Grant Chairman Anita Groves representing the Summersville Rotary Club, regarding the Rotary Club's county wide coat program. Sitting in: Department of Homeland Security/E911 Director John McGinnis

Dr. Gilbert thanked the County Commission to allow himself and Anita Groves to come before them as members of the Summersville Rotary Club to ask for financial support. He noted that they are here today to ask for the County's support in providing their organization GRANT funding to continue their yearly County and Community projects in which they give back to our Nicholas County Citizens. Their Summersville Rotary Club was founded in 2006, 17 years ago, and has historically been active in Nicholas County projects and activities on a routine basis. They remain active in the County public school system by supplying hard copy dictionaries to all the third graders, at a cost of over \$1,000.00, and more importantly they have continued to support a County wide Winter Coat project to supply all needy children, in all county grader schools a WINTER COAT, which now costs \$7,000.00 due to inflation. He said, historically they have partnered with the City of Summersville and the Summersville Fire Department to fund, replace, and maintain the Summersville Lake Rescue Boat. Recently, they have donated new pool deck furniture to the Nicholas County Memorial Park Pool and purchased much needed pool cleaning equipment as well. He went on to say that every September, they co-participate with the City of Summersville with the Fall Potato Festival by encouraging local County potato growers, in a State Fair atmosphere, to show off their prize potatoes and financially support their hard work with monetary awards. They annually donate Hams (\$3000.00) to the Food Pantry at Thanksgiving. They also participate and donate services to the Sheltered Workshop, Adopt a Highway, the local Nursing Home, and several Seasonal Holiday events with our community children. Dr. Gilbert said while the Summersville Rotary Club is part of the worldwide Rotary International, at least 95% of their services focus is directly reinvested BACK into Nicholas County and our local Community. So, what we give out in Benefits and Services far outweighs what we take in. He went on to say, "Thus our moto - SERVICE ABOVE SELF." He summarized their presentation by saying that they are here before you today to continue their positive momentum regained after being setback by COVID, to maintain our current services and funding goal levels. He said simply stated, we want to continue growing our yearly CHILDRENS' WINTER COAT DRIVE PROJECT. However, the need and the costs of these coats continues to escalate. Therefore, they are humbly requesting a \$6,000.00 Grant from the Nicholas County Commission to help them maintain their momentum and continue providing these benefits and services to children of our County and Community. He noted that they also wanted to thank the Commission for their past support, time and consideration and welcome any questions or comments regarding this request. Ms. Groves said that they supplied 200 coats last year and the costs was quite a bit more than the previous years, because of the prices and everything going up, and the coats were supplied to all of the elementary schools in the county. President Cole asked them how much they felt the total project would be and Dr. Gilbert said about \$7,000.00. President Cole said so the Rotary Club would be supplying the remainder needed. Dr. Gilbert noted, of course it is not a critical needs project but it is a much needed for our children. Commissioner Chapman moved to fund \$6,000.00 for this program and take the funds from the Coal Severance fund. Discussion - none.

After the funds were approved, Dr. Gilbert touched on another matter that was brought up at the Rotary Club this morning regarding the drone. He stated that Mr. McGinnis has been so gracious to come to their meeting and talk about it. They have essentially committed to help fund it. They understand that the county may also be involved, so they wanted to make sure that they are all coordinated with it to help with the funding of the drone and care of the rescue boat, etc. He added that maybe Mr. McGinnis could say something concerning this matter. Mr. McGinnis thanked the Rotary Club for all that they have done for Emergency Management. He stated that he spoke with Sheriff Nunley, and their plan is that once the drone is ordered and comes in, the company itself is going to come in and train all of our water rescue technicians, in the county. He

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added that the drone itself will be placed on a Rescue boat, at the Marina, until it comes out for the winter season, and at that time the drone will be kept in the Homeland Security office. He volunteered to come to the next Rotary meeting and explain everything regarding the training and operations. He, again, said he just wanted to thank them for everything that they do for the county. President Cole asked Mr. McGinnis what the cost of the drone was and he said \$3,500.00 with training included. Commissioner Chapman asked Mr. McGinnis if the purchase of the drone could come out of his budget, and give the Rotary a receipt and they reimburse him and he said yes. He also asked if that would work for the Rotary Club and Dr. Gilbert said he thought that would be reasonable, but they had already approved to do it. Mr. McGinnis told Dr. Gilbert that once they get the drone and are trained, they would like for the Rotary to come down and be a part of the presentation. Dr. Gilbert told him that they would get him back on the agenda sometime soon and talk about this matter further. The Commission thanked Dr. Gilbert and Ms. Groves for coming in today.

At Commissioner Chapman's request, Wilderness PSD project discussion. Sitting in: Cassandra Lawson Senior Project Specialist Region IV Planning and Development Council

Commissioner Chapman noted that the Commission committed \$630,000.00 to the Wilderness PSD project. He added that the Wilderness PSD project came in significantly under budget at \$160,000.00, so he requested that the Commission not put the original amount committed into another project. Mrs. Lawson stated that she was covering for Leslie Taylor, who is the lead specialist, in this project, and Ms. Taylor informed her of the details, because she could not be here today. Mrs. Lawson said that the budget amount was \$160,000.00 and if the Commission would keep their committed \$630,000.00 then the USDA would reduce their loan, by that amount. Mrs. Lawson stated that according to Ms. Taylor, if the Commission chooses to recapture that money, the USDA would not reduce their loan, and she indicated looking at the overall funding reduction of the Nicholas County Commission contribution does not have an extreme impact on their project. If they reduce their contribution, the USDA loan would remain as offered, in a letter of condition. Reducing the loan, and leaving the Nicholas County contribution as is changes the post project rate by less than 10%, which amounts to ten cents on thirty four hundred gallon usage. Commissioner Chapman said they came to us, because they were over budget, in their bidding, so the Commission committed the over amount. He added that now the over amount is less, so the point is that we were not even in the project, until they needed additional funding. He went on to say his opinion is to reduce our committed amount. Mrs. Lawson asked him if he meant the whole amount or just the overrun. He said just the over run of \$161,000.00. Attorney Tucker noted that the USDA was fine with that decision. Mrs. Lawson added that the USDA can fund the difference, it is just their funding is a loan, so it does have an impact on rate, but as Ms. Taylor mentioned one hundred sixty one thousand dollars is not super substantial and is going to have less than a ten percent impact on post project rates. Attorney Tucker said the only catch to that is we have to check with the PSD Order to see if the funding changes meet with their approval. He noted that we have to do that and he is in the process of doing that now. President Cole asked Attorney Tucker what he felt the time line would be? Attorney Tucker said, if they have to go back to the PSC, who knows. He went on to say he is hoping that the Order is broad enough. It takes care of the matter. After further discussion, Commissioner Chapman moved for the Commission to reduce their funding to \$473,508.00, pending no impact on the Wilderness Public Service. If there is a problem, we will revisit this request. Discussion - none

At President Cole's request, final decision on E911 land on Church Street

President Cole stated that this matter is referring to the McClung house and tracks around it. He said spring is here and the Auctioneer keeps calling. He went on to say that we have been contacted by some people after we were going to put it up for bid, but we have not heard from them since. He said he would like to see another commitment to put those properties out for auction. Commissioner Chapman said his only concern about selling them now is what are we going to do if we end up having a second judge and going to need a second courtroom? Are we going to need that land for something else? President Cole asked Attorney Tucker if it states that we have to provide a second courtroom and Attorney Tucker said it does not state that. President Cole said what if they sold the house and not the lots? Commissioner Chapman asked that they just take a look at what we might have to do with a new courtroom or whatever, and then we put it up for auction, if it does not meet the price we want. He asked that this be put back on for the next Commission meeting and we should have an answer by then. Commissioner Chapman moved to table this matter until the next meeting. Discussion - none

DOCUMENTS ATTACHED

Order appointment of Todd Dean to Wilderness Public Service District

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Oath of Office and Certificate for Todd Dean to Wilderness Public Service District

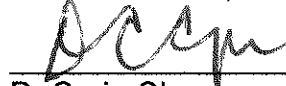
COMMISSIONER'S COMMENTS

It is noted for the record that there were no Commissioner comments for this meeting. However, Attorney Greg Tucker informed the Commission that they needed to go into executive session concerning legal matters. Upon a move by Commissioner Chapman, the Commission entered into an executive session pursuant to West Virginia Code §6-9a-4 at 10:12 a.m.. Upon a move by Commissioner Chapman, the Commission entered back into executive session pursuant to West Virginia Code §6-9a-4 at 10:39 a.m. Discussion - for the record, no decisions were made while in executive session.

Being no further business to come before the Commission, the Commission adjourned its meeting until April 05, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Mary O'Dell
Office Assistant

MINUTES OF THE NICHOLAS COUNTY COMMISSION - APRIL 05, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, April 05, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present was County Commission Attorney Greg Tucker.

PUBLIC COMMENT PERIOD

It is being noted for the record that no one appeared during this segment of the Commission meeting.

Upon review of the Commission's Minutes of February 15, 2023, March 01, 2023 and March 15, 2023, Commissioner Chapman moved to waive the reading and approve accordingly. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

President Cole noted that we have an appointment open on the Nicholas County Historic Landmark Commission due to the resignation of Stanley Adkins, with his term of office expiring on February 22, 2024. Commissioner Chapman moved to accept Mr. Stanley Adkins resignation. Discussion - none

President Cole said we now have an office to fill on the Nicholas County Historic Landmark Commission, with term of office expiring on February 22, 2024. Commissioner Roberts stated that he had a recommendation and her name is Rhonda White. He said he talked to her and she has shown an interest and has attended the meetings. Commissioner Roberts moved to appoint Rhonda White, to the Nicholas County Historic Landmark Commission, with term of office expiring February 22, 2024. Discussion - none

First reading of Amended Ordinance for an Enhanced Emergency telephone system. Sitting in: Director John McGinnis of Home Land Security/E911 and Manager Annette Taylor of E911

President Cole noted that the Land Line Companies stated that they needed more time to adjust the fee. He added that none of the numbers are changing. They have already taken care of that. This will only change the effective start up date from February 01, 2023 to May 03, 2023, everything else remains the same, and the dates have been modified to reflect the start date on May 03, 2023. Commissioner Chapman moved to waive the reading and accept the First reading of the Amended Ordinance for an Enhanced Emergency telephone system, with the adjusted start date of May 03, 2023. Discussion - none

At the Commission's request, regarding transfer of the McClung House to The Building Commission. Sitting in: Director John McGinnis of Home Land Security/E991 and Manager Annette Taylor of E911

Commissioner Chapman noted that they have run into quite a few overruns at the New Emergency Building and they have come from electrical upgrades that they had to do, as well as placing the ballards around, and other matters. He said this house is just sitting there with no use. He added that he would like to transfer the house and the first lot that Wayne Acord cut out, to the Building Commission, for a possible sale. He went on to say that the money from those purchases would go back into Director McGinnis' fund to help with the overruns that they are having on this project. President Cole asked Commissioner Chapman if the Building Commission has agreed with

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Commissioner Roberts noted that there were four eight by eight slabs of concrete and they are going to have to remove those and the splash drain where the kids get out of the pool, as they learned the drain did not go anywhere and it caused erosion underneath the floor of those eight by eight slabs of concrete. This problem was identified when they were doing the work, which we actually previously financially supported. The contractor wants that repaired before he closes this project down, so that it does not cause damage to the new work that took place. Commissioner Roberts said they are going to remove four eight by eight concrete slabs, install all new drains for that area, put a compacted base down then re-pour those slabs, and then take the fence down and put the fence back up. He noted there was a change order for \$17,320.00 that they were asking for assistance. He said he wanted to address that today while Mary Jane was here to be able to put that in with the figures, as far as the factors being asked for financial consideration. Commissioner Roberts stated that he would like to address the pool as a need and not a want. President Cole asked if they are requesting the full \$17,320.00 and Mrs. Williams said yes the full amount. Commissioner Roberts added that they had to supply \$7,320.00, before they could move forward with the project. Administrative Assistant Ms. Neff asked for the amount requested to be repeated. Commissioner Roberts said \$7,320.00 and \$7,310.00 was paid up front in order to get them moving and rolling. Commissioner Roberts asked Mrs. Williams if the pool will be open this season and she said that is their goal, and that is what the contractor keeps telling them. Commissioner Roberts moved for the Commission to reimburse the \$7,310.00 that they started out with. Discussion - Commissioner Roberts said one of the things he wanted to talk about is that they are talking about a couple of different aspects here. They are talking about the pool, the walking trail and other things, in the Richwood area, but he would like to make sure we are taking care of the needs, before we take care of the wants. He added we know that we were talking about the pool as definitely being a need and there has been a lot of investment in it already and as well as Commissioner Chapman said we have kind of beared the majoring of the finances that have gone into it this year. He added that one of the things he wants understood is we 100% want this pool to open, with the financial commitments we have already made this year. He noted that at the last meeting he had asked if there would be any anticipated overages and it was not anticipated and that was a finite amount of money that we were going to put in there. He went on to say that it was unexpected and that would be his statement of recommendation of the \$7,310.00. Commissioner Chapman added that the Richwood library is hitting us up for \$20,000.00 and Commissioner Roberts said as well as Summersville Library regarding their roof, and we cut \$200,000.00 out of the budget and fully unfunded a couple of funds to make ends meet this year. Commissioner Chapman went on to say if we do this that will give them the start, but the question will be how do they fund the rest of it and the other part is how do you get money out of the Historical Society to cover the other amount? Commissioner Roberts stated that he is on the Historical Society board so he could make a motion, or present that need, at the meeting so they could get the other \$1,225.00 covered. He added he did not think there would be any resentment toward that or push back. President Cole said they have not spent money in several years and Commissioner Roberts said that was one of the things he was looking at. At this point, Commissioner Roberts motion made earlier was voted on and the decision was unanimous to fund the \$7,310.00 for the pool. President Cole asked if they wanted to move onto the other items presented here today and Commissioner Chapman said why don't we just send this matter with Commissioner Roberts to talk to the Landmark Commission about a donation, so that we are not spending their money without their approval. President Cole asked Mrs. Williams when she said this project has to be completed and she said it has to be full up and running in August and they actually can get the boom lift by May 15, 2023, at this price, and she has to submit the information for the booklets, by May 01, 2023. Commissioner Chapman said he thought some of the CVB's money should go into this too, if this project is for tourism. President Cole inquired of Commissioner Roberts if his Landmark meeting is on May 20, 2023, which is the day after the next meeting and he said correct. Commissioner Chapman suggested they table this matter until the next Commission meeting and let Commissioner Roberts fill out his request to the other Landmark Commission Board members concerning funding. The Commission agreed to table this matter until April 19, 2023, in order to give time to check with other sources of funding.

Mrs. Williams stated that she had one more request to discuss. She noted that she sent a letter to the Commission, on March 14, 2023, regarding the Triathlon and the Feast of the Ramson dinner. She stated that for the last couple of years the Commission has been able to help out regarding both of these projects. President Cole said that they did table those items to our carryover, which can be taken up at any time, but just because of their financial situation with PEIA, they did not accept any financial request outside of county government. President Cole asked Mrs. Williams when she would need an answer on those requests and she said any time. President Cole asked Mrs. Williams when the Triathlon would take place and she said July 9, 2023. She added they were going to have a clinic on June 3, 2023 too, and it is going to be a free clinic. Commissioner Chapman moved to table the remaining part of this matter until Commissioner Roberts is able to get with the

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Historical Landmark Commission. Discussion - none

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council and sitting in representing the Birch River Public Service District were: Chairperson Libby Coffman, Board Member T.G. Griffith and Kenneth Kinder representing E.L. Robinson

Ms. Lawson appeared to address the following projects:

- Birch River PSD concerning the Wilson Ridge Waterline Extension Project - revisiting the March 15th Commission meeting concerning budget costs

Ms. Lawson conveyed that at the last meeting they were asked to prepare some additional information and presented a spreadsheet showing changes the District has made thus far in proceeding with this project, such as, three change orders, two amendments and making another anticipated change order #4 for driveway paving and reconciliation of quantities which now make brings the final contract price at \$632,018.75. What the district is trying to convey, had it not been for the additional gravel which was not included in with the specifications, but later required by the Department of Highways, and to include inspections as well, it is believed by the District that there would have been contingency post bid and permitting costs built in that would have closely aligned with the funds available for these types of unanticipated expenses. Now, they feel they are left holding the bag, so to speak. To reiterate from the March 15th Meeting, this water expansion project extended into three different counties, that being Clay, Nicholas and Braxton counties, and they had to work with three different Department of Highway District Engineers for permitting the initial project. Ms. Coffman noted that 27 homes now have water who would never have received water had it not been for them. In closing, Mrs. Lawson stated that the final adjusting change order is anticipated to come under budget as the engineer has been negotiating a better rate for the driveway paving. The PSD's request is not to exceed \$6,750 which is the worst case scenario. They will only request to utilize what funds are necessary after all work is complete and final tallies are compiled. To recap from the last meeting the amounts being requested from each county of the county commission's involved, based upon the added cost share amount from the gravel and the homes served was not to exceed the amount of Clay County Commission \$27,000, Nicholas County \$6,750 and Braxton County \$11,250. Ms. Lawson conveyed that the budget on this project was so tight that they did not have a whole lot of wiggle room to work with. Commissioner Roberts inquired if this was funded through a critical need grant and she confirmed it was.

Commissioner Chapman asked had this \$45,000 for the added gravel and things that went along with it been in the contract originally, would it have been enough to complete the project? Ms. Lawson responded by saying no. He noted his point by saying that we didn't miss it, but the Commission is being punished for it. In pointing to the engineer, he stated that they missed it, and it should be their problem and responsibility. Mr. Kinder conveyed that they did everything that was required by the Contractor and everything their budget required, and that this was unforeseen, in addition to holding three separate permits from three separate Divisions of Highways, and had it been a problem at the time, it should have been addressed during that time. Commissioner Roberts believed it was the responsibility of the Division of Highways, and he had tried approaching a Senator and the House Majority Leader about this plight in an attempt to get some backing to help sway the Department of Highways to take responsibility of this costly action that they created. From the information provided by the PSD, only one inspector was brought in to view the ongoing work on the shoulder work over the three county ridge ways, yet they had to apply for three DOH Districts to obtain three separate permits for each county - that did not sit well with him. Commissioner Roberts inquired of the Birch River PSD, Region 4 and E.L. Robinson if the Commission could get a letter from each one basically stating the problem the District ran into, this was a cost overrun that we had to cover. He didn't care if it was the same letter on each of their letterheads. Then, the Commission can go and try to fight that battle as well. President Cole indicated he would be in on that as well, and perhaps get our money back and that of the other two counties as well. At least we can bring some light on it so it won't happen again or at least minimize it so it won't happen again. Upon a move by Commissioner Roberts, the Commission approved not to exceed the amount of \$6,750.00 to the Birch River PSD for its one time share cost in the Wilson Ridge Water Project - gravel change order and associated inspection time which not under contract or anticipated. Said payment will come from Coal Severance. Discussion - none

- City of Richwood Hinkle Mountain / Little Laurel Waterline Extension Project - Resolution #12

Ms. Lawson noted that this particular project was funded through grants received on behalf of the City of Richwood, with the exception of a Letter of Commitment of July 14, 2021 from the Nicholas County Commission from its American Rescue Plan Act Funds received. So from hereon out this will be the only funding source on this project needed from the Commission. She presented

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for payment Construction Contract1 from The Menji Group, LLC, PO Box 9, South Point, Ohio for Pay Estimate #6 in the amount of \$126,630.48. When this payment is made, this will reduce our commitment to \$566,000. She noted that the Commission made a design grant a long time ago which was expended. The Commission secured 1.5 million from the SCBG that helped get for the project moving forward which all has been expended. The WV Infrastructure Council made a one million dollar grant to the project and other funding agencies include Drinking Water TRF PF (Principal Forgiveness that does not need to be repaid has been fulfilled), Drinking Water TRF Loan there remains about 4 million left in this Loan for construction and some other soft costs, and WDA EEG has been expended. At the end of the day she noted that this was a 12 million dollar project with approximately 7 million remaining to be utilized. It was her understanding that the waterline construction for both areas is coming along very well. The Hinkle Mountain area is to receive a water tank along with the construction phase for it as it must have a concrete floor which should be happening soon since warmer weather is now approaching. One of the construction contracts includes work to the water treatment plant and the equipment needed to make that happen, there were very long wait times to obtain, They are laying lines up Hinkle Mountain. Commissioner Chapman inquired about the deadline and Ms. Lawson stated that there really isn't a deadline allocated to the project but noted that each construction project has 365 days given to it, but if there is weather related issues involved, that's when they can ask for extensions, while noting they must be within reason. She believed right now the plan is to close on or around June 16, but would guess that a couple of the contracts will be requesting an extension due to the delay in receiving materials. Concerning the water tank, she noted that the site work is complete, but the weather must cooperate in order for them to have the pad put in place. Upon a move by Commissioner Chapman, the Commission approved Resolution #12 for the Hinkle Mountain / Little Laurel Waterline Extension Project. Discussion - none

- Birch River PSD Generator Project - Change of Scope

Ms. Lawson conveyed to the Commission that when this project was let out for bid the scope include the purchase and installation of three (3) stand alone permanent propane gas generators and two (2) remote terminal units at critical facilities' sites as approved. The project and all items came back under budget. Fencing was not included in with the original scope of the request. However, the fencing was included as a quantity in the bid for the generators as means to see if this installation would be monetarily feasible. It was being requested for the Commission to send a letter to the State Hazard Mitigation Officer - WV Emergency Management Division to get its approval for this added cost since the project came in under budget, and for the project scope to be revised to allow the installation of fencing at two of the three locations which are the Carpenter Fork and Bays stations. It is being noted for the record that the Dille location is already fenced. Upon a move by Commissioner Chapman, the Commission approved to approve the letter to be written to the State Hazard Mitigation Officer - WV Emergency Management Division as mentioned above. Discussion - Ms. Lawson noted that 75% of this grant will come to the Commission to disburse while 25% will go directly to the Birch River PSD to disburse.

- Birch River PSD Mill Creek Waterline Extension Project - Environmental Review Record Approval

For this project, Ms. Lawson explained that they had to do an Environmental Assessment to determine if there would be any impact to the natural environment and if so, what kind of mitigation measures would you require. It was determined there to be a finding of no significant impact. In other words, there were no findings of disturbance to the environment and no mitigation is required. Ms. Lawson requested for the Commission to approve the Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24-CFR Part 58 as prepared by E.L. Robinson Engineering Company. Commissioner Roberts asked if this was standard protocol and she conveyed that it was and that it passed through several agencies hands. In addition, they have a telephone call on Monday with the West Virginia Development Office to make sure they are good with the report as well. Then an advertisement will be run in the newspaper and have a fifteen day comment period and the public, as well as the different agencies will have an opportunity to offer comments, which afterwards, the PSD can request the Development Office to release the funds for construction. So this is a really big milestone to where they can then proceed to go out for bid. With that being said, Commissioner Roberts moved to approve the Environmental record for the Birch River PSD Mill Creek Waterline Extension Project. Discussion - none

Before leaving, Ms. Lawson asked President Cole if he would mind signing off on a couple of forms to follow through with the filing of the paperwork on this project that would be forwarded to the State Development Office pending the outcome of the public comment period of the Environmental Assessment. This would save time in coming back before the Commission. President Cole received approval from his fellow commissioner's.

COMMISSIONER'S COMMENTS

President Cole noted that he did not have any comments for this meeting. Commissioner Chapman stated he had some things to discuss. He stated that after he has looked into this matter and studied it a lot, we have got to work on a way to get the deputies' pay up, or we are going to lose all of our deputies, just because of the competition from the City of Summersville. He added the State of West Virginia is paying a ridiculous amount to the troopers, and he thinks the Commission needs to put together a plan that if the jail bill could be reduced by \$30,000.00 a month, it would cover an increase. He said that is one avenue they need to address first. He noted that this is something they need to figure out as a group as to how they are going to do it and do it.

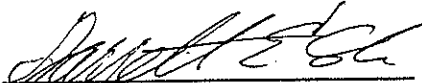
He moved onto the matter of nuisance properties. He noted that it just seems like it is getting worse. He said somebody brought him pictures this week, who lives in a very nice home, and across the street from them people are living where there is no power and they are using the bathroom in the yard. As it stands now, there is nothing we can do. He added that deputies have been there giving out litter tickets, so we have got to address this nuisance property situation. President Cole said perhaps doing that together with an open dump issue. Commissioner Chapman said this matter has to be addressed.

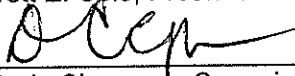
At this time, Commissioner Chapman moved onto the matter of new furniture down at the new Sheriff's Department, and a part of the way to raise some of that money is to get rid of some of this property that we need to auction, so we need to talk to them and we need to say "here you need to raise some funds and this is a way to start it."


Commissioner Roberts stated to expand on Commissioner Chapman's jail bill issue, there is a formula that we are supposed to be sent under the current Senate Bill that was just passed, if you are 80% or below of your total bed space, in Central Regional Jail, you get a 20% discount on your bill. That 20% discount just takes us back to our old rate of \$48.25 a day. If you are between 80 and 100% of your bed space you go to 100%, which takes us up to \$54.00 and that is a \$6.00 increase and if you are over 100% of your bed space now it is going to take us up to 120%, which is going to take us up to \$58.00. Commissioner Roberts said he is actually going to go next Friday to meet with this group called Recovery Point. Recovery Point is offering us bed spaces for \$14.00 a day. The plus side of that saves us \$40.00 a day on our jail bill, but the down side of that is you pay rather the beds are occupied or not. He noted that they are going to have to work with the Prosecutor, Magistrates and the Judge to make sure that we are all on board and that if we go with a route like that they all will be on board and participate in it as well. President Cole asked him if that is the group in Huntington and he said yes. Commissioner Roberts added that Delegate Mike Pushkin is actually on their board and he spoke with him about it. Commissioner Roberts said he is going to go down and take a tour of their Corporate Headquarters and one of their facilities that they have in Huntington, West Virginia. They have four hundred bed spaces right now, in the State of West Virginia. There are a hundred bed spaces for men in Princeton, West Virginia, a hundred bed spaces for men in Huntington, West Virginia, a hundred beds in Charleston, West Virginia that is a female facility and a hundred beds in Parkersburg, West Virginia. He noted that even if we started out at something like ten beds, they said they might be able to work out where we would only have to pay 50%, if we have no beds occupied, so we would be paying \$7.00 a day for the bed, and after we went over the 50% utilization, they would start charging us by then. He went on to say he thinks they could use a mixture of DRC, Drug Court, Family Court, Home Confinement and a mixture of those options to at least get us down to the 80%, because right now we are currently setting at 117% of utilization, at the Central Regional jail. He is wanting the formula to come in so that he can figure out just what this formula entails. He added that he does not want people walking on the street that should not be out there, and he does not think that is a solution long term to cut this bill down, but he thinks we have some alternatives at our disposal to work with driving the jail bill down and recouping the costs, because he does agree with the deputies. He went on to say it is a long term facility and the occupant can leave any time they want, but at that point Recovery Point will call the Parole Officer or whoever the legal entity is over them and basically have them picked up. Commissioner Roberts stated that Recovery Point has their annual fund raiser on April 14, 2023. He is supposed to go down and set and talk with their board at that point and he would like for Nicholas County to lead that initiative maybe for the rest of the state. President Cole said he would be interested in going with Commissioner Roberts if did not mind and he said that would be perfectly fine. Commissioner Chapman said let's put a board together to work on all of this. President Cole said basically a jail bill task force. He added they actually had a board at one time. Commissioner Roberts added that they cut almost two hundred thousand dollars on next years budget and that is to balance the budget. So, when folks are coming for financial assistance we need to make sure that their financial requests are for needs, such as; something is broken, something is not working, something is making it not possible to provide a service. If a request is not for a need, it will most probably be put on the back burner.

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Being no further business to come before the Commission, the Commission adjourned its meeting until April 19, 2023.


Garrett E. Cole, President


D. Craig Chapman, Commissioner


Gary E. Roberts, Jr., Commissioner

Submitted by:
Mary O'Dell
Office Assistant
and
Patricia Neff
Administrative Assistant

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The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, April 19, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Upon a move by Commissioner Chapman, the Commission reviewed and waived the reading of the following minutes - 2023 Board of Review and Equalization, Levy Estimate Official Budget Document for Fiscal Year July 1, 2023- June 30, 2024, and April 5, 2023. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

PUBLIC COMMENT:

Claudia R. Parsons appeared to talk about the fire fee. Ms. Parsons noted that she was not affiliated with any organization, but wanted to address her concerns, and believed that the fee passed quickly and not much forethought was put into this matter. One of her concerns was that she already pays a fire fee through her house insurance so why would she be paying for it again? She noted she spoke to her insurance agent and a few other people and she believed her line of thinking to be correct, that if you have the insurance coverage, there is no reason to pay for that coverage again, because it's already in the policy. Ms. Parsons conveyed that when she called the courthouse, the lady she was supposed to speak with was not there and she ended up speaking with someone else. This person told her that now she had a choice and she could pick one of which she immediately informed the lady she believed her to be wrong because the county is saying she has to pay this whether she likes it or not, no now, she's paying double for the exact same thing and referred to it as double dipping. Ms. Parsons recommended that on the reverse side of the Fire Fee Statement that a form be structured to provide additional information to include the homeowner's insurance and/or the declaration page from their policy.

President Cole informed Ms. Parsons that the Nicholas County Fire Board had been working on the Nicholas County Fire Fee for four (4) years and stressed that this was not a situation or matter of having insurance. This is a funding mechanism that was requested by the Fire Board and that the County Commission put in place to sustain our fire departments. He noted that through the insurance route, you only get paid through per call, per fire, for things like that. This is for sustainability so that our fire departments can stay open, improve their equipment and actually lower your insurance, probably more than \$35.00. President Cole stated he did not know if insurance companies would tell you that, but they should, through what is known as your ISO rating, and to keep them preserved more so than to cover insurable acts. However, this Commission did instruct the Fire Board that if you paid your fire fee, you will not be billed for an incident that happens at your home or a car wreck President Cole went on to explain that the Commission is tasked with fire protection, however each individual fire department has their own charter, and therefore, they are not our own entities. But if they cease to exist, then the County Commission is tasked with developing fire protection within the county and the need to purchase costly equipment as an example.

On a couple of occasions, Ms. Parsons mentioned the fee of \$500.00 referring to both her her insurance and the county's fire fee. She inquired that if the fire fee of \$500.00 is not used, what happens to the money? President Cole conveyed to her that he did not know where she was pulling the \$500.00, but it was determined shortly thereafter that it was from her insurance policy. This is

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a mandated fee, and once it is paid, when the fire department comes to your home at an incident, they will not bill the homeowner. This is an up front way to sustain our fire departments verses waiting to bill, because with code, construction practices and with everything else improving, we are having less calls, fire departments are making less money due to their money from the State of West Virginia being cut in half and Nicholas County had three (3) fire departments were getting ready to close.

Ms. Parsons inquired what would be the proper procedure in paying because she received three (3) tickets. President Cole replied stating if two out of the tree tickets are of vacant land, just write vacant land across each ticket, mail it in and they will verify it and take it off their books. And by doing it that way, next year, it should not be a problem. He explained that the county assessor's office could not get this to us on time, so we had to go with the State' Tax Department and its information was completely askew. It was further relayed to Ms. Parsons that the one remaining fire fee ticket with the residence can be processed for payment for \$35.00.

Commissioner Roberts wanted to add the following statement that he was all about informed decisions and proper expectations, so the next time Ms. Parsons reaches out to her insurance company, ask them if they paid 100% of the billable billed amount to the 100% of claims that come into from the Fire Departments. Because its actually not, but usually a negotiated rate. So they pay extremely less than what the fire departments actually bills them, even if they pay it at all. So, he does not understand that aspect of it as well, but its optional. So the fire departments will bill out, and sometimes they don't get anything back, or it's a settlement amount. And the other thing that Commissioner Cole touched upon concerning the ISO rating, if established fire departments begin to close, talk to your agent about your ISO rating should it go from 3 to 9 and the difference you would be paying in your homeowners insurance and he believed that anyone would be surprised, and that the \$35.00 would make a lot more since from that standpoint.

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council

Ms. Lawson's visit today was in regard to Resolution #13 for the City of Richwood's Hinkle Mountain / Little Laurel Waterline Extension Project. She stated that City Council will not meet until tomorrow evening to vote on this subject matter, but wanted to get on our agenda today so as not to wait another two weeks before she could get on our agenda in order for approval and to expedite the paperwork.

Under Construction Contract 1

Ms. Lawson noted that Contract 1 was for the Little Laurel portion of the work which totaled \$34,461.36 for pay estimate #7 to be made payable to TMG - The Menji Group, LLC which was one of the construction firms hired on for this project. It is being noted for the record that this payment was to come from the Commission's letter of commitment made to the City of Richwood dated July 14, 2021 from the county's ARP Fund.

Under Construction Contract 2

Moving on to Construction Contract 2 for the Hinkle Mountain portion of work the following companies were being processed for payment as follows:

Tribute Contracting & Consultants totaling \$544,810.20 from the DWTRF Loan for pay estimate #8.

Engineering

Under Engineering was Thompson & Litton, Inc., totaling \$29,917.23 from the DWTRF Loan for Invoice #104348; and last but not least was -

Administration

Region 4 Planning & Development Council, totaling \$5,250.49 from the DWTRF Loan for September 2022 Invoice for \$5525.54, October 2022 Invoice for \$1,063.37, November 2022 Invoice for \$1,744.62 and February 2023 Invoice for \$1,916.96.

Ms. Lawson noted that after taking into consideration today's commitments under Resolution 13 the funding remaining for the county will be \$531,794.36 but noted that overall there to be over six million dollars remaining to be spent for both projects with all of the funding sources combined. She conveyed that Little Laurel is approximately 53% complete, with Hinkle Mountain being approximately 61% complete, Hinkle Mountain Water Storage Tank is approximately 22% complete and the Water Treatment Plant is 9%. Following a brief discussion, upon a move by Commissioner Chapman, the Commission authorized for the Commission's payment of \$34,461.36 be processed

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under Resolution 13 Construction Contract 1 to TMG - The Menji Group, LLC. Discussion - none

Appearing before the Commission - Gary Jarrell, DRC Director, Sherry Cook, DRC Deputy Chief Probation Officer

Mr. Jarrell approached the Commission concerning the space at the facility. He noted that currently they are up to 82 that are given the opportunity through the court systems as an alternative to jail time, but its not that they have outgrown the facility, because not all of them are there at the same time, and mentioned that they need a couple of walls built for trauma classes because of privacy issues. They actually need a couple more bathrooms added on along with a shower stall, for various reasons. Mr. Jarrell further noted that they also do drug testing for other agencies as well. He just did not know what the protocol was for going about this.

Commissioner Chapman conveyed why don't he just meet with them and walk through the building and actually see what they are talking about.

President Cole replied the only request he would make would be to check with Clerk Painter that we can still use the space on election night. Mr. Jarrell assured President Cole that none of their plans would effect that at all.

Commissioner Roberts, having served in the Military, inquired if these would be fully functional bathrooms or urinalysis rooms where there was a sink only to get your hands washed where there was no water at all. While he noted he did not know how they processed the people there, he just knew it was a speedy process, when dealing with mass testing. Ms. Cook noted that it could be something to look at.

The Commission thanked Mr. Jarrell and Ms. Cook for coming in and as noted above will proceed on with this as noted above as schedules permit.

Appearing before the Commission - Attorney Paul O. Clay, Jr., representing Roy Richardson, Petitioner who was present and representing Jacob Long, Petitioner who was not present. This matter came on for hearing today at 9:30 a.m., for closing of an unnamed street or alley near waters of Meadow Creek, Grant District, Nicholas County, West Virginia on behalf of his client's Roy Richardson and Natalie Richardson; and, Jacob Long.

Attorney Paul Clay previously filed on behalf of his clients his Application to close the unused portion of unnamed street or ally. He also tendered the Publishers Affidavit from the Nicholas Chronicle wherein notice was duly published of today's proceeding as required by West Virginia State Code.

Mr. Clay noted in referring to the plat that was attached to the Application that this street within the subdivision dead ends between the properties of Mr. Richardson and Mr. Long. And in essence, they are the only people that are affected by this, and pointed out the two lots of the Richardson's and the two lots of Mr. Long. Mr. Clay noted the people on the other side are not apart of the subdivision and do not have the right to use the streets while the people living within still have access. Mr. Clay noted that there was an earlier plat of Mr. Richardson that showed a private drive comes in on that Street and that while it was labeled private drive, it was actually part of the subdivision street and it came into Mr. Richardson's house. Mr. Clay had Mr. Richardson to have the end portion of his property re-surveyed so they could put a very specific description in the Order and include the newest plat marked as Exhibit D. It was the desire of the both the Richardson's and Mr. Long to have the front road abandoned up to their property lines on both sides and then split down the middle, giving each approximately 10 additional feet in width of yard space.

Following some further discussion on the possibility of another roadway opening joining the subdivision but had nothing to do with the subdivision. Mr. Clay informed the Commission that he had a similar case that went on for a couple of years and received a very clear ruling from Judge Blake. Attorney Tucker also believed that Mr. Clay's paperwork was in order and had no reason to doubt his abilities. President Cole noted upon receiving the documentation as presented by Attorney Paul Clay here today, along with his discussions concerning the closing of the road, all for and on public record, that he was ready for a motion. Commissioner Chapman noted that it should include the 10 ft split of the roadway that they each will receive. Upon a move by Commissioner Roberts, the Commission approved the Application for closing of an unnamed street or alley near waters of Meadow Creek, Grant District, Nicholas County, West Virginia on behalf of Roy Richardson and Natalie Richardson; and, Jacob Long. Mr. Clay is to prepare the Order from today's proceeding with the approval of our counsel Mr. Tucker, and such Order will include the specific description as was requested by Mr. Clay from the re-survey along with the new plat marked as Exhibit D. Further, it is hereby Ordered that both parties will receive and equal split of the road to be abandoned which should be 20' in width split down the middle, thereby adding 10' to the front of the Richarson's and 10' to the front side of Mr. Long. Discussion - none

(It is being noted for the purpose of this record that the property in question was referred to as

“Subdivision”, but a reference on the plat referred the area being discussed as the Malcolm Development.)

In the Matter of: Estate of Lee Hosey, File No: 10541

Present were: Chief Deputy Clerk Betty Griffin representing the Nicholas County Clerk’s office, Attorney Paul Clay representing Executrix Laura Hamrick who was also present, Elizabeth Beckett and by telephone Ms. Ashley Smith, mother representing her 12 year old son, Isaac who is an heir to the estate of Lee Hosey. It is being noted for the record that everyone offering testimony was sworn in.

Chief Griffin conveyed that Ms. Smith who was present by phone was representing her 12 year old son who was an heir to his father’s estate and filed an objection to the appointment of Laura Hamrick. Attorney Tucker noted just to be clear, Ms. Hamrick did not file until after the thirty days had expired and Clerk Griffin noted she did post a bond. Ms. Smith felt that she was lost for words in how to put in words how her son feels. He believes he should be getting everything belonging to his father and distributing to them to whom he wants to see have them. He does not believe that he will get anything of his dad’s. She wasn’t there, but things were said in his presence that upset him. She just wants things to be done right for Isaac and in memory of his father Lee.

Mr. Clay who was representing Ms. Hamrick conveyed that the young man Issac has nothing to be concerned about. He went on to say that this is a fairly complicated situation. Lee was the heir of Isaac Hosey who was the grandfather of young Issac and Regina Hosey and those estates are somewhat complicated in that Issac the grandfather has an estate that has over 50 weapons of which they are in the process of having appraised before they file the appraisement in that estate, in order to value that estate and determine what share would come to Lee and be apart of Lee’s estate. So thoses estates have to come together and be apart so they can have a sense of value that would come down to Lee’s estate. Lee’s estate itself has 4 guns in it, a vehicle with a lien, a capital one statement of \$19 thousand plus dollars, WVU hospital \$8,000, US Cellular \$1,800, WVU Princeton \$6,700, Funeral bill - some of it was paid in part by employees of Dollar General in the amount of \$1,700 and \$2,100 was paid by Laura herself. So as you can see there are substantial claims against the estate and before we can release anything of value from the estate, we have to determined the Order of what the claims are. We must file the appraisement first, but we can’t do that until we complete the process of Isaac’s estate. Then whatever goes into Lees Estate, then they can file the appraisement which will begin the 60 day period for any claims. However know any personal affects of Isaac’s dad was taken from the apartment and placed in a secured place that can be protected and is, up until the time it can be distributed. Should there be any assets such as guns left over from the grandfathers estate that goes into Lee’s estate, that does not need to be sold to pay off debt owed then Mr. Clay noted he is faced with another issue in getting them across state line into Kentucky to a twelve year old boy. He is researching the legal issues as well. Or even transferring them to a guardian can have some legal complications to it as well. There is a clear recognition in the family that Isaac is the sole heir of Lee.

Following additional discussion, upon a move by Commissioner Chapman, the Commission agreed to up hold the appointment of Laura Hamrick and that Mr. Clay has agreed to maintain a line of communication between his client Ms. Hamrick and that of Ms. Smith, the mother of Isaac. The Commission Discussion - none

Appearing before the Commission - Lisa Strader, Executive Director with Visit Southern WV and Devin Thomas with Mountain Lake Campground

Ms. Strader presented to the Commission a copy of their 2022 Annual Report She also gave a brief rundown of their plans for 2023/24. She conveyed that right after Memorial Day, they will be bringing an influencer in for three nights and four day. In addition, and if the stars align, they are hoping to bring in a TV fishing show into Summersville Lake in mid May and it will not air until the spring of 2024, Part of the show will be doing something at the high school and while Visit Southern WV will be handling all costs, there will be some inkind contributions needed of which Tracy is working on that from this end. She further noted that they placed Susan James from Mountain Lake Campground on their Executive Committee to give Nicholas County more of a voice and for them to more positive to what’s going on in Nicholas County. Ms. Strader noted that was the big changes and the things they have going on since she was before the Commission last. Following discussion, the Commission thanked Ms. Strader for coming in.

MINUTES OF THE NICHOLAS COUNTY COMMISSION - APRIL 19, 2023

Appearing before the Commission - Mary Jane Williams Grant Coordinator for Richwood Area Chamber of Commerce followup from April 05, 2023 meeting concerning: 1) Monetary grant for historical walking tour and renovation of fire tower 2) Completion of pool repairs 3) Monetary consideration for Feast of the Ramson (April 22) and, the Scenic Mt. Triathlon (July 9)

Mrs. Williams stated that since they were here last Commissioner Roberts did a lot of investigating and was able to get some people to match some of the things that they needed as far as the Historical Walking Tour. She said they are still down to where they need about \$2,000.00 to be able to rent the Boom Lift, for a week, to take to the top of the tower. The lift is now down to \$3,340.00. She added that they are also probably going to be able to expand their brochures from a thousand to fifteen hundred, because of other donations. Mrs. Williams moved on to the pool repairs stating that they still need \$7,300.00, which is the balance that was needed for the change order. She also noted that the Feast of the Ramson is this weekend and the Scenic Mt. Triathlon is in July. She added that, in the past, she thought that the Commission was able to give them \$2,500.00 each, which helps with all of the costs. President Cole asked Mrs. Williams with the Feast of the Ramson this weekend, do they have to rent the Armory or anything like that? She said that they pay for the cleaning of the Armory. President Cole said if they could now go back in order of the request, they will start with the walking trail and the fire tower, the request is now \$2,000.00, because of other funds raised, and Mrs. Williams agreed. President Cole stated that he would be willing to support that out of Coal Severance. Commissioner Chapman asked Mrs. Williams out of their Cherry River Foundation funds, has Richwood put any money into this project and Mrs. Williams stated that she did not approach them on this one, because she is always approaching them for the pool and other things. Commissioner Chapman said he did not mean this badly, but it just feels like we are Richwood's bank. It just seems like nobody up there is helping. Mrs. Williams said that they have several people that are giving more money for the brochures and they do have a partnership with Richwood Area Center, Richwood Chamber of Commerce, Richwood Fire Department, Lifetite Metal Products and Columbia Forest Products and so it not just that they are asking for the money. This project has grown from a \$2,000.00 grant to a \$20,000.00 project, because of all of the support. Commissioner Roberts inquired of Mrs. Williams if the Feast of the Ramson and the Scenic Mt. Triathlon were profitable. She noted that they are able to support themselves pretty close, but it depends on weather etc. She went on to say that they have to put in all the expenses for it, but if they do not get the turnout then they take a big cut, and that supports the Chamber and the Chamber activities that they do. Commissioner Roberts stated he just wanted to make sure that they are not in the hole and that it is just not going to happen. It is just the amount of profit that is going to be made off those activities to be able to support those other ancillaries. Commissioner Chapman moved to fund \$2,000.00 for the Boom Life, \$1,500.00 for the Triathlon and \$1,500.00 for the Feast of the Ramson, and he feels like we have put in enough for the Pool and someone else could pick up that tab. The \$5,000.00 is to be taken from Revenue Loss Recovery. Discussion - none

Appearing before the Commission - Robin Bartlett Director Richwood Public Library regarding discussion concerning March 01, 2023 agenda meeting concerning heating system.

Mrs. Bartlett noted that they do not have any heat in the building now at all. She presented the Commission with the only estimates she could get. They are as follows:

Alpha Construction

- Removal and disposal of existing unit.
 - Provide and install (1) 120,000 BTU downflow gas furnace.
 - Provide and install (1) 5-ton Trane A/C.
 - Provide and install (1) 5-ton cased coil.
 - Provide and install 50ft of new line set.
 - Provide and install (1) 825 Trane wifi compatible thermostat.
 - All existing duct work and wirg to be re-used.
- Base Bid: Twelve thousand eight hundred seventy five dollars and no cents (\$12,875.00)
Alternate 1: Provide and install (1) Trane 96% efficient 120,000 BTU gas furnace only.
Base Bid: Six Thousand two hundred seventy five dollars and no cents. (\$6,275.00)

Brogan's Heating & Air Conditioning LLC

- Installation of a 5 Ton 14 Seer American Standard Air Conditioner
- 5 Ton Coil
- Refrigerant Lines
- Wifi Thermo-Stat
- Removal of existing unit

Estimate: \$6,500.00

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old so both of them are going to have to be replaced. She said there should be one estimate for air only, one for heat only, and then one for both. She noted that hopefully they will not need heat much longer, but it was cold in the library yesterday. She went on to say that the last time she was here she was asked to approach the City of Richwood for help and she did talk to the Mayor. He said that they give them \$1,000.00 a year and pay their insurance. She said she was left off the City Levy this year again. The mayor did say that he could maybe throw in a thousand dollars for heat and air. After further discussion, the Commission asked Mrs. Bartlett if she had any preference in regard to the Companies that she received estimates from. She noted that Alpha Construction has been amazing to help her and just for their loyalty she would like to go with them. Commissioner Roberts moved to give \$12,000.00 specifically for heat and air replacement. He added that they would give the money to her and she could make the decision as to whom she wanted to go with for this project. Discussion - none

Second reading of Amended Ordinance for an Enhanced Emergency telephone system for Nicholas County.

President Cole noted for public record the reason we are amending this Ordinance, when we just Admitted it, is that the telephone and cable companies requested more time for the effective date, so that they would not have to go back and bill for two or three months and effectively raise peoples bills a lot more than we had ever anticipated. Therefore, the amounts do not change, this Ordinance still stands at \$4.75 per landline, none of the amounts have changed, and none of the technicalities have changed. President Cole stated the only change to this Ordinance was the effective begin date will be moved from February 01, 2023 to May 03, 2023, for the rate increases. This allows the telephone and cable companies ample time to prepare. At this time, he requested a motion to suspend the reading and to approve the second reading of this proposed ordinance. Commissioner Roberts said "so moved". President Cole stated that the motion was on the floor. The decision to accept as stated was unanimous. Discussion - none

At President Cole's request, decision on Nicholas County Veteran's Memorial Park Entrance Lighting quotes.

President Cole stated that they met with Park Manager Sally Stover, along with some electrical contractors, on April 05, 2023, at 4:00 p.m., which was a pre-bid mandatory meeting, for the bids concerning lighting of the Park entrance for the Nicholas County Veteran's Memorial Park. The Commission did receive three bids from the Contractors that were eligible to bid. After reviewing the bids, the Commission decided to table this matter until the May 03, 2023 meeting.

COMMISSIONER'S COMMENTS

Commissioner Roberts stated that he feels we have reached a point financially, in his short tender here, where the Commission is looking to only trying to provide support for things that are necessary and needed, not just wanted. He gave an example such as replacement of something needed verses an expansion or something new. He also noted that another thing that they have talked about, and would like to put in action, is that if any organization comes in with a financial request that they bring a copy of their latest treasurer's report and then they can see what, as Commissioner Chapman puts it, the type of skin they are looking to put in the game, as well. He added we definitely want to be a partnership with all organizations and entities in the county, but we want to make it a partnership, not a full support, all the time.

President Cole said that it has been brought to his attention a concern regarding our Health Department. He added that there was some interest from our friends, in Fayette County, to combine Health Departments. He noted that he wanted to go on public record stating that he does not believe that this is in the best interest of Nicholas County. He added we are a plenty large enough county where we can sustain our own facilities, sustain our own staff and we have a well funded Health Department. He stated he is not so sure about our friends, across the river, as to what their situation is, but it is his understanding it is not quite where we are. He wanted to urge all the board members, of the Health Department, to keep this in mind going forward, that at least as far as he is concerned, he has no interest whatsoever in supporting a merger, as we have found with other organizations and with other counties too often we find ourselves, for whatever reason, even as competent as a city and a county that we have, we have been found receiving the short end of the stick, and when we have the most resources and most opportunity, he thinks we just need to stay on our own and said that would be his Commissioner's comment.

Commissioner Chapman asked that we all remember the Mullens family. He said today they will

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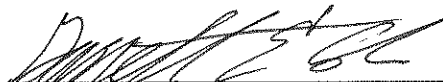
MINUTES OF THE NICHOLAS COUNTY COMMISSION - APRIL 19, 2023

lay to rest Cody Mullens.

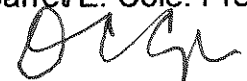
Documents Attached:

- Resolution of the City of Richwood Approving Invoices Relating to Services for the Hinkle Mountain/Little Laurel Waterline Extension Project
- Application to Close Unused Portion of Unnamed Street or Ally near waters of Meadow Creek, Grant District, Nicholas County, West Virginia
- The Nicholas Chronicle, Publisher's Affidavit
- Order Granting Application of Roy Richardson and Natalie Richardson, and Jacob Long for closing of unnamed street or alley near waters of Meadow Creek, Grant District, Nicholas County, West Virginia


Being no further business to come before the Commission, the Commission adjourned its meeting until May 03, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:

Patricia Neff
Administrative Assistant

Mary O'Dell
Office Assistant

APR 19 2023 10:48 AM

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 03, 2023

he Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, May 03, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Due to arriving approximately twenty minutes late, President Cole apologized and requested for the morning schedule to be altered to move ahead with appointments to be followed by in-house matters in order to be mindful of everyone's time here this morning. The Commission had no problem with this.

PUBLIC COMMENT

No one appeared for public comment

In the Matter of: Estate of Gerald Paul Tinney, File No: 10453

Appearing before the Commission - Jessica Grimmert and Miranda Brown, of which Ms. Brown is an heir to the estate and is objecting to the Appraisal filed by the Executor Jack Tinney who was also present at today's proceeding. Also present was Attorney Larry Harrah representing Ms. Ms. Brown. Sitting in were: Jessica Grimmert Christina Tinney and Nicholas County Deputy Clerk Brandi Brown.

It is being noted for the record that all parties offering testimony were sworn in by President Cole. Ms. Brown gave a brief overview of the events that have transpired to date with their office - that on January 18 2023 they received some disbursements and receipts from the Executor Mr. Tinney. Notice was given to all heirs that they had ten days to object, and within that ten days their office received a letter from Attorney Mr. Harrah on behalf of his client Ms. Brown who is an heir to the estate, objecting to the Appraisal. They came before the Commission on March 1 and at that meeting it was suggested by the Commission and the county attorney that the parties try to come together to resolve any issues that they found within the appraisal. They then received a letter from Christine Tinney dated March 29 requesting another hearing before the Commission because the parties have been unable to come together to resolve this matter. Mrs. Tinney spoke up and stated that since the time the letter was written, they did meet because Mr. Tinney was due to have a surgical procedure, but the matter still remains unresolved. Mr. Harrah spoke and while he conveyed that he was able to meet with Mrs. Tinney, not all parties was able to be present due to scheduling in such a tight time constraint. He would ask for the Commission's consideration in setting this for a evidentiary hearing where we can get everything out on the table for all parties involved which seems like the simplest way and to get this estate moving. When Mr. Tucker inquired about the issues, Mr. Harrah noted there to be lots and personal appraisal items that they have a right to such as guns. Mr. Tucker stated that but that's not an appraisal issue but a distribution of property issue and Mrs. Tinney spoke up and said in her opinion they were gifts. That they were given to them (the guns) to get out of the house, because he was very, very sick. Mr. Tucker informed the Commission that he would refer this matter to a Fiduciary Commissioner. Following a brief discussion, upon a move by Commissioner Chapman, the Commission referred the Estate of Gerald Paul Tinney, File No: 10453 to a Fiduciary Commissioner, Attorney Mike Anderson.

Appearing before the Commission - Development Director Erich Miarka and Attorney Chris Hunter with the law firm of Jackson & Kelly representing Savion LLC

Both gentlemen appeared to give an update on the Nicholas County Solar Project, LLC. Mr. Miarka conveyed since they last spoke a lot of progress has been made and they are transitioning into the preconstruction process. The environmental surveys are done, they are working through the mine phase close out for the outstanding mine permits on site and transitioning those into the post mine land use process that will take some additional time. Concerning the Fola property, Mr. Miarka noted that hopefully by the next time he comes to give an update that this will be a done deal and that he will be able to have some good news to tell on that piece of property. Concerning the bomber crash site, they have engaged an Historical Preservation and Archeological Firm known as StanTech to help them to identify and establish the actual crash site. Part of their scope will be to meet with the Nicholas County Historical Landmark Commission, hopefully within the next four to five weeks, and will coordinate their efforts with the State of West Virginia Historic Preservation Office to compare and share any and all relevant information in an attempt to pinpoint the exact location of the crash site. Mr. Miarka conveyed to the Commission that upon preliminary analysis from the SHPO indicated that this was not on their property and he believes it to be on Western Pocahontas

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 03, 2023

land, but either way, they plan to work with the land owner to be able to go to the site to mark it. In addition, they would be willing to offer a grant to the Nicholas County Historical Landmark Commission, assuming they would be willing to work with them, to memorialize the location. Mr. Miarka noted that the last thing he wanted to mention was the bipartisan infrastructure bill set aside \$500,000,000.00 for grants on mines. And not just coal mines - but any type of mine. Specifically, they are funding five projects across the United States, two of which must be solar projects. The funding for those grants just got released two weeks ago and Department of Energy through its Office Clean Energy Demonstration (OCED) have invited their company to apply with the Nicholas County project. Mr. Miarka stated that was very exciting in itself when they reach out to you asking for you to apply. The concept papers are due in by May 11 and the Grant Application deadline is August 31. One thing that stands out in the grant process is workforce development, but it appears to be ambiguous. What he is aiming to do is to take a significant portion of grant proceeds and funnel that through like a technical community college, someone who could help us train and credential workers in this new industry in this area. He asked the Commission if they had any ideas or partners that they could put him in touch with, to please do so. The resources would go to the folks who would be setting up the program, training and passing out credentials to all who successfully succeeded the course. Three ideas mentioned off the top were - New River Community Technical College, Nicholas County Career Technical Center and Nicholas County HS CTE as a feeder workforce. Mr. Miarka stated that while much of the grant was going toward mitigation issues such as site and settlement, engineering challenges, but their thinking that a significant amount of funding should be for the workforce development piece of the grant. He noted that he would like to have a letter of support from the Commission when it comes time to submit the grant application and will circle back around toward the end of summer.

The meeting was turned over to Mr. Hunter to speak about the **LEASE**, between the County Commission of Nicholas County, West Virginia, Lessor, and Nicholas County Solar Project, LLC, Lessee; and, **SUBLEASE AGREEMENT**, between Nicholas County Solar Project LLC, a subsidiary of Savion, LLC, a Delaware limited liability company ("Sublessor"), and the County Commission of Nicholas County, West Virginia ("Sublessee"); and, **SUBLEASE-BACK AGREEMENT**, between the County Commission of Nicholas County, West Virginia, (Sublessor); and, Nicholas County Solar Project LLC, a subsidiary of Savion, LLC, a Delaware limited liability company ("Sublessee").

Mr. Hunter stated that back in December 2022 was the last time he had met with the Commission at which time we had entered the Pilot Agreement on this project. While they had the Lease prepared during that time, they could not provide a detailed listing of the equipment and such that was to be included in with the PILOT Agreement. He did have that with him here today and attached to the back of the Lease making it whole and ready to be executed. In addition, he had forwarded two (2) separate agreements as stated above - Sublease Agreement and Sublease-Back Agreement for the Commission to review. Following a lengthy discussion between all parties concerned and that of counsel, it all came down that the LEASE that dealt with the real and personal property; and, the SUBLEASE AGREEMENT and SUBLEASE-BACK AGREEMENT all dealt with the real property only and referred to the LEASE often within, did not contain any language as to the amount of insurance that would be available to the county should something go wrong. Therefore, Attorney Tucker requested for an Addendum to be added setting forth some hard numbers. Upon a move by Commissioner Chapman, the Commission approved for the LEASE and both the SUBLEASE AGREEMENT AND SUBLEASE-BACK AGREEMENT to be executed by President Cole; and that an Addendum be added to the LEASE setting forth the insurance indemnification. Discussion - none

At the request of President Cole, he presented a request on behalf of Nicholas County Veteran's Memorial Park for its swimming pool. He conveyed that had an improperly designed water system and they were basically just churning water rather than just treating the same water which just left the pool pretty drained for opening this season. In the interest of preserving the financial stability of the park, and rather for them draining its funds cause they will run short anyways, he wanted to come and request \$5,000 for the pool account to open it up for the year. This would also go toward a few upgrades that they need to do to get it ready for the season by Memorial Day. Upon a move by Commissioner Chapman, the Commission approved the extend Nicholas County Parks & Rec Recreation Commission \$5,000 for its Pool account to come from Coal Severance.

Resident Cole noted that the next item on the agenda for consideration was an Invoice from McKinley and Associates over an Invoice for Design Services for a former Nicholas County 911

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 03, 2023

Center Project, and really what it appeared to him was an open ended contract which began approximately 12 years ago, which nothing against our predecessors, he did not believe was something that we can take on. But at the beginning of his term and the very beginning of Commissioner Chapman's term they tried their best to work with them. By then we were in the Covid Pandemic and the rise of construction costs took hold and the project took on such an exorbitant amount that we just had to abandon the project. Mr. Tucker then spoke up and conveyed that about one month ago the Commission received a letter from McKinley's counsel requesting in excess of \$50,000. Mr. Tucker conveyed that since that time through negotiations that McKinley's firm and counsel has agreed to a settlement and that he, Mr. Tucker, would recommend that we settle this at the requested settlement of \$22,500. Commissioner Roberts noted in reviewing the documentation that it the contract was signed on September 10, 2012 and the invoice was for \$36,304 and with interest and fees brought it up to \$51,550.16. It was a debt that we did not incur, but was responsible for. President Cole noted he did appreciate everyone's efforts who had a hand in working on this, and if they can move on, we and our E-911 Center can move on. He did however requested that should a motion be made to settle this claim, that the funds be taken from the E911 Fund. With that being said, upon a move by Commissioner Roberts, the Commission approved the settlement amount of \$22,500 to be made payable to McKinley Architecture & Engineering in order to settle all claims against the County and its agents concerning the former Nicholas County 911 Center Project and for said amount to come from the E911 Fund. Discussion - none

President Cole conveyed that today was the 3rd and final reading on the Proposed Amended E911 Landline Fee Ordinance that was scheduled for today. Also present was NCDHSEM Director John McGinnis

President Cole opened the floor for discussion information while noting for purpose of the public meetings are to receive citizens input on increasing the monthly land line fees only from the current county rate of \$3.50 per line per month to \$4.75 per line per month, but these meetings were not about the increase in fees, as our publications back in and hearings leading up to February 2023 were, it was due to the lack of notification to the providers of service directly that we had to back up and change the effective date of the Amended Ordinance so that our residents would not receive a first time bill with a three to four month added one time fee to it. President Cole asked for a motion to waive the reading of the Ordinance and to approve the 3rd Reading - whereupon Commissioner Chapman so moved. Discussion - none.

Upon a move by Commissioner Chapman, the reading of the special meeting minutes of March 28, 2023 concerning PEIA Insurance was reviewed and reading was waived , with motion to approve as presented. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

Moving on to Expiration of Terms Expiring and Resignations -

Concerning the Nicholas County Airport Authority resignation of Chuck Shaw, President Cole recommended for this to be tabled until the next meeting. No action was taken by the Commission.

Upon a move by Commissioner Roberts, the Commission accepted the resignations of Mary Spencer with term of office expiring October 15, 2023, Terri Shamblin with term of office expiring October 15, 2023 and Jennifer Coffman with term of office expiring October 15, 2024, from the Nicholas County Parks and Recreation Commission. Discussion - none

Upon a move by Commissioner Roberts, Michelle Underwood was appointed to fill the unexpired term of Jennifer Coffman with term of office ending October 15, 2024. Discussion - none

Upon a move by Commissioner Roberts, Tracy McCoy was appointed to fill the unexpired

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 03, 2023

term of Mary Spencer with term of office ending October 15, 2023. Discussion - none

Upon a move by Commissioner Roberts, Kathleen Curry was appointed to fill the unexpired term of Terri Shamblin with term of office ending October 15, 2023. Discussion - none

Concerning the Nicholas County Fire Board, the Commission accepted the resignation of Jennifer Coffman with term of office expiring February 6, 2026 upon a move by Commissioner Roberts. Discussion - none

Upon a move by Commissioner Roberts, the Commission approved the appointment of Michael Painter to fill the unexpired term of Jennifer Coffman to the Nicholas County Fire Board. Discussion - none

COMMISSIONERS' COMMENTS:

Commissioner Roberts reminded the Public that when approaching the Commission seeking monetary assistance to be mindful that what you are seeking is necessary and needed, not just wanted. In addition, Commissioner Chapman noted that the ARP funds are no more. That which the county is holding onto has been committed to other community projects.

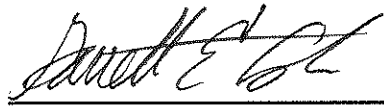
President Cole noted that the comments he made a few weeks ago concerning the Health Department, since that time, they have opened up a far greater line of communications. He noted that we have a great level of collaboration with the Fayette County Health Department and they both are very mindful of the citizenry they answer to. President Cole noted that he appreciates and better understands their collaboration and looks forward to hearing more from them as time goes on. Commissioner Roberts noted that he believed there to be a partnership there.

DOCUMENTS ATTACHED


E911 Ordinance

Order Granting Closing of UnNamed Street or Alley near waters of Meadow Creek, Grant District, Nicholas County, WV (Malcom Development)


Being no further business to come before the Commission, the Commission adjourned its meeting until May 17, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Patricia Neff
Administrative Assistant

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 17, 2023

01071

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, May 17, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present was County Commission Attorney Greg Tucker.

PUBLIC COMMENT PERIOD

It is being noted for the record that no one appeared during this segment of the Commission meeting.

Upon review of the Commission's Minutes of April 19, 2023, Commissioner Roberts moved to waive the reading and approve accordingly. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Roberts moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council regarding CDBG Time Extensions for the following Projects: 1) Birch River PSD Mill Creek Waterline Extension and Hinkle Mountain Broadband Expansion 2) Birch River PSD Wilson Ridge Waterline Extension Project - Resolution #11 and 3) City of Richwood Hinkle Mountain/Little Laurel Water Extension Project - Resolution #14

Ms. Lawson started out by discussing the Birch River PSD Mill Creek Waterline Extension and Hinkle Mountain Broadband Expansion. She noted that they are asking the Commission for their support by submitting a letter requesting that this project be extended by a period of a year to June 30, 2024. She stated that currently the Grants award periods are through 2023. Mrs. Lawson said regarding the Mill Creek project they are just waiting on The Development Office to approve the environmental report that they have prepared. As soon as they have their authorization, they will put it in the paper, and that is really the last thing that has to happen, before the project can be put out for bid. She conveyed that they hope to see this project under contract possibly this summer.

At this point, Mrs. Lawson moved on to the Hinkle Mountain Broadband extension project. She stated that she knew that we have talked about this project for a long time, but they really are getting somewhere. She said this project is in a similar situation whereas they are still working through a scope change to remove the Little Laurel component. It asks for some additional narrative to support the scope of change, but they do not foresee any issue with it, because they are adequately served. She noted that it is the same situation with the FONSI. They need to get the blessing of the Development office to run that ad. She went on to say that they still need the operation agreement, but they have had some recent conversations about it. She noted that is where they are, and they just need to jump through the hoops to request one more year. Commissioner Roberts asked Ms. Lawson, with the removal of the Little Laurel component would there be an overbid on the funding and if so, will they be able to shift the funds over to do more on Hinkle Mountain? He wanted to know how that was going to play out and will they have to reduce the financial aspect of the project? Ms. Lawson noted that they just received a updated cost estimate last week and she has not had a chance to look at it. She said she imagines it will be less than what they need, so what they will hope for is that they would allow them to keep the funds, so that they will have some padding so that if they do have an overrun they will not have to go back and ask for more money. She said she did not know if they would let them extend the service any further. At that point, President Cole asked

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if there was a motion on the Birch River Public Service District Mill Creek Waterline Extension Project and the Hinkle Mountain Broadband Expansion Pilot extension requests. Commissioner Roberts moved to request a time extension for the grant through the period of June 30, 2024 and to issue letters requesting said requests. Discussion - none.

Mrs. Lawson moved on to the Birch River PSD Wilson Ridge Waterline Extension Project - Resolution #11. She stated that this is the final Resolution for the Wilson Ridge Waterline Extension Project. She noted that it is one hundred percent complete and this Resolution #11 will close it out. The final overage did come in under the estimated amount. The Commission's commitment was not to exceed \$6,750.00. The final tally is \$4,810.27. She went on to say they did the percentages that they talked about prior. The excess monies were divided between Clay and Braxton counties, as well. Commissioner Chapman moved to pay Resolution #11. Discussion - none.

Moving on, Mrs. Lawson addressed the City of Richwood Hinkle Mountain/Little Laurel Water Extension Project - Resolution #14, in the amount of \$77,316.39. She noted that Resolution #14 covers contract 1, 2 and 3, as well as Engineering services, Administration services, and also they had to have Mon Power do some work, at the booster station, that will pump water up Main Street on to the mountain. The Commission's portion of the funding will be for Contract 1, which is Little Laurel, in the amount of \$77,316.39. All together, with all of the funding combined, the total is \$570,579.01. Based on the amount the contractors have been paid, Little Laurel extension is 60 percent complete, Hinkle Mountain 67 percent complete, the Hinkle Mountain tank 27 percent complete and the water plant is 9 percent complete. Commissioner Roberts conveyed that Ms. Lawson stated that the water plant will probably go quickly once the weather breaks. She noted that they have not had a pay estimate from them for a while. Commissioner Chapman inquired as to their estimated completion date. Ms. Lawson stated that the original completion date was three hundred sixty five days. She said she thought the completion date was June 16, 2023, so they are coming up on that year mark and so she does anticipate that they will see some extensions, so she will report the completion date at the next meeting. She noted that especially with the water plant, when the engineer actually anticipated the materials being delivered and actually how long it takes to get them here. Commissioner Chapman moved to approve Resolution #14, in the amount of \$77,316.39, for the City of Richwood Hinkle Mountain/Little Laurel Water Extension Project. Discussion - none

At this point, Mrs. Lawson asked if she needed to talk about water for the Sugar Grove area, or should she just mention it to Mary O'Dell. President Cole told Ms. Lawson "yes" let's talk about Sugar Grove. President Cole noted that he guessed that Senator Capito has the program of Rural Water Development, in the amount of about sixty million dollars. He would like to verify and see if that and or any other communities in the county might apply for that. President Cole noted that he could forward the information on to Ms. Lawson regarding the program. She said she wondered if it is just the USDA's program. She noted that the typical thing for the USDA program is that they won't do a one hundred percent funding. They generally do grant loans fixed. However, their Director, at the state level, is really wonderful to work with and she is sure they could get in touch and see what they are willing to do. At this time, President Cole stated that we may need to revisit this matter at a later date.

Appearing before the Commission - Anita Groves and Crystal Hanks of the Nicholas County Fair Board Budget Committee regarding requesting support for the fair security.

Crystal Hanks expressed to the Commission that Michelle Underwood is the President of the Nicholas County Fair Board, however she could not be here this morning, because she had a prior work engagement. She added that Ms. Underwood has worked tirelessly, along with the Board and Members, to revive and plan the fair, in a very short period of time. They are here to share exciting updates on the 98th annual Nicholas County Fair. She added the fair is back on July 19th through July 22nd. She added, that due to generous donations from the community members and businesses, we can make the fair not only fun but affordable for all this year. The gate admission will be \$10.00, \$8.00 for seniors and children under two will be free. This price will include all entertainment and all rides, there will be no hand stamps or tickets this year. The fair queen will be crowned on the 17th of June. They have a active volunteer board as well as committee members to

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volunteer within the community. She went on to say, again, in a short period of time they have been able revive, plan and organize the fair. The fair from the past, like when we were kids, four days of family friendly fun and excitement. Mrs. Groves added that they have entertainment, such as the Davisson Brothers Band, Chase Likens, Lords of Lester, Cameron Boggs, The Blankenship Family and the Adam Young Band. She went on to say they have horse shows, goat shows, tractor shows, petting zoo, and rides from M & L Amusements, great food, a variety exhibits including art, can goods, baked goods and quilts. She added that they also have a dunk tank from Hillbilly Bath Tub. She said they have a commitment from President Cole and Commissioner Roberts to participate. With Commissioner Chapman being the only one left, she told Commissioner Chapman that she was sure he wanted to be involved in it as well. She asked him if they had his commitment and received no response. Ms. Groves went on to say they have a variety of games for the kids and they have bingo all four days. She noted that along with this update, they wanted the Commission to beware that safety of our community members is a top priority. They want this to be a fun and enjoyable time for all with safety and security in mind. They have a contract with M & L Amusements and they are required to have two police officers, in the midway, and the Board would also like security at the gate, so that they can be vigilant as to what people are bringing on to the fairgrounds. She noted that they are approaching the Commission today for their expertise in this area. She said they have Michael Underwood a retired West Virginia State Trooper, assisting with logistics. He recommended Krammer Security and they have received a quote for \$5,400 for four days. She went on to say that they are coming to the Commission because they know that the safety of our citizens is their top priority, as well. They are asking for either a donation towards hiring a security team or other ideas or suggestions they may have regarding security. Mrs. Groves noted that the community has been generous with their time and talents to save the fair. They have volunteers in all areas to work all four days. They just feel that security is an area that they need trained professionals to protect those attending, and to have watchful eyes so that parents and kids can relax and have a safe time knowing that we have security present. She added that they understand that this is a big ask and also know that the Commission has been generous with so many organizations and they sincerely appreciate all that they do for the Community. Commissioner Roberts noted that he did not know what type of message we are going to send out to people attending the fair and what type of message we are going to send out to other organizations, with regards to actually hiring a security guard. President Cole inquired as to if the carnival company required 24 hour security or just while people are there? Mrs. Groves answered that they want them there as long as the mid way is open. President Cole asked if the Board would be opposed if they added to our deputies overtime budget and that would be their shift that day just to be at the fair all day long? Commissioner Roberts asked if we gave one officer could the City give one as well? President Cole asked Mrs. Groves how many people Krammer Security would have been providing? Mrs. Groves answered they would have been providing ten people. After further discussion, Commissioner Chapman said he was fine with all of the things President Cole brought up, and if they had some deputies that wanted to work some overtime maybe they could make a motion to do this up to a dollar figure and then, if they did not use this many people, we could throw some deputies in to make extra money. President Cole said that priority one would be if they get the deputies to commit. Mrs. Groves stated that if the deputies are not willing to commit, they will pick a security company. President Cole said how about a motion that they amend the overtime budget of the deputies up to \$5,400.00 and if they cannot get enough sufficient coverage, they will go with Krammer Security. Commissioner Chapman said he was saying that, in case the deputies wanted the overtime they would pay \$5,400.00 toward overtime. He said that he felt the first thing they should do is allow the deputies the choice, and if they do not want the overtime than we pay Krammer Security \$5,400.00. President Cole said the motion is on the floor and all agreed. Discussion - none

Commission discussion regarding Airport Management

President Cole said for the public's benefit, we have had management covered by our partnership with Yeager Airport, however the costs have grown, not in an unreasonable manner, but enough of a reason to potentially reconsider here this morning our structure as to how we run the airport, find it more self sustaining and also potentially bring in some more partners. President Cole said from what he understands, and to please correct him if he is wrong, it is a request for the Commission to hire an Airport Manager, pay the employee of the Airport ourselves and take that away from Yeager Airport, because basically we are paying this already, in a sense, to Yeager. However, now we are going to pay an employee ourselves under this request. He stated that his only stipulation he would request would be considered is that this position be on a one year basis only, and we can revisit this next year, but with a strict, strict, strict, strict provocative that the Airport Authority has to present a legitimate budget. They need to make good efforts and bring results in regionalization of this airport, and continue making it more self sustainable, and not relying on the expense or cost of partnering with Yeager, to the degree that we have been doing, but otherwise he

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is willing to consider the request. Commissioner Roberts moved to hire an Airport Manager under President Cole's recommendation. Discussion - Commissioner Roberts noted that one of the things that he wants to do is our next budget year make an amendment and there will be a dollar amount and they are going to agree to that dollar amount, and it is done. He said that includes this matter, so if it is a \$30,000, \$40,000 or \$50,000 amount that we are going to put into this, that is the dollar amount, and it is a fixed amount. He added he would like to have the financials by July 1st, so that we can actually see them and he said he does not think that is unreasonable. He added even if it is a cost estimate. He noted that he had asked that question once before and he was not really given a firm number that he was comfortable with, he went on to say there are a lot of variables, and he understands that, but they could at least have given him evaluated cost per month. He noted that whatever the number is, when we finalize this motion right now, it is a one time fixed amount and that is it. He said that we have talked about this and we are going to have to start setting these hard lines on folks. President Cole said to add to his commentary on this matter, we are stuck with it. It is our asset. We can't sell it. We can let it go, but this county has poured, which happened mostly way before us, fifteen million dollars into the airport. Commissioner Roberts noted, when that happens, it is at the point where you decide if it is an asset? He also said it is something that he believes that can bring a lot of value to the county, so he does not want to pass up on an opportunity like that, but at the same time do we cut our losses and say look we are going to have to move into a totally different structure, a totally different direction, or just totally cut our losses. Commissioner Roberts made the adjustment to his proposal by saying, what date are we looking to hire a Manager? President Cole said that they are saying that they needed someone yesterday. Commissioner Roberts also asked if the pay was going to be based on experience and do we have a salary in mind? Attorney Tucker said that they could advertise that the salary would commensurate with experience. He also said that the question is are they planning to hire an employee, because if they are going to hire an employee you are going to have to factor in matches. If you hire a Contractor they are responsible for their own benefits, but you are going to have to put in the ad for one or the other. Commissioner Roberts said he would lean towards a county employee, because as a contractor you can set their duties, but not their hours. President Cole stated that, while he had complete faith in the Airport Authority, he would still like for the Commission to have a good presence in involvement. After further discussion, Commissioner Roberts moved to advertise to hire a full time General Duty Manager, evaluated annually, requiring financials by July 1, 2023, and the position will be reviewed annually for the Airport. President Cole noted that they also wanted the Commission to address the part-time employee, as well. Commissioner Chapman said let's hire the Manager and let the Manager hire the part-time employee. With no further discussion, the decision was unanimous to advertise and hire a General Duty Manager, at the Summersville Airport.

At the request of President Cole concerning discussion on Nicholas County Veterans' Memorial Park staffing, grounds keeping and maintenance for certain county properties.

President Cole stated that they have been having difficulty with getting some of the properties maintained. He added that we are growing our real estates foot print of the county. He named the Old Post Office/New 911 Center, the McClung house, the Vance Glass building, and sometimes even the courthouse lawn frankly are not being kept to a standard that should be done within the City limits, because that is what the City requires of the citizens, in this city. He added it does not present a good representation on the county itself, on maintaining our facilities. He noted that this has been a problem for his entire tenure, and he thinks it has just come to a head to where at least we begin discussions and or act on regrouping, reorganizing something of the sort as to how we take care of these facilities concerning the grounds keeping. He said he talked with Ms. Stover, Manager of the Parks and Recreation, and it sounds like we can take on the courthouse lawn, the McClung House and Old Post Office/New 911, as we already have with Indian Rocks, while hiring two more staff members. President Cole went on to say there will be a greater level of accountability, and a little bit more equipment required. He had previously given the Commissioners a breakdown of expenses provided by Ms. Stover, at his request. The main purpose of this request is to determine if we want to subsidize the Parks and Recreation Commission personnel and some of the equipment to maintain our facilities better, with a strict prerogative of DRC still assisting, with doing some more of the manual labor and not necessarily the more accountable main work. Commissioner Chapman commented to President Cole that President Cole is talking about employees year round and President Cole answered seasonal, for this first year to try it out. Commissioner Chapman stated that Ms. Stover has it listed as fifty two weeks. Commissioner Chapman went on to ask President Cole if he is looking at these two people to just be doing mowing? Ms. Stover answered just for all grounds work. Commissioner Chapman stated that his question is should we put this request out for contractors, just to do mowing and keep that up and then we would not be buying equipment and not paying benefits. After further discussion, Commissioner Chapman moved to create job descriptions per county property and advertise.

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Discussion - none

COMMISSIONER'S COMMENTS

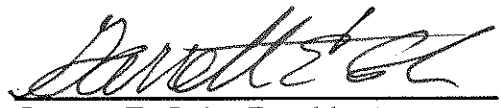
Commissioner Roberts stated that one of the things they are looking at, regarding the Airport, is a cost cutting issue. He said just like anything else we were preaching that monies are limited, funds are limited and that is a way we can literally cut cost. He added that we are looking at anything where we can cut costs down and still be affective, in our approach to county governing.

Attorney Greg Tucker informed President Cole that they needed to go into an executive session. Upon a move by Commissioner Chapman, the Commission entered into an executive session pursuant to West Virginia Code §6-9-a-4, concerning a potential legal issue of the Commission, at 10:00 a.m.. Discussion - none (It is being noted that everyone was asked to leave the room with the exception of the three Commissioners and legal counsel). Upon a move by Commissioner Chapman, the Commission entered back into an executive session pursuant to West Virginia Code §6-9-a-4, at 10:27 a.m.. Discussion - For the record, no decisions were made while in the executive session.

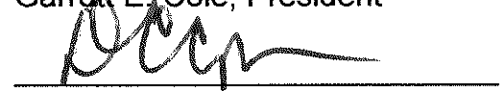
DOCUMENTS

City of Richwood Hinkle Mountain/Little Laurel Water Extension Project - Resolution #14
Birch River PSD Wilson Ridge Waterline Extension Project - Resolution #11

Being no further business to come before the Commission, the Commission adjourned its meeting until June 14, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Mary O'Dell
Office Assistant

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - JUNE 14, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, June 14, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Upon review of the Exonerations as presented by the Nicholas County Assessor, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of the Estate and Fiduciary matters as presented by the Nicholas County Clerk, Commissioner Roberts moved to approve accordingly, unless otherwise noted. Discussion - none

Upon submission of Budget Revisions received from the elected officials and department heads, Commissioner Roberts so moved that the Commission will take the appropriate action as deemed necessary. Discussion - none

Upon a move by Commissioner Chapman, the Commission authorized President Cole to execute the Grant Contract Agreement along with supporting documentation on behalf of the Nicholas County Commission on behalf of the Nicholas County Commission and the Division of Administrative Services, Justice and Community Services Section for the continued operation of a community correction's program. Grant Award \$103,982.00. Discussion - none

Upon a move by Commissioner Chapman, the Commission reappointed Christina Chapman to a five-year term of office to the Nicholas County Board of Health with a term of office ending June 30, 2028. Discussion - none

Upon a move by Commissioner Chapman, the Commission reappointed Aggie Johnson to a five-year term of office to the Craigs ville Public Library Board of Trustees with a term of office ending June 30, 2028. Discussion - none

Upon a move by Commissioner Roberts, the Commission, Rodney LeRose was reappointed to the Central West Virginia Regional Airport Authority to a three-year term of office with a term of office ending June 30, 2026. Discussion - none

Upon a move by Commissioner Chapman, the Commission reappointed Larry Greynolds and Randy Tucker to the Nicholas County Farmland Protection Program Board, with both serving a four-year term of office with each term of office ending June 30, 2027. Discussion - none

PUBLIC COMMENT

No one appeared for public comment

Appearing before the Commission - NCDHSEM Director John McGinnis

Mr. McGinnis noted that several months ago he had made a proposal concerning the Commission to become a participating employer of the West Virginia Emergency Medical Services Retirement System (EMSRS) thus allowing for his dispatching staff to fall under this retirement system. He noted that four out of the fifty-five counties have yet to sign on and that we are one of the four. Director McGinnis was seeking a favorable decision from the Commission as a result from today's meeting. Mr. McGinnis noted that the Board is working diligently trying to get everyone signed up before they go to the state. When asked if it was a better plan than that of the county's and Director McGinnis replied that it was. President Cole conveyed that he saw no issue one way or the other concerning the Resolution and called for a motion. Upon a move by Commissioner Roberts, the Commission moved to approve the Resolution to become a participating employer of the West Virginia Emergency Medical Services Retirement System (EMSRS). Discussion - none.

Appearing before the Commission - Cory Chambers representing the Cherry River Festival and Richwood Community Center

Concerning the Cherry River Festival, Mr. Chambers first thanked the Commission for its contribution last year as they were able to utilize it to the fullest. He noted that while they are not looking to at this year in asking for funding for the Cherry River Festival, they are working on a Fund Drive to raise money to construct a stage which would, rather than bring in tractor beds to

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - JUNE 14, 2023

serve as stages. Mr. Chambers was wondering if the county had any funds they could contribute this year to assist in this endeavor. He did however note that some of the money would probably be spent on advertisements and perhaps two to three more picnic tables and trash cans. Upon a move by Commissioner Chapman, the Commission approved a contribution of \$10,000.00 to assist with advertising, picnic tables and trash cans. Discussion - Mr. Chambers inquired if they do not use the entire amount for advertising, picnic tables and trash cans, could the remainder go toward the stage fund and the Commission replied they were okay with that. It was also suggested to Mr. Chambers that he speak with Tracy McCoy who is the Executive Director of the Nicholas County Visitor's Center about placing an advertisement in their brochure.

Next, Mr. Chambers began talking about the gym floor and while he noted that the last quote he received as more than one month ago, it was an all in quote with everything, including ADA compliant, in, which came to \$146,500. He conveyed that now is the best time to utilize that because a lot of groups are not using this particular spot. Of course they do have the Cherry River Festival coming up, but in all reality, now is the time to get this floor done. The Board and himself have raised \$105,000. They currently have 2 spots left at \$2,000 each of which he is currently in negotiations with a couple of businessmen. When asked what he was asking from this Commission, his reply was \$25,000. Following a lengthy discussion, the Commission thanked Mr. Chambers for coming in although they were unable to assist with this request at this time. They let Mr. Chambers know that just this morning their Clerk informed them that he was estimating at least \$50,000 less in a carryover than that what was projected and that our jail bill would be going up considerably come July 1, 2023. The Commission inquired about their roof issue concerning the facility and Mr. Chambers noted that for now, the patch job has stopped the leaking, but they estimated in a couple of years it is estimated they will need to replace the roof. He noted that Mary Jane has begun submitting grant requests in soliciting funding for this project. They do feel good about submitting to the Lowes Corporation for this project and she has received quotes from three different companies in looking at the replacement of the roof. Without divulging any names or pricing he did state that one company gave an extremely high cost which you could tell they were just not interested in the job and the other two were relatively close in numbers not exceeding \$150,000. But again, this was based upon current pricing of labor and materials and that they are hopeful they have at least a couple of years to wait. Prior to leaving, Mr. Chambers inquired if the Commission had any recommendations, whether county, state or federal funding sources might be available that they could pursue? Commissioner Roberts suggested that he speaks with our grant writer Lindsay Brady and perhaps pursue a grant through the City of Summersville. Mr. Chambers thanked them for their feedback.

At the request of Commission, President Cole conveyed for the record that it was the decision of the Nicholas County Commission to follow the lead of the Proclamation put out by Governor Jim Justice in giving the state employees the day off on June 19, 2023. The following information has been taken from an exert from the June 2023 issue of The County Line, |West Virginia Association of Counties.

Most people know Juneteenth as the recent addition to the federal holiday calendar and the reason for a four-day weekend, but it is important to know the history behind the holiday and understand why it means so much to Black Americans. A blend of the words June and nineteenth, the holiday has also been called Juneteenth Independence Day, Freedom Day, Second Independence Day and Emancipation Day. It marks the day the last enslaved people learned they were free.

The end of the most unfortunate chapter in our nation's history has been celebrated by Black Americans for generations. While the U.S. government was slow to acknowledge the occasion, it was in 2021 President Joe Biden signed a bill passed by Congress to set aside June 19th as a federal holiday. Most U.S. states now hold celebrations honoring Juneteenth as a holiday or a day of recognition, like Flag Day. Juneteenth is a paid holiday for state employees in Texas, New York, Virginia, West Virginia and Washington. Supporters of the holiday have also worked to make sure Juneteenth celebrators don't forget why the day exists. "In 1776 the country was freed from the British, but the people were not all free," Dee Evans, national director of communications of the National Juneteenth Observance Foundation, said in 2019. "June 19, 1865, was actually when the people and the entire country was actually free." We must all remember the sacrifices that were made for freedom in the United States.

Upon a move by Commissioner Chapman, it was conveyed for the record that the county has always followed suit with the State and that the Courthouse will be closed on Monday, June 19 for Juneteenth which is a federal holiday and which is followed by West Virginia Day which is already

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JUNE 14, 2023

a state holiday each year on June 20. Discussion - none

At 9:40 a.m., a Bid Opening was scheduled for Lawn Care Services of courthouse and commission owned facilities. It is being noted that an advertisement was ran in our local newspaper for two consecutive weeks and that no bids were received. President Cole asked for this matter be placed on our next week meeting agenda for further discussion.

In the Matter of: Estate of Troy Ruckman, File #10557

Present were: Cherry Murphy, Administratrix, Courtney Coleman, Ethan Ruckman, Patricia Bennett, Leo Bennett, Lindy Ruckman, Katie Cole Teresa Crislip, Lynn Ruckman, Deputy County Clerk Brandi Brown and County Commission Attorney Greg Tucker

It is being noted for the record that everyone who was offering testimony was sworn in by President Cole.

Ms. Brown noted for the record that on May 5, 2023 Ms. Cherry Murphy came in to be appointed as Administratrix over the estate. As heirs to the estate, she listed Ethan Ruckman and Courtney Coleman as heirs to the estate. On May 12 their office was notified that there was an additional child who had been left off of the application. Upon contacting Ms. Murphy, she came in that same day to sign a new application and added Katie Cole as an heir to the estate. On May 22 they received a formal rejection from Mr. Lindy Ruckman stating that he wishes for Cherry Murphy to be removed as Administratrix because one of the heirs was left out on purpose. Ms. Brown went on to say that Ms. Murphy is bonded for \$10,000 on this estate. Ms. Murphy position conveyed for the record that she has retained Attorney James Milam to assist her with this process. President Cole asked for verification that all known heirs to the estate are listed and to the knowledge of the County Clerk's office that Ms. Murphy is in good standing with their office while stressing that she is also under a bond, and Deputy Clerk Brown's response was yes. Commissioner Cole stated at this point he did not see any cause for her removal as everything has been done according to procedure thus far. Attorney Tucker did stress before the Commission that the issue before the Commission today was to determine if evidence was there to cause for the removal of Cherry Murphy as the Administratrix over this estate and not personal issues back and forth against one another. President Cole it would be his recommendation that Ms. Murphy remains in her position. Attorney Tucker informed those present to keep in mind that she would need to complete a final settlement showing everything that she did and that it will be presented to the heirs, and they will have the right to object to it should they disagree with any parts of it. Deputy Clerk Brown further noted that the Administratrix also will need to complete an appraisal and when they receive that, each heir will receive a copy as well. Mr. Tucker noted also should the appraisal come in higher than the bond, her bond will need to be adjusted as well. She would not have the ability to sell real estate as that would take the approval of the Circuit Court. Upon a move by Commissioner Roberts, the Commission approved for Cherry Murphy to remain in her position over the Estate of Troy Ruckman, File No: 10557. Further, should any issues arise moving forward, that the group can come back before the Commission. Discussion - none. However, President Cole encouraged everyone to try and work together to resolve this. That the Commission sees matters such as this among families much too often than they would like to.

At 10:10 a.m., the Commission had on its agenda schedule for the discussion on our Impound Lot Relocation. President Cole noted that this has been a difficult subject matter because the State fails to recognize that both the County and the City of Summersville held a separate Lease through them on their former DOH garage / storage facility on Webster Rd. when they moved to their new location a few years ago. And they have asked both entities to vacate the lot as they want it back. The City has since moved its stored vehicles, but the county is still trying to come up with a suitable site. The State has been discussing this matter with our Sheriff, but the Sheriff could not be here this morning, but will be able to be at next weeks meeting. President Cole went on to say that he would suggest the area behind or below the DRC. The lot we had was only about a 40'x80' and there is some inside storage and we will just need to figure that part out with the Sheriff. President Cole noted that the State would like for us to be out by June 30 and he relayed back that probably would not be happening. However, this matter will be placed on our next week's agenda and the Sheriff will be notified.

COMMISSIONERS' COMMENTS:

Commissioner Roberts reminded the Public that when approaching the Commission seeking monetary assistance to be mindful that what you are seeking is necessary and needed, not just wanted. In addition, Commissioner Chapman noted that the ARP funds are no more. That which the county is holding onto has been committed to other community projects.

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - JUNE 14, 2023

Appearing before the Commission - NCDHSEM Director John McGinnis

At the request of Mr. McGinnis to enter into an executive session to discuss a real estate matter, upon a move by Commissioner Roberts, the Commission at 10:35 a.m., entered into an executive session pursuant to West Virginia Code §6-9A-4(c) to discuss property matters. Discussion - none
Upon a move by Commissioner Chapman, the Commission entered out of an executive session at 10:51 and for the record no decisions were made while in the executive session. Discussion - none

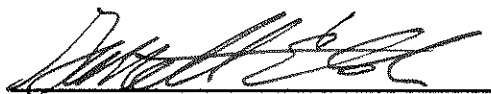
DOCUMENTS ATTACHED

Resolution to become a participating employer of the West Virginia Emergency Medical Services Retirement System (EMSRS)


Grant Contract Agreement between Division of Administrative Services, Justice and Community Services Section and Nicholas County Commission for the continued operation of a community corrections program in Nicholas County - Grant Amount: \$103,982.00

Depository Bond from Community Trust Bank


Being no further business to come before the Commission, the Commission adjourned its meeting until June 21, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Patricia Neff
Administrative Assistant

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - JUNE 21, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, June 21, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Upon the review and waiving the reading of the minutes of May 3, 2023, Commissioner Roberts moved to approve said minutes. Discussion - none

Upon review of the Exonerations as presented by the Nicholas County Assessor, Commissioner Chapman moved to approve accordingly. Discussion - none

Upon review of the Estate and Fiduciary matters as presented by the Nicholas County Clerk, Commissioner Roberts moved to approve accordingly, unless otherwise noted. Discussion - none

Upon submission of Budget Revisions received from the elected officials and department heads, Commissioner Chapman so moved that the Commission will take the appropriate action as deemed necessary. Discussion - none

Upon review of Invoices as submitted by the various departmental offices, Commissioner Roberts so moved that the Commission will take the appropriate action as deemed necessary. Discussion - none

The Commission approved the following local banks within Nicholas County as county depositories of public funds - Community Trust Bank of Summersville, United Bank of Summersville, First Community Bank of Summersville and Truist Bank of Summersville. In addition, upon a move by Commissioner Roberts, an Order was entered approving same and is herein attached to be recorded. Discussion - none

PUBLIC COMMENT

At President Coles request, discussion on the relocation of the impound lot and the Sheriff's furniture for the new center was on the agenda. Also present was Sheriff William F. Nunley, II and Chief Deputy Johnny Evans. President Cole mentioned that last week they had talked about using the lot behind the DRC and expanding it, as the county really needs to move on this to finish up with the vehicles being stored at the current site that we leased with the State Department of Highways as we have been asked to vacate. Sheriff Nunley noted that he was just waiting to see the location that the Commission arrived at. Commissioner Chapman inquired of the maximum number of vehicles at any given time and the Sheriff responded that the motor home of course is there which is under state police custody. (It is being noted this evidence is tied in the shooting death of a deputy sheriff and injury to another deputy sheriff, and the shooting death to one of the two involved in the shootout). Discussion turned to security of an impound lot and the need for a high fenced in area, in addition to a storage facility to secure certain items from the elements as the case may warrant. Also, over time, it was conveyed that state agencies were permitted to use our the lot which was leased not only by the county, but by the City of Summersville as well. In moving forward, the question was asked would we want to continue to accept other agency's tows into our lot? Sheriff Nunley's initial response was no, just because of the liability factor. In addition, it further places the Sheriffs Department in with the States case due to a chain of custody issue by holding their evidence. When the Sheriff was asked when he may be ready to auction off some vehicles, he responded that his office chief assistant has been working to secure some titles, and that perhaps by fall or late July or early August they may be ready. Following discussion, President Cole asked if soon if at least two commissioners and both the Sheriff and Chief could meet at DRC to make sure that fence is adequate, figure out how to get a quote on the privacy fence, and that way we can let the state know that we are making progress to remove that which is left off of they're property.

Concerning the Sheriff's furniture for his deputies office space at the new center, including two office staff from the law department, he received three quotes one of which was from National Business Furniture which by far was the cheaper of the three. In addition, he had them to remove the installation as his department will be handling that. He noted while this will be very time consuming, it will save the county around \$26,000.

President Cole noted that the Sheriff did make a significant cut in this proposal, currently

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his office has enough space for desks whereby there is approximately 5 deputies to each desk and soon they will be moving to a new location with plenty of space. He felt that the Commission should allow for the Sheriff to move forward.

Commissioner Chapman noted that it would appear that delivery on the items were anywhere from 1 to 4 weeks out and the Sheriff confirmed. Commissioner Chapman went on to say he would like time to digest the quote and to review the budget to see where they can take money from for this purchase, so he would like to see the Commission table this for now.

President Cole noted that two recommendations stated that two recommendations that he would have also would be that since this is a general county expenditure, he believed it could come out of the General County Fund so as not to bother the Coal Severance Fund since we still have two cruisers to purchase out of coal fund, along with some other matters. And also, the auction is still a valid point and whatever it brings in just lowers the cost of the furniture even more. In addition, anything else the Sheriff would like to put into the auction that he will be replacing the furniture with. President Cole did not have a problem with delaying a decision on this and suggested tabling this matter until our next meeting which will be July 5, 2023. It is being noted that the Commission did not have a problem with this.

At 9:20 a.m., tabled from our June 14, 2023 meeting concerning the bid opening on lawn care service for the county property, this matter was on today's agenda at 9:30 a.m., for further discussion. It was the decision of the Commission to remove this item permanently until further notice.

At 9:30 a.m., at the request of the Commission, the issue to discuss the possibility of forming a Nicholas County Jail Board to address the new formula that all counties had received from the State was next on the agenda. President Cole turned this subject matter over to Commissioner Chapman. Commissioner Chapman noted that what he liked to refer this to was a Task Force and have a representative from several agencies to sit on said Task Force such as - Public Defender, DRC, the Drug Task Force, Magistrate, Judge, Probation, etc.,. Perhaps go to Fayette County and sit through one of their meetings and walk away with an idea or two. They appear to be having some success. We are just looking for some input, talk about it, see what we can do and to get a better hold on that which we have no control over with the exception of just writing a check. Both President Cole and Commissioner Roberts wholeheartedly agreed with Commissioner Chapman who said he believed it needed to come from every angle. As an afterthought, he stated everyone except for the Judge, because the Judge cannot listen to things such as that. Commissioner Roberts noted that we all agree that we all don't want to see less and less prosecutions or anything less on the judicial side, but we need to do something because we are looking at about a \$300,000 increase to our jail bill and he is still trying to dig into why that legislation went through. President Cole inquired if Commissioner Chapman knew how often did Fayette County's Task Force meet? Commissioner Chapman conveyed he would find out. President Cole stated perhaps when he found out we could convey to everyone he listed about Fayette's next meeting and attend, and then structure our Task Force for its first meeting. Commissioner Roberts inquired if a motion was needed at this time. Attorney Tucker stated to the Commission that why don't you come up with a model that you are happy with before making a motion. The Commission agreed and Commissioner Chapman will check with another county or two as well. No action was taken at this time.

Appearing before the Commission - NCDHSEM Director John McGinnis
Director McGinnis appeared to address the new refurbished 911 Center, in particular equipment acquisitions.

Mr. McGinnis noted that at the last week he had presented to the Commission some pricing /quotes on generator's. Crusader Generator Services has not made it to Richwood yet. They had a death within their organization over the weekend and he spoke with a representative this morning who will be going to Richwood this evening to check that generator out. As far as the UPS system, he now has an actual quote from the company now which is a lot less than what we had anticipated and he provided the Commission with a copy. The UPS system will keep the 911 center up and running for 30 minutes thus giving the generator adequate time to kick on and take over during power outages.

Concerning the paving of the parking lot, they received a quote from WV Paving. He also placed a call with another company who is suppose to call him back later today to arrange a meeting and give him an estimate. Director McGinnis stated that both the generator and the UPS are a necessity. The UPS delivery time is 8-12 weeks. Following discussion, President Cole noted that a bid received

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from Gen-Mark / Gemco-Renmark Sales, Inc., out of Pennsylvania for the UPS system was for \$42,995 and that we had originally budgeted for this item \$64,775 so there was a drastic savings there. He would recommend should a motion be made, that the money would come from the E-911 Fund. Commissioner Chapman so moved to proceed with the purchase of the UPS system as was just stated by President Cole. Discussion - none

Director McGinnis noted for the record that the generator will have an automatic transfer switch which will benefit them in comparison to the problems they had with the last one. When asked by President Cole if he was still working on the fencing and the parking lot proposal Director McGinnis confirmed that he was. President Cole noted he would want him to think long and hard about it but he would still like to see the numbers when they come in.

On another matter, Director McGinnis informed the Commission that the Fire Marshal's office will be here tomorrow to do a final inspection on the sprinkler system. As far as construction goes, they are right on course and should be done by the end of this month. The order with Motorola should be completed by the end of July and training should begin the first part of August 1. Commissioner Roberts had a small request concerning the conference room. If Director McGinnis had planned on using a regular phone or something more sophisticated to conference people in. Commissioner Roberts went on to say that they have out one that is called an octopus phone that can actually host a conference call, perhaps something like that. He conveyed he had not planned on that, but it's something he can look into. Commissioner Roberts conveyed they were nice and that you could throw its little arms out and get audio, you can get them with a camera, and that it would be highly effective. Attorney Tucker noted also that they are reasonably priced. Director McGinnis noted that they have already used the room to host a meeting with the State and everything went very well. He conveyed to the Commission that the conference room would be at the Commission's disposal as well if needed. He conveyed that other agencies from Raleigh, Fayette and Kanawha counties were very pleased with our facility and look forward in seeing it after its completed. Definitely a step in the right direction. The Commission thanked Mr. McGinnis for coming in.

Appearing before the Commission - Vivian Parsons representing West Virginia Counties Risk Pool (WVCoRP)

Ms. Parsons appeared to give her annual update/review and to answer any questions that the Commission may have.

Ms. Parsons began by noting as she handed out a packet of informational items to each of the Commissioner's that as of May 2023 the West Virginia Counties Risk Pool (WVcorp) has 280 Members - 50 counties, 87 municipalities and 143 authorities. So as to not take up much time, she quickly went through the features offered which included Claim Reporting, Claims Processing, the Online Member Portal, Email Reference Guide, Property Valuations, Cyber Risk Coverage, Backing Up Your Data, Risk Control Services, Employee Training, Law Enforcement Training, Helping Members Mitigate Risk (Safety Source), "Gather Guard" Third Party Liability Program, The Truth About Risk Pools, WVCorp is right for local government. Local Government Coverages include - Property, Inland Marine, Equipment Breakdown, Crime, Auto, General Liability, Public Officials Liability, Law Enforcement Liability, Cyber, Workers' Compensation Excess/Increased Limits. Commissioner Roberts had a Cyber question and Ms. Parsons conveyed that at anytime should we feel that we have had a cyber breach, to call her. That the pool retains an Attorney who handles nothing but cyber cases 24/7 and she is very good at what she does. She will walk that person through from the beginning until the case is resolved. There is no exclusions, no sub-limits and no deductibles. Commissioner Roberts inquired if they do training on document retention? She said she would check on that and email him back. On their portal, she noted that there is a number of Webinar's that they have done and several show documents so there are a lot of resources there. As an example on personnel file material there is a Sexual Harassment training video for new employees rather than trying to get everyone together as a group, they come in and watch it and sign off on the form for their personnel file.

Ms. Parsons conveyed to the Commission that it was good seeing everyone and thanked them for having her. The Commission thanked her for coming in.

Appearing before the Commission - Cassandra Lawson, Senior Project Specialist, Region 4 Planning & Development Council and joining via Zoom - Cory Cassand representing Thompson & Litton Up first to be discussed was the Hinkle Mountain Broadband Expansion Project

Ms. Lawson began the conversation and then asked Mr. Cassand to pick up where she drops off. She began by saying that Thompson & Litton was the was the engineering firm on this project and they are requesting an Amendment to their existing Engineering Contract. The Firm's existing contract is \$85,800 and they are asking an additional \$18,000. As the Commission knows this was the first broadband project of its kind and the first grant award from the SCBG funding, and the project itself has been challenging. They had to figure out all the ropes in an uncharted area so to speak and it has taken quite awhile. Ms. Lawson stated that they really do believe that they are really

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close to being in a position to request authorization to bid. She went on to say that one area of the project had to be removed which will be a savings that went from \$624,000 to \$361,000. They are hopeful that the Development Office will let them keep the money to cover other expenses such as bid overages, advertising costs, and First Energy for the use of its poles or the other option being they will need to return the overage to the Development Office.

Mr. Cassand stated they are just looking for funding to cover cost for bidding, advertising and construction contract administration which is essentially left on the project. They do understand that was in the original agreement but they ran into multiple revisions on this project as well as extensive permitting with the First Energy people for the use of their poles which was unforeseen.

Commissioner Chapman believed before he could make a decision on this matter that he would want to see all invoices billed by Thompson & Litton on this project. He conveyed to Mr. Cassand that our Attorney did most all that work with First Energy so he did not believe the answer he gave was very good.

President Cole inquired if it would be possible to have that report by July 3 or 4 so the Commission could review it before our July 5 meeting. Mr. Cassand conveyed he would speak with their PM and relay our request and they should be able to accommodate that.

Commissioner Chapman inquired should we not have a credit coming back on the Little Laurel project. President Cole requested paperwork on how that came about as well.

Next up was the Hinkle Mountain / Little Laurel Waterline Extension Project Resolution #15 Ms. Lawson stated that all of the Invoices combined is \$1,364,333,79 with the breakdown being - \$1,796.50 is coming from the City of Richwood's IJDCG Grant Funds - \$278,466.82 was being requested of the Nicholas County Commission from its Tax Loss Recovery Fund (ARP) - \$682,131.69 is coming from the City's Drinking Water Treatment Revolving Fund Loan - and \$401,938.78 is coming from the City's WVA EEG

Upon a move by Commissioner Chapman, the Commission approved Resolution #15, and in particular the Commission's commitment of \$278,466.82 for the Hinkle Mountain / Little Laurel Waterline Extension Project. Discussion - none

Concerning the Birch River PSD Mill Creek Waterline Extension Project was the approval of the Updated Environmental Report, Intent to Bid, and Request for Release of Funds.

Ms. Lawson conveyed that they had been waiting for the Environmental Review to be approved by the Development Office and they wanted a couple more things added, and therefore they wanted a more recent date and a new signature to the amended report. Concerning the other two forms she requested for them to be signed but not dated. That way when the project is ready to go out for bid and later a request for Release of Funds is being made and there is no hold up. Ms. Lawson noted that this project is broken into two phases. After Phase I they will be assisting the District with application(s) for funding with Phase II. Concerning the above requests for the Amended Environmental Report, Intent to Bid Form and Release of Funds Form, upon a motion by Commissioner Chapman, the Commission approved same as noted above. Discussion - none

Last but not least was a request for funding by the City of Richwood for its Generators Project. Ms. Lawson stated that since the City's FEMA status to apply for grant funding has been lifted, they would like to proceed with this project for its city's water plant. At this time the City has no funds to match that which is required. Ms. Lawson knew that the county had put several hundred thousands of its America Rescue Plan Act monies which later became known as our Tax Loss Recovery Fund into the City of Richwood. The Commission conveyed for the record that the county is in no position to assist them with this project as we were unable to assist the Craigsville PSD nor the Birch River PSD. Upon a move by Commissioner Chapman, the Commission will send a letter to FEMA stating that the county is unable to assist with the City of Richwood's request for matching funds. Discussion -none

COMMISSIONER'S COMMENTS

Commissioner Roberts noted that the Commission is working on some initiatives and they do take time, so to the citizenry - please be patient

Also, he reminded everyone if you have a necessity in your community the Commission wants to hear from you. If its frivolous we can save you a trip.

DOCUMENTS ATTACHED

Order approving local banks as county depositories of public funds
Hinkle Mountain / Little Laurel Waterline Extension Project Resolution #15

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Being no further business to come before the Commission, the Commission adjourned its meeting until July 5, 2023.



Garret E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Patricia Neff
Administrative Assistant

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - JULY 05, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, July 05, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Upon review of the Exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the Estate and Fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly, unless otherwise noted. Discussion - none

Upon submission of Budget Revisions received from the elected officials and department heads, Commissioner Roberts so moved that the Commission will take the appropriate action as deemed necessary. Discussion - none

Upon review of Invoices as submitted by various departmental offices, Commissioner Chapman so moved that the Commission will take the appropriate action as deemed necessary. Discussion - none

President Cole noted for the record that there were two appointments soon to expire on the Nicholas County Public Defender Corporation Board of Directors on August 1, 2023 of which were the County Commission's appointee's. Both gentlemen have served a number of years, that being Clyde Bailes and Dan Snyder whom no longer have a desire to serve on this board. It is being noted that the Commission received a letter from the Board of Directors stating as such. Commissioner Chapman conveyed that he did have a replacement for Mr. Snyder, that being Steve Khuri, but no one for the other vacancy. Upon a move by Commissioner Chapman, Steve Khuri was appointed to fill the vacancy upon the expired term Dan Snyder with a term of office ending August 1, 2026. Discussion - none

It is being noted for this record that Clyde Bailes' vacancy will be carried over on the Commission's agenda until such time a replacement can be named.

PUBLIC COMMENT

Appearing before the Commission - Mary Carpenter and her son Alexander Rogers
Ms. Carpenter conveyed that she has had problems with her neighbors ever since they moved back from North Carolina. That they have torn property markers up, tore down one of her buildings. In 2018 she had Surveyor Mr. Acord to do another survey whose staff was hassled by the neighbors at during that time. She stated they baited their family dog toward their residence and shot it in the head/neck area while it was still on her own property at which time she had the police to come out. She spoke about her son trying to get a court order and that the man stood up while in the courthouse and yelled at her son and made a scene. She spoke to several police officers whose only advice was to get an attorney and take them to court. She conveyed she did not have five grand to go out and hire an attorney to obtain a court order was a tax payer and who does not get in trouble, just to ask a deputy to come out and stand at the corner of her house and has shot at her house and 15 year old by the same people while she has been at work. She noted that she is constantly being harassed and want to put a fence up and in turn keep getting screamed at and in turn being threatened with a court order that they can't do that by the harassing neighbors. She stated that she can't talk to the Sheriff without him rolling his eyes and saying he can't do that without a court order. She noted that the whole situation is getting very frustrating. She took a video of them throwing wood at his head while her son was mowing and the cops said just keep taking video. She noted that she has two acres that's not being mowed because they throw a fit. They have torn down buildings and she rebuilds them and she can't get the police to do anything. When she calls for help it will take five hours or a shift change for someone to show up, but stated she is still waiting for the investigation concerning her dog which did recover. As she understands, they are not suppose to have guns, but they do. Ms. Carpenter thanked the Commission for listening to them. The Commission took her number and informed her that they would circle back around with the Sheriff concerning this matter and will get back with her.

Appearing before the Commission - Dr. Anita Stewart wanted to come today to introduce herself as the new Health Officer for Nicholas County. She conveyed that she had been serving in the Intern world since March 2022 but now is stepping in a more full time position. She just wanted to briefly

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discuss where we are currently and where we see ourselves down the road in the future. And where we can garner relationships with our county commissioners by making a better, safer and healthier community. And if we can garner these relationships and partnerships and collaborations, we can all be more likely to achieve this. Within this first year, the main thing they plan to be working on is means of partnerships. Topics will include, what is public health, what is our role here, what do we do, and how can we work with other agencies within our communities to move that forward. She noted that Nicholas County has already begun doing some of those things such as the Community Go for Motion in which last month was HIV Awareness Month and two communities have taken an active role for HIV testing, knowing your status including drug free testing and treatment availability. They are also collaborating with Camden Family Health and Summersville Regional Health/WVU to really not duplicate efforts and at the fair this year but both entities will be working together offering informational items such as health food, summer safety, offering immunizations, mosquito and tick safety, sun safety, etc.. There were two areas that she wanted to bring to the Commission's attention that she felt they would have more of a partnership with the Commission. The first was vaping and she was already aware that the county was one step ahead on this one and that the Health Department years ago established the clean indoor air policy, but really thinking on how they can strengthen that on the local level. She knew that other Commissions are passing Ordinances that are limiting the distance from schools, the amount per capita in the county, if there is already a set amount, then they are grand fathered in. She did know that they are very concerned and are seeing it at the school level as is the Board of Education. She would love to see that move forward. And last, they had a meeting about a month and ½ ago with WVU and they came and presented on the integrated community engagement project ICE collaborated which is a youth prevention program. Ms. Stewart just wanted to let everyone know that it has been submitted to the CDC of which they are very positive about it, and should hear something back at least preliminary around early October and know for certain in early Spring 2024. She went on to say that this is a five year cycle and they have begun adding an exercise component as well. Ms. Stewart conveyed to the Commission that her phone is always available and the Commission welcomed her aboard. For Public Awareness - Nicholas County does have active HIV cases, Hepatitis cases, as well as Syphilis. The Health Department encourages those engaging with more than one partner to use barriers or PREP that can be obtained at their local health department or local providers are happy to provide that as well, which is to prevent the spread of HIV. Also getting ones Hepatitis A & B vaccines and HPV vaccine for cervical cancer; and, the Health Department just wants everyone to be knowledgeable and protected, and to encourage everyone to live as healthy and as safely as they can.

Appearing before the Commission - John Tuggle, Executive Director with Region 4 Planning & Development Council, Phil Cornett Funding Partner representing Appalachian Stave, Jenna Grayson, Executive Director representing New River Gorge Regional Development Authority and City of Summersville Mayor Robert Shafer who is a board member of New River Gorge Regional Development Authority as well

Mr. Tuggle started off the meeting by stating that his office has worked with this company on another project before and they are currently working on a project in the Calvin area and that this is a huge opportunity for Nicholas County. They are here to build a distillery and have come before the Commission to make a request. He noted that New River Gorge RDA is working with them on site development, perhaps an economic site opportunity or an industrial park down the road, but for right now, they are pretty committed in doing something on this site right now. Their biggest concern is needing some monetary assistance for facilities to be fire compliant at this time. And once that hurdle is over, then they will work with New River Gorge RDA to obtain additional federal funding to expand on things that are slow like utilities and such.

Ms. Grayson stated that Mr. Tuggle summed it up by saying that the most important thing at this time is the fire suppression system.

Mr. Cornett informed the Commission that he was one of the founding partners of the West Virginia Great Barrel Company that started six years ago down in White Sulphur Springs. The extension to that is the Appalachian Stave is the timber and stave side to the business. The plant in White Sulphur Springs has been up and running for three years now. Mr. Cornett conveyed that now the demand is so great they have the opportunity to expand their stave production. They go out and place these staves in strategic timber areas where they have timber partners, loggers who can satisfy that need. They did do one of their original ones which was very small in Roane County, not like the one that existed up in Calvin, That one burned and they in turn rebuilt a bigger sawmill mill on

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the site and expanded the log yard. He noted that operation is running two shifts now on the stave side. The company also built one in Boone County in Madison which went into production the first week in February of this year. When this land was introduced to them by the Cogar family which is 100 acres and also has a saw mill on it, it was just about big enough to make it work for them and they figured out how to make it work for them. They opened up a log yard in March of this year and have spent over one million dollars in timber buying locally, noting that most of it is still sitting in the yard. Mr. Cornett stated that they have the equipment just waiting to be delivered, but the problem is water. While they knew there was water there, they had requested a pressure test. While they had good pressure on it, they just did not have a good flow rate, plus it has to fit 250' uphill. He conveyed that this site required some type of additional system to pump water up the hill and to store it, or there is a pond down below that could be used. He further noted that the problem is that is expensive and it would be really serving the entire 100 acre site. He did approach Mr. Cogar and he is not interested in contributing. Mr. Cornett did state that Mr. Cogar has done a lot of site work for them and is still developing that site and has done a lot of work up there. But they need another solution to get a pump or a holding tank while noting it would take seven to eight months to get it here if they buy is new which is a lot longer than he wants to wait. They had hoped to be up and running by October / November. He noted that would be the first stage beginning with one shift between 38 to 40 people and currently the employee records in their other stave mills show approximately 30% women 70% men being hired. Within a year the goal of the company is to have it running in two shifts which will more than double that number employed. He went on to say that the third stage of the operation is to have a drying operation on site and to put them in a pre-dryer to knock down the moisture content in that wood and begin to prepare it for production to go. He noted that its easier to do it on site as you can more on the truck. Mr. Cornett noted this site was important to them but they are in need of some creative help, short term. He did know that the size of the pond is 3x the size that they need, about 65,000 gallons, and that the pond is active, it flows and there is always water flowing in and out of that pond. He does have one partner that he must convince that it will work, but that is his job. He is hopeful that the Commission can find a short term solution such as a pump and holding tank that can keep that mill protected. Commissioner Chapman stated that in long term Mr. Cornett was thinking between 75 to 100 yards and his ask from the Commission was roughly for \$250,000.

Commissioner Chapman inquired of Mayor Shafer if he had anything he would like to add. He noted that he would have, but was unaware of this project until last Wednesday when Commissioner Chapman approached him about it. The Mayor believed it would be in everyone's best interest to sit down with all interested parties to see what everyone has and can bring to this project. From what he has heard this morning, it would appear that this project could have an economic impact not only to the county but to the City of Summersville as well. Mr. Tuggle noted when they mention the hiring numbers, they are not just throwing numbers out to get everyone's attention, but rather they have met and at times even exceeded them as they did in Greenbrier County. Mr. Cornett noted that the equipment alone that will located on site will have a value just under six million dollars. Mayor Shafer stated he was not doubting that, but rather he just did not know anything about the project until he heard about it last week, and would like to know more about it. In addition, he would like to have a packet of information to take before his city council when getting they're approval for permitting him to proceed on the City of Summersville's behalf when negotiating what they can bring to the table. Commissioner Chapman informed the Mayor that he would make arrangements for the two of them to meet up with Mr. Cornett for an onsite tour of the facility as it currently stands. In addition, Mr. Cornett will provide Mayor Shafer with a copy of the power point presentation that he can present to the city council. Further, Commissioner Chapman conveyed to Mayor Shafer that this meeting will be tabled to our next meeting.

It is being noted for the record that Joan O'Quinn, Administrative Assistant for the Nicholas County Farmland Protection Program Board concerning a Resolution to present for the purchase of an Easement for John M. Underwood had to cancel the appointment. Said appointment will be moved to a later date

Appearing before the Commission - Sheriff William F. Nunley, II
 Sheriff Nunley appeared to present his quote for his department's office furniture for the new center from National Business Furniture which came to \$53,934.20. Upon obtaining three quotes and going with the cheaper of the three, it was noted for the record the Commission's appreciation for the Sheriff volunteering to take this task on and saving the county in excess of \$20,000 by volunteering his department to put together the furniture when it arrives. Upon a move by Commissioner Chapman, the Commission approved the quote of \$53,934.20 and for it to come from the General County Fund. Discussion - none

Appearing before the Commission - Magistrate Wayne Plummer, Assistant Prosecuting Attorney

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JULY 05, 2023

Michael Cox, Deputy Director Lindsay Brady, Psy.M, SAC, Nicholas County Day Report Center, Executive Director Gary Jarrell, Nicholas County Day Report Center, County Commission Attorney Greg Tucker, Deputy Sheriff and Circuit Court Bailiff Paul "Bo" O'Dell, Sheriff William F. Nunley, II and Attorney McKenzie Holdren

President Cole turned this meeting over to Commissioner Chapman. Commissioner Chapman conveyed that while Commissioner Roberts has been keeping up with the formula and numbers put out by the State concerning the Regional Jail Bill that went into effect July 1, 2023, it would appear by the end of our first year Nicholas County's jail bill will increase by an additional \$300,000. We have deputies that need more money and \$300,000 is such a waste when he would like to cut \$300,000 more out. So, what he as a Commission would like to do is to form some sort of a Task Force or some type of a Board made up from some someone from the Magistrate, Public Defender, Law Enforcement, Prosecutor's Office, DRC, and anywhere else that we can all sit down and figure out things to do. He noted other counties have done this, but the one thing you must remember is - there is no place to point blame. But as a collective group, maybe we can figure out a way to save some money. If it means the county need to pay for the ankle bracelets for Home Confinement, then we perhaps can do that. Ten dollars a day vs. \$60.00 a day. Magistrate Plummer stated that he could tell that certain laws do require jail time and there are some that require jail time up front and can be followed by DRC and/or Home Confinement and they make use of those, meaning the magistrates. Then you have your citizens who were the victims who want them to pay by leaving them in jail. There are a lot who do not do home confinement because they can't pay the costs, but if the county wants to foot the bill, they definitely could make more use of that. Commissioner Roberts conveyed that he spoke with Raleigh, Webster and Greenbrier County and they have been able to have an impact. He did not know to what processes they took, but anything that we could do to partner up with that, rather than keep hearing about the blames game that seems to be a favorite go to phrase. We are just trying to break those barriers down inside our organizations. Magistrate Plummer asked Bo to correct him if he was wrong, but we get 10,000+ days at - and Bo without any notes thought it to be \$43 and some change a day. Then you add another 2500 days and it's \$54 and some change and then anything over 12,500 is between \$67. Bo said he was a numbers guy and when the letter first came out we were already in the fiscal year ending 2023. Should our jail bill remain the same for fiscal year ending June 30, 2024 we will have paid an additional \$105,000, so its no as bleak as what people are painting it to be.

COMMISSIONERS' COMMENTS:

Commissioner Roberts noted for the record that lately he has been seeing several opinions concerning the Commission on Facebook as we sit here trying to manage the budget properly and trying to be the gatekeepers of our county taxpayer dollars and bring jobs to the area. And it all happens through the collaboration and the partnership of our community members, with out other elected officials and our courthouse partners. And if we don't have that, we are just spinning our wheels. So what was just seen earlier was just to foster that has worked in Webster, Greenbrier and Raleigh Counties to some degree. So he believed it was just the right step in eliminating barriers, taking away the blame game away from folks, working together as a team and erase that departmentalization that seems to exist in a lot of aspects.

President Cole conveyed that his only encouragement would be concerning deputy pay. There have been a lot of accusations going around that we don't care, that we are not trying, this, that and another, in the previous appointment we heard that \$55,000 was not that much money, but that was one quarter of what we need to make every deputy sheriff in Nicholas County the same pay as the officers of the City of Summersville. So he did hope that Commissioner Roberts and Commissioner Chapman's efforts with the jail bill board does come to fruition and that it does help with the jail bill because we are committed, have been committed. To everyone who wants to post on social media and have fun with those kind of things, come to us. In his tenure, this has been the most approachable county commission in a long time. We want to be team players, but we want team players to play with us. If you have issues our door is open, our cell phone numbers are given out so call us.

Prior to adjournment, Attorney Greg Tucker requested a brief Executive Session with the Commission while indicating that there would be no decisions to be made afterwards.

Upon a move by Commissioner Chapman, the Commission entered into an executive session pursuant to West Virginia Code §6-9a-4 10:33 a.m. Discussion - none

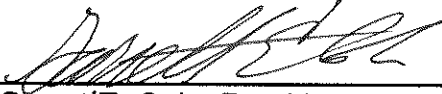
Upon a move by Commissioner Chapman, the Commission entered back into regular session at 10:50 a.m. Discussion - none

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DOCUMENTS ATTACHED

Collateral from Truist Bank


Being no further business to come before the Commission, the Commission adjourned its meeting until July 14, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:
Patricia Neff
Administrative Assistant

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - JULY 19, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, July 19, 2023. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present was County Commission Attorney Greg Tucker.

PUBLIC COMMENT PERIOD

It is being noted for the record that no one appeared during this segment of the Commission meeting.

Upon review of the Commission's Minutes of May 17, 2023 and June 14, 2023 minutes, Commissioner Chapman moved to waive the reading and approve accordingly. Discussion - none

Upon review of the exonerations as presented by the Nicholas County Assessor, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of the estate and fiduciary matters as presented by the Nicholas County Clerk, Commissioner Chapman moved to approve accordingly unless otherwise noted. Discussion - none

Upon submission of budget revisions received from the elected officials and department heads, the Commission will take appropriate action as deemed necessary, Commissioner Roberts moved to approve accordingly. Discussion - none

Upon review of invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary, Commissioner Chapman moved to approve accordingly. Discussion - none

President Cole noted that regarding terms of office expiring that we still have one seat open on the Nicholas County Public Defender Corporation board. This is the seat of Clyde Bailes who resigned and this is a term of office expiring August 01, 2025. Commissioner Chapman noted that a recommendation for this position is being determined.

President Cole went on to say that the Nicholas County Farmland Protection Program Board has a resignation from Randy Tucker, who has served on this board for some time and they appreciate his time spent on the Nicholas County Farmland Protection Program Board, with his term of office expiring June 30, 2027. Commissioner Chapman moved to accept Mr. Tucker's resignation. Discussion - none

President Cole moved onto the unexpired term of office for Randy Tucker, with term of office expiring June 30, 2027. He noted that the Farmland Protection Board reached out to some folks and Greg Groves of Canvas, West Virginia had expressed interest and willingness to serve on the board, and several board members reached out to him and said that is who they would like to see, if possible, fill the position. Commissioner Chapman moved to appoint Mr. Greg Groves to the Farmland Protection Board, with term of office expiring June 30, 2027. Discussion - none

In the matter of: Estate of Lloyd Wallace Conner, Jr., regarding altered Will discussion on acceptance

Appearing before the Commission - Girlonza Scott, Dennis Lipps, Cheryl Lipps, Tim Sletts via telephone and Chief Deputy Clerk Betty Griffin. President Cole swore in all persons interested in speaking this morning regarding this matter. Chief Deputy Clerk Griffin noted that Lloyd Wallace Conner Jr's Will was presented to the County Clerk's office, by Mr. Girlonza Scott, on June 21, 2023 of this year. They are coming before the Commission today to see, if because the Will had been altered, at the bottom, and Mr. Girlonza stated that it was in his hand writing and Mr. Conner had initialed it, if the Commission would accept said Will, without the hand written statement or with the altered statement. President Cole inquired of Mr. Girlonza Scott as to if there was a certain reason why the Will was altered and initialed, without being returned to an attorney to correct. Mr. Scott stated that he was visiting Mr. Conner, in his hospital bed, in Beckley, West Virginia, and it was apparent Mr. Conner was not doing well. Mr. Conner asked if he would prepare a Will for him. Mr. Scott stated that he wrote it out and typed it up and had it all prepared. He gave the Will to Mr. Conner to read over in his hospital bed and Mr. Conner was pretty bad off and he knew that he was not going to last long. As Mr. Conner was reading over the Will he made the statement that he wished Mr. Tim Sletts, his nephew, would receive all of his fishing equipment, so Mr. Scott said that he had that in mind, and it was not long after their conversation when Mr. Dennis Lipps and