

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JULY 19, 2023

Mrs. Cheryl Lipps walked in to visit Mr. Conner, at the hospital, as well. At that time, Mr. Conner said "and I wanted Dennis to get all my mechanics tools." Mr. Scott stated as opposed to going home and taking a chance, he scribbled it on the back of the file, as he sat there, and tried to print it out as best as he could, while in the hospital sitting beside a hospital bed. He noted that he then gave it back to Mr. Conner to initial it and at that time he had not signed the Will. He went on to say that Mr. Conner did get around to signing the Will shortly thereafter. Attorney Tucker conveyed to the Commission that what is before them is if this is a valid Will or not, and other issues can be addressed at some point as this estate progresses. He advised the Commission that they needed to refer this matter over to a Fiduciary Commissioner. After further discussion, Commissioner Chapman moved for this matter to be turned over to a Fiduciary Commissioner. Discussion - none

Appearing before the Commission - Rhonda White Vice President of the Old Main Foundation Board of Directors and Board Members Alvin and Dreama Rose, regarding estimates and update on treatment of the floor of the basement of the Old Main Building.

Mrs. White presented the Commission with updated proposals concerning repair of the Old Main basement floor. She noted that the basement floor was in very bad condition, with holes that were a tripping hazard, right in front of the bathroom. They have raised and spent the money to repair the floor. It has been ground down and is ready for the next phase. She stated that she is a little bit disappointed in the results, so they have decided to go to a bid process for the next phase. She noted that one of the bids was from the person who did the first part, which was the grinding down of the concrete and the releveling of the concrete. She stated that they now need a new phase, which is to seal the floor, put down a moisture barrier, put down a plate barrier, which contains color, and then two clear coats on top of that, and if they choose to have an emblem on top. Mrs. White noted that they could not find a contractor, in Nicholas County, which was their goal, that did this specialty work. So, the next step was to find a Contractor, in West Virginia, that did this specialty work. She explained to the Commission that the first proposal was for \$16,000 and their breakdown will allow for them to come in with a gigantic vacuum grind the floor, yet again, get it smooth and get the paint off. He will put down a moisture barrier and that is the most expensive part. She noted that the material that they have chosen is \$500.00 for three gallons. She conveyed that there was a major difference in the length of time to cure than what they received from the other estimate, which was for \$21,000. She called the manufacturer of the product and inquired as to how long it would take to cure, when they could have access to it, and how long it would last. After further discussion, Commissioner Chapman suggested vinyl tile flooring that does not need a moisture barrier and could be found locally at half the costs. Mrs. White said that they will try to find a local provider of vinyl flooring and bring the costs back to the Commission at a future date.

Appearing before the Commission - Cassandra Lawson Senior Project Specialist Region 4 Planning and Development Council regarding Hinkle Mountain/Little Laurel Water Extension Project - Resolution #16 and Birch River PSD Generator Project - Resolution #2

Mrs. Lawson started out discussing Resolution #16. She stated that on this Resolution there are payments to Contractors for contracts 1, 2 and 4, as well as the City's Engineer and Region 4 Development Council. The request from the Commission today is in the amount of \$23,632.59 and that would be applied to Construction contract 1. The overall total of all of the invoices combined is \$357,702.94. The remainder of the funds will be requested from the Infrastructure Jobs and Development Council Grant, Drinking Water Treatment Revolving Fund Loan and WDA Economic Enhance Funds. She went on to say, at current, the Little Laurel Water Extension is 77% complete, Hinkle Mountain is 76% complete, Hinkle Mountain's Water Tank is 60% complete and the Water Treatment Plant is only 35% complete. The Little Laurel is anticipated to reach a stance of completion on July 16<sup>th</sup>. With having surpassed that date, they are anticipating that they will file a time extension request. She noted that Hinkle Mountain is still projected to reach substantial completion on August 26<sup>th</sup>, the tank on August 15<sup>th</sup>, which we may very well also see an extension of that given that it is only at a 60% completion. The Plant is anticipated to reach substantial completion on October 17<sup>th</sup>. Commissioner Chapman asked Mrs. Lawson when she says completion does that mean it has been pressurized tested and water in the line at that point, so people can start tapping in? Mrs. Lawson said she would say that generally it means the date of completion and then you have a punch list that may be little things like a yard needs repair or something of that sort of thing, before they can tap in. He asked Mrs. Lawson by the end of the year did she suspect that they will have water, in their homes, and she said yes. Commissioner Chapman moved to pay Resolution

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MINUTES OF THE NICHOLAS COUNTY COMMISSION - JULY 19, 2023

#16. Discussion - none

Mrs. Lawson moved on to the Birch River PSD Generator Project - Resolution #2. She said Resolution #2 is in the amount of \$7,973.80, of which \$7,500.00 is for Engineering and \$473.80 is reimbursement to Birch River PSD for advertising for Bid. She noted that 75% of the funds will come from FEMA, which will come directly to the Commission and the remaining 25% will be requested from the Birch River PSD to the Infrastructure Council. The generators have been ordered and the contract has been awarded. She added that there is a long lead time, which could be up to a year. After further discussion, Commissioner Chapman moved to pay Resolution #2. Discussion - none

At the Commission's request, regarding discussion concerning Stave Mill assistance in Calvin, West Virginia.

President Cole inquired as to where we are concerning this matter. Commissioner Chapman noted that he and the Mayor of Summersville did a site visit. They discussed the matter with the owners as to what they needed. He added that the City has now gotten involved, in the form of a gentleman working in their water department is working with a guy to do some unit pricing, because he feels he can save them several thousand dollars. This company wants to be open by October 2023. This project will prevent that from happening if we do not get it done. He noted that what they are looking at now is that there is a big reservoir pond on the property and they are looking at pumping out of that. They would build a pump house and plug that into the fire suppression system. They are just waiting on some pricing to come back. He added that they are putting about a six million dollar investment in the installation process. He went on to say that the City is willing to invest up to as much as fifty thousand dollars on this project, with some guarantees that they will have these jobs created and be there at least ten years. Contracts will need to be provided to the City with that stipulation included. Commissioner Chapman stated that he would like to follow the same suit, as the City, with the money the Commission will be adding. He added that he would request that they put up to two hundred thousand dollars toward this project, and take it from the money that they dedicated already to the Visitor's Center, which was eight hundred thousand and drop that amount down to six hundred thousand and utilize that money to help on this project. President Cole stated that he was hoping that someone from the Stave Mills would be present today because he has a lot of resistance from inside this courthouse and the community as to why a business does not plan to have their own fire suppression built into their project. He went on to say he knew that was unfair for us to really get too far into it without a representative being here, but there are a lot of people struggling with why is this the county's responsibility. Commissioner Chapman said he guessed it is not really the county's responsibility, but if you look at it as we are collecting taxes on that piece of property right now versus what we will be collecting once the equipment is in place. He added they did not have this fire suppression in their original plans, in their funding, but they had a mill that burnt and so now they just will not open without the fire suppression. After further discussion, the Commission unanimously agreed to table this matter until further financial aspects of the project could be discussed.

At President Cole's request, discussion on Homeland Center Generator.

President Cole noted that we have John McGinnis, Nicholas County Homeland Security Emergency Management Director, present via telephone. President Cole said that they ran into a situation with the building of the 911 Center whereas the Federal Regulations state that there must be a operating generator on site. He went on to say that, unfortunately, a generator was purchased in 2010, and it has essentially divulged into a paperweight. There have been multiple mechanic attempts to reconstruct the engine and it is just not going to happen, so we are going to have to look elsewhere. Director McGinnis has received quotes and bids. After further discussion, Commissioner Chapman moved to give Director McGinnis permission to purchase a 2014 Cummins generator from United Rentals of Columbus, Ohio for \$29,750.00. Discussion - none

In the matter of Estate of: Lee Allen Horrocks File #10375, with Matthew Horrocks requesting removal of the Executrix Leanna Horrocks

Appearing before the Commission, Chief Deputy Clerk Betty Griffin and Matthew Horrocks. President Cole swore in Mr. Matthew Horrocks. Chief Deputy Clerk Griffin stated Mr. Horrocks has given notice that he would like to have Leanna Horrocks removed as Executrix of the Estate because he believes that she has been mishandling the estate funds. Clerk Griffin went on to say that Ms. Horrocks got appointed on 03/28/22. She has done everything that she needs to do except close the estate, and at this time she cannot close the estate because there are claims. Clerk Griffin said that there are a few claims that Ms. Horrocks has taken care of. She has one for United Bank that was \$25,071.51 and she has a Wilderness Fire, in the amount of \$717.00. There are two bills that are still pending and being over \$70,000.00. Chief Griffin said if the estate does not have this

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**MINUTES OF THE NICHOLAS COUNTY COMMISSION - JULY 19, 2023**

amount that would mean that they would have to sale the real estate or if there was a loan at the bank, it would have to go back to them. Chief Griffin stated that she does not know what Ms. Horrocks position is on this matter, because she has not talked her and she is not here today. At this point, Mr. Matthew Horrocks gave his comments. He stated that he has a bank statement from a joint bank account on pages 1,2 and 15 there are deposits from the estate into the joint account and he has the photographs of the check that Leanna Horrocks has written and deposited into these accounts. He noted that he has a separate page here where he asked her if the estate had been closed and if that is why she had removed money out of the estate. He went on to say that she apologized and said that she was desperate for this money. He added from his understanding if there are claims against the estate she cannot be using this for her personal account. At this time, he presented the photocopies to the Commission. Commissioner Roberts inquired of Mr. Horrocks if the joint account was a personal account and Mr. Horrocks said yes, when his father passed away they made a joint account so they could help pay bills. President Cole inquired of Attorney Tucker what authority does the Commission have on this type of matter. Attorney Tucker suggested they appoint the Nicholas County Sheriff, however giving her until next Commission meeting to appear and if she does not, then proceed to appoint Sheriff William Nunley. Mr. Horrocks stated that he has messages, on his phone, from his sister stating that she is done with the estate and this was after she received her notice and she said she was not going to appear today. After further discussion and review of the estate file, Commissioner Chapman moved to appoint Sheriff William Nunley as Administrator of this estate. Discussion - none

Appearing before the Commission: Robert Johnson from the Richwood Airport regarding a funding request.

Mr. Johnson thanked the Commission for adding this funding request to their working agenda today. Mr. Johnson stated that the Airport Authority in Richwood needs a funding amount in the amount of \$15,000.00 to maintain their airport facilities. Mr. Johnson went on to say that approximately one third of the requested amount would help defray the property and liability insurance burden of the airport. The remainder is needful to maintain the property for its seasonal mowing and related expenses. The logistical challenge for mowing the nearly 53 acres tract is an undertaking, particularly in this consistent rainy season. He said although they are fortunate to have a grounds tractor. The fuel and essential maintenance costs are substantial. Additionally, they are under federal aviation requirements to soon refresh the standard pavement markings for the airstrip. The safety of the airport usage dictates highly visible runway markings for landings. He noted that theirs have faded to render them marginal at best. He stated that theirs is a municipal airport, but the city simply does not now have the resources to devote to its operation. He ended his presentation by telling the Commission that the Richwood Airport Authority would greatly appreciate their consideration of this funding request. President Cole inquired of Mr. Johnson if they do their own mowing or contract it out and he responded by saying they do their own mowing. Commissioner Chapman asked Mr. Johnson how many planes they had at the airport and he said they have one and a ultra-light craft that fly out of the airport. Commissioner asked Mr. Johnson if they have ever tried to qualify for FAA funding for maintenance and upkeep? Mr. Johnson stated that they done so but because of some restrictions in the application program, they are unable to qualify. Commissioner Chapman suggested they table this matter at this time. President Cole stated that they take the money out of the Economic Development fund because the work is going to have to be done, however he is unable to make the motion. Commissioner Roberts inquired if he is suggesting the full amount and he said yes. After further discussion, Commissioner Chapman moved to table this matter, at this time. Discussion - none

**COMMISSIONER'S COMMENTS**

Commissioner Roberts noted that he sat in a meeting last week for the Tri River Rail Trail and they are actually renaming this entity and trying to rebrand it. He said he honestly believes that we have some opportunities with it, along with some water trails, based on another meeting he was in, and he would like to see a county wide involvement. He said they have some sponsorships and he would like to see if the county could actually sponsor a mile of the trail, for a thousand dollars a year. He stated that he is a non voting member on the board, but he thinks that there are some opportunities for tourism with a low investment. He also noted that along with the park he thinks that we have an opportunity to jump into some of the smaller investments that they can make in tourism, such as Rail Trail, River Trail, and those types of things. If they can just gather resources, such as in kind donations. He said it is a 28 mile round trip, so he thinks that we should definitely back the tourism aspect anyway that we can.

President Cole said to not forget the Nicholas County Fair is this week, today through Saturday. Go out and support everything that the new Fair Board has been doing to keep that

**MINUTES OF THE NICHOLAS COUNTY COMMISSION - JULY 19, 2023**

tradition, in the county, alive. Commissioner Roberts added that you can throw a ball at a Commissioner, or at the actual target, on Saturday. President Cole noted between 4:00 - 8 :00 p.m. the Nicholas County Commission will be your friends, on the dunking booth. President Cole added please only come when Commissioner Roberts is on the booth.

**DOCUMENTS**

Order appointing Sheriff of Nicholas County as Administrator of the Estate of Lee Allen Horrocks Estate Fine No. 10375

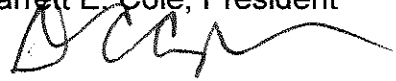
Resolution of the Birch River Pubic Service District approving invoices for the generator project #2, in the amount of \$7,973.80

Resolution of the City of Richwood approving invoices relating to services for the Hinkle Mountain/Little Laurel waterline extension project #16, in the amount of \$23,632.59

Being no further business to come before the Commission, the Commission adjourned its meeting until August 02, 2023.



Garrett E. Cole, President



D. Craig Chapman, Commissioner



Gary E. Roberts, Jr., Commissioner

Submitted by:  
Mary O'Dell  
Office Assistant

VELO 48 PAGE 7/8

**MINUTES OF THE NICHOLAS COUNTY COMMISSION – August 2, 2023**

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, August 2, 2023 and the meeting opened at 9:11 a.m. Present were: President Garrett Cole, Commissioner D. Craig Chapman and Commissioner Gary Roberts, Jr. Also present – County Commission Attorney Gregory A. Tucker.

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

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. Motion passed.

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. Motion passed.

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. Motion passed.

**Terms of offices expiring are Nicholas County Public Defender Corporation.** In the absence of Clyde Bailes with his term of office expiring August 1, 2025. This is a three-year term and needs to be filled. There are two unofficial recommendations, Mary Ann Kiser and Susie Hackworth. We are waiting for an official recommendation.

**Nicholas County Farmland Protection Program Board has another resignation, Mr. Joseph Bell.** His term of office expiring on June 30, 2025. Motion to accept resignation was approved accordingly. Board has no official recommendations at this time. Commissioner Cole will get in touch with NCFPPB.

**Appearing before the Commission – County Clerk Robert Painter II**

Mr. Painter came before the Commission concerning precinct boundary changes in the County. He stated that during the City of Summersville Municipal election in 2023 that it came to their attention that after the redistricting of 2020/2021, the precinct lines did not match the city wards. It affected approximately 90 voters. WVU, who did the redistrict mapping for the county, went back and made the precinct lines match the ward lines. The importance was that the County Clerk's office prints the poll books for the municipalities in the county. It did not effect the results of the 2023 election. A work-around was provided prior to election day for the city election officials. Attorney for Commission, Greg Tucker, praised the County Clerk's office for making what could have been a bad situation turn out seamless. He also prepared an order regarding the precinct/ward line changes to officially adopt the changes. The motion was made by Commissioner Chapman to approve the Order. Discussion – none. Motion passed & Order signed.

**Appearing before the Commission – Deputy Director Lindsay Brady for the Nicholas County Day Reporting Center/Nicholas County Grant Writer**

Ms. Brady came before the Commission to discuss submission of three grants, first one being the *21<sup>st</sup> Century Grant*. She questioned what the Commission wanted to use the funding for: maximum allowed is \$100,000 with a 20% match for courthouse improvements and can only choose one category. We didn't get it last year due to the grant being given to someone who hadn't received it before. Plumbing issues was something they were all discussing. Ms. Brady advised she will need a quote to attach to the grant application, which is due September 7, 2023. Commissioner Chapman advised that he can find a plumber to get a quote.

The *grant application for the Animal Shelter* is due August 18, 2023. The only thing needed for this grant application is a quote. Grant is for \$30,000. She needs a list of items needed and a quote. She advised that she will send the Commissioners an email with a list of things needed.

The *2023 Jag grant* was discussed next. Ms. Brady advised that she had spoken to the Sheriff regarding cameras. The ones they have now are obsolete. Sheriff is going to decide if that is what they are going to use it for. The grant amount is \$30,251. It is due on August 20, 2023.

*Updates for the DRC.* They received the *24 Community Corrections Grant* in the amount of \$104,000. She received an email from the Bureau of Justice and Community Services stating they're nominating the DRC for Excellence in Community Corrections Award, being presented by the Governor's Committee on Crime Delinquency Enforcement. Motion for resolution was approved. Discussion – none.

**Appearing before the Commission – Tim Mills with Trane concerning chiller repair and options for the Courthouse**

Mr. Mills said the first suggested repair is for the chiller that sits outside the courthouse. Currently it is running at only 50% capacity. It has a refrigerant leak at circuit 2. The quote to repair the coil is \$25,500.00. There is a one-year parts general warranty. This chiller is 12 years old and has a 20-year life cycle but because its losing refrigerant we anticipate compressor failure. He recommends the second proposal – rebuild that chiller to include the coil for the second circuit, both compressors for the second And two compressors for circuit 1. Rebuilding the chiller will give you a five-year parts warranty. He advised that individually replacing the compressors would be approximately \$20,000 each. Commissioner Cole asked if there was any type of warranty that came with the chillers when they were installed twelve years ago. Mr. Mills said he believed it to be a 5-year warranty. Our service/maintenance agreement is currently with Trane.

Commissioner Cole asked if the refrigerant would be included in the replacement of the compressors and Mr. Mills said it would be both repairs INCLUDING the refrigerant. Comm. Cole read the proposal which stated that refrigerant would not be included. (second one, page three in clarification) Mr. Mills said that he will edit that proposal so that the refrigerant will be included for chiller-rebuild. Refrigerant is \$214.00 a gallon. Cole also asked what the time frame was for all the chiller equipment to be replaced/life span of all the equipment. Mr. Mills said 15 to 20 is the life span on the chillers. If the Commission goes with rebuilding the chiller it would give them approximately 5 years to begin planning for replacement of the entire system.

Mr. Mills recommended the rebuild because it would cut down on labor. Commissioner Roberts questioned the possibility of using a system with thermostats that will shut themselves down on the weekend to look at energy saving abilities. Mr. Mills said that the start/stop of the fans will cause more wear and tear than just leaving it on. Mr. Mills said that a new unit would cost around \$125,000 and that does not include installation. Unit & installation would be approximately \$300,000. Commissioner Chapman asked what caused the leak and Mr. Mills said he didn't know. He said its in the condenser coil. Commissioner Cole asked how much money we are losing on the refrigerant. Rodney McClung, Maintenance Dept. of the Courthouse, advised that currently one half of the chiller is shut down and we are only running on half.

Commissioner Chapman asked if the \$63,000 quote was for just one unit or both. Mr. Mills said it is for the compressors on both circuits and just the one coil. Comm. Chapman stated that he didn't think it was a good idea to make a decision on this today. Commissioner Cole asked what the turn around time would be for another technician to come and look at the wire situation for Rodney and the analysis on the other coil. Mr. Mills advised that honestly only a phone call would be necessary because the tech has been here within the last week.

**Appearing before the Commission – Mr. Jim Nelson with the West Virginia State Gospel Singers (Update on financial contributions granted and to request for financial assistance this year.**

Mr. Nelson and Ms. Facemire, Board of Directors members, appeared and stated that he was here when the pandemic was winding down, with Frank White. Mr. White has passed away. They request assistance with help pulling a pump out of the well that they used. The main purpose of the well is to keep the sewer lagoon legit and healthy. The County Commission granted \$3400. The quote fell through and the people that provided the quote wouldn't come back out and so they decided to just put a residential submersible pump into the well and since the only thing its supplying now is the lagoon and they put a timer on it and 220 power on it and its working like a top. So the grant amount was \$3400. It took \$1331.16 to put the pump in and the remaining money left is \$2108.84. He requested with the Commission's blessings, to keep the remaining funds and apply it towards renovations on bathrooms and other projects. Mr. Nelson said if that would not be allowed that they were prepared to return the remaining monies back to the Commission. In addition to that, they have some major electrical issues at the WVSGS that needs addressed. He didn't have the exact amount yet as to what they needed. Commissioner Cole gave his appreciation for the forthrightness with the money and how its been spent. Commissioner Cole said he has no issue with allowing them to keep the remaining funds from the initial grant since it was from Covid money, but stated that money has gotten a little bit tighter. Commissioner Roberts made a motion to allow the remaining \$2108.84 to remain with the Mountain State Gospel Singers Group. Discussion – none. Motion passed.

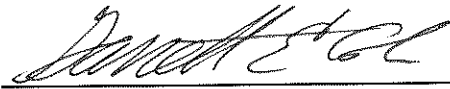
**Commissioner's Comments**

Commissioner Roberts wanted to thank everyone that helped clean up trees at Indian Rocks, Mike Cox and Jacob Malcomb. They volunteered and cleaned up the trees less than 24 hrs after they fell. We have a good group of folks that want to help out. Definitely on track to a better community for the people as a whole.

He also gave a "shout out" to the people at the Nicholas County Fair. They did an amazing job. Commissioner Cole gave a reminder of the Cherry River Festival which is this week. He is a "Pageant Uncle" and his niece came back with a trophy. Asked that everyone supports the festival.

Commissioner Chapman gave a "shout out" to all the First Energy people that helped with storm damage and our empathy for people dealing with these issues is resulting in us looking into response times. First Energy is dealing with staff shortages like everyone else and so we are going to be looking into response times.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 10:05 a.m.



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Garrett Cole, President



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D. Craig Chapman



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Gary Roberts, Jr.

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, August 16, 2023, and the meeting opened at 9:07 a.m. Present were President Garrett Cole, Commissioner D. Craig Chapman and Commissioner Gary Roberts, Jr. Also present – County Clerk Robert Painter II and County Commission Attorney Gregory A. Tucker.

President Cole advised that there was no one present for public comment.

Commissioner Chapman made a motion that they waive the review and reading of the June 21, 2023, July 5, 2023, Special Meeting of July 15, 2023, July 19, 2023, and August 2, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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. Motion passed.

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. Motion passed.

**Filling the position open at the Nicholas County Public Defender Corporation. Mary Ann Kiser will fill the position for Clyde Bailes beginning August 1, 2025, with his term of office expiring August 1, 2025.** This is a three-year term. Commissioner Chapman advised that the chairman of the board would like to see Mary Ann Kiser in that position. Commissioner Chapman also made a motion for the position to be filled by Mary Ann Kiser. Discussion – none. Motion passed. Commissioner Chapman also advised that there will be at least one more position, maybe two more positions available.

**Nicholas County Farmland Protection Program Board – The Board has no official recommendations at this time to fill Joseph Bell's position and requests that we delay the discussion of this position until the September 6<sup>th</sup> meeting** because they have four people for consideration and need to interview them. The Board will make a recommendation and submit it to the Board. Commissioner Roberts asked about protocol for filling the position. He wanted to know if the chairperson submits a name and the Board takes a vote or is the recommendation given to the Board and they enforce it. Commissioner Cole said that the Board is willing to have them come in and meet with them, if they're willing to show up. Attorney Tucker said that the Commission could make a policy that requires that they read the minutes where they presented to the Board their recommendations, that way you have confirmation that it occurred. We will re-visit the Farmland Protection Program Board.

**Appearing before the Commission – Betsy Morris, Project Manager for Region IV Planning and Development Council**

**Request for Birch River PSD Sugar Tree Ridge Road Waterline Project for 11 customers. It was requested that the Commission contribute \$1.1 million to extend the Sugar Tree Ridge Road.** The funding agency requires that the PSD demonstrates what local funds will be available for contributions and Ms. Morris presented a declination letter to the Commission for their signatures so that Region IV can use the funding for IJBC to show that they did present to the Commission. Commissioner Cole explained that Region IV had to present to the Commission in order to show the IJBC that there were no local funds available and with the decreasing funds of ARP going into other projects he recommended a motion to reject. Commissioner Chapman made a motion to reject. Discussion – none. Motion passed.

**City of Richwood Hinkle Mountain/Little Laurel Water Extension Project – Resolution #17 Ms. Morris requested approval of \$76,073.96 payment for Little Laurel Creek Extension.** This project is at 83% completion. The Hinkle Mountain Water is at 77% completion and the Tate Project is at 60% and we are going to extend that project deadline and contract for the improvements that the PSD had planned is at 37%. Ms. Morris requested their signatures for approval of the \$76,073.96. Commissioner Roberts made a motion to approve the payment. Discussion – none. Motion passed.



**Appearing before the Commission – Paul Witt, Manager of Quality & Sleep Inn, Jeffrey Lanham, Bridge Ride Event Organizer, Robin Jones with WV Veterans Assistance Program, and Tracy McCoy (not present – Exec. Dir. Summersville Convention & Visitors Bureau) – Requesting a Proclamation of the Nicholas County Commission for Bridge Ride 2023**

Paul Witt presented information on the Bridge Ride 2023. It will be hosted by Backroads WV Bridge Walk and the WV Veterans Assistance Project. Hundreds of motor sport enthusiasts participated in the unique fall ride of the New River Gorge National Park last year and thousands of dollars were donated to the WV segment of the Gold Star Mothers, which is a 501(c)3 organization to assist veteran's needs throughout WV. Bridge Ride is a unique fall event that has grown into an entire weekend event. Some of the Nicholas County supporters are the City of Summersville, Mayor Bob Shafer, Summersville Convention & Visitors Bureau and three hotels, Sleep Inn, Quality Inn and LaQuinta. This is the second time that they have been able to close or obstruct Rt. 19 traffic legally in the state (it will only be the southbound traffic) and the third time that they will be allowed to infringe upon air space. This event will be filmed by drones from above and on either side of the bridge. Paul advised he has a packet for the Commission to look at and on the last page there is a draft of a proclamation that the Commission can use if they'd like.

Jeff Lanham presented that he created this non-profit about a year and a half ago when he retired to help in the veteran's community. As long as permission continues to be granted, the ride will launch at the U-Save at Rt. 19. There will be events in town (Summersville). The mayor is planning to have some events on Friday night. Robin has expanded events all the way to the capitol of WV, on Kanawha Blvd. This is an event that will continue to expand.

Commissioner Roberts commented that he appreciated them bringing awareness to this. He was not aware that there were 65 gold star mothers in WV since 911. This is a great opportunity for everyone to work together in the county, businesses, bring revenue in, facilitate and have a place to stay, celebrate and memorialize.

Commissioner Cole advised that the proclamation will be read at the next meeting, September 6, 2023, if they're willing to come back next meeting for presentation. All agreed.

Commissioner Cole stated that he was very excited to be a very small part of what they are doing. He stated that the Commission would welcome them all back at the next meeting for the reading and signing of the proclamation.

Discussion – none.

**Tim Mills with Trane – Still waiting on proposals back from him. Commission is going to table that until he's prepared to come back and the Commission can make some more inquiries.**

**Commissioner's Comments**

Commissioner Roberts discussed coming out of a three-day State Auditor's Conference. Those in attendance met on the side and proposed legislation that the County Commissioners Association of WV will move forward in the next legislative session – some of those are jail bill issues, tax issues and basically it's a proactive responsible fiscal approach to making sure that tax payer dollars are held in the most efficient manner. There is a lot of proactive work that goes on behind the scenes that not a lot of people realize. The Commissioners don't just work a couple of days each month. They are adamantly working long hours to make sure that the County spends money wisely.

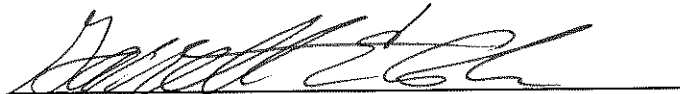
Commissioner Chapman congratulated Commissioner Roberts for being appointed a seat on the Board of the County Commission Association of WV.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 10:28 a.m.

**Documents**


Declination letter regarding Birch River PSD Sugar Tree Ridge Road Waterline Project for \$1.1 million dollars

Resolution of the City of Richwood approving invoices relating to services for the Hinkle Mountain/Little Laurel waterline extension project #17, in the amount of \$73, 0073.96




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Garrett Cole, President



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D. Craig Chapman



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Gary Roberts, Jr.

MINUTES OF THE NICHOLAS COUNTY COMMISSION – September 6, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, September 6, 2023, and the meeting opened at 9:01 a.m. Present and in person were President Garrett Cole and Commissioner Gary Roberts, Jr. Commissioner D. Craig Chapman was in attendance via Zoom. Also present – County Clerk Robert Painter II and County Commission Attorney Gregory A. Tucker.

President Cole advised that there was no one present for public comment. Commissioner Cole stated that he wanted to share with everyone that we did receive a letter from Governor Justice via Delegate Hanna's Legislative Fund that each senate delegate gets to spend in their communities. Del. Hanna and Gov. Justice, through the work of Comm. Chapman and Comm. Roberts and the Craigsville Little League Board, sent the Commission a grant of \$1714.00 which will go towards the purchase of one (1) AED machine for Craigsville Little League.

Commissioner Chapman made a motion that they waive the review and reading of the August 16, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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. Motion passed.

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. Motion passed.

**Nicholas County Farmland Protection Program Board – Appointment of James A. Brown to fill the vacancy of Joseph Bell's position.** Joseph Bell resigned from his position. The unexpired term will expire June 30, 2025. Comm Cole doesn't have any recommendations for this position, however he asked the Farmland Protection Board to come up with some recommendations, to which Ms. Joan O'Quinn advised that they recommend James A. Brown of Mt. Nebo to fill the position. He has a farming background and would be suitable. Comm Chapman made the motion to approve. Discussion – none. Motion passed.

**Harrison Estate – Holographic will was not accepted.**

Estate of Clark D Harrison Estate #10357 Brandi Brown of the County Clerk's office gave a briefing, stating that a handwritten will was presented to the County Clerk's office by James Messenger. Mr. Messenger stated that someone handed him the will in Wal-Mart parking lot, and he was told to bring it in. It was believed that the will was possibly forged because the decedent was missing an index finger, and it was not believed that he would have been able to write that will completely in his own handwriting. It was sent to the FBI for handwriting analysis, and it was found inconclusive. Commissioner Cole swore in anyone wishing to speak on this matter. Larry Harrah, attorney for Annabelle Ramsey, began by saying they challenge the will and that the person presenting the will for probate has the burden to prove the validity of the will. Mr. James Messenger presented the will and was not present at the hearing. Susan Abee spoke and said she would like for the will to be rejected. Mr. Tucker, attorney for the Nicholas County Commission, stated that in his almost 40 years of practicing law he has never had someone to walk up to me in a parking lot of Wal-Mart and hand me a will. Comm Roberts asked if there was another will, and Ms. Brown said yes, and we are currently probating it. Janice Messenger asked to be sworn in and to speak. She was inquiring about the acreage in the current probate matter, not the holographic will that is in question. Comm Cole advised that the matter she was inquiring about was not on the agenda today so they could not discuss it. Mr. Tucker advised Ms. Messenger that she could file an objection regarding the current probate with the County Clerk's office and then it would be set for a hearing. Commissioner Roberts made the motion to deny the admittance of the holographic will. Mr. Tucker will prepare an Order. Discussion – none. Motion passed.

**Repairs to sewer system at Deer Creek Subdivision/Manholes/Etc – Tony Martin, President of HOA and Robin Martin, Treasurer of HOA - Commission will give a one-time contribution of \$13,400 out of Coal Severance**

Tony Martin represents Deer Creek Homeowners Association and Robin is the treasurer. They have 55 residences. Sewer mains are leaking ground water into the mains. They've been patched several times and they're leaking again. Scott Rader maintains the sewer plant and does an excellent job and advised that there will have to be major repairs and they are at that point. They need a permanent fix. Mr. Martin

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contacted a contractor and advised that it will cost around \$16,000 to \$17,000 to repair. Deer Creek Subdivision is a low to middle class housing development. The Deer Creek HOA is asking for financial support. Estimate is from American Concrete. Mrs. Martin advised that Deer Creek has their own sewer system.

Mr. Martin also advised that an estimate on road repairs for Deer Creek was at \$108,000.00. Mr. Tucker questioned if HOA was incorporated. Mr. Martin advised it is a non-profit organization and they are compliant with the Secretary of State's office.

Mr. Martin talked about how difficult it is to get the HOA members to pay their fees. Comm Roberts asked how many people actually paid. Mr. Martin said that there are two households that owe so much in fees that it would never be paid until the house is sold on the market. Otherwise, his wife Robin has a constant battle sending certified letters and invoices to the residents.

Comm Cole questioned what would happen if the system would be flagged or shut down. Mr. Martin was unsure. Scott Rader, maintenance of the HOA, advised Mr. Martin that they would not want the state or county to have to take over. As old as the plant is, Mr. Rader does a great job taking care of it. The majority of their money from the HOA goes to sludge removal, upkeep and maintenance.

They are not currently 501c3 compliant. A tax expert advised will cost approx. \$27,000 to get up to date. Deer Creek HOA will change their name/filing at the beginning on 2024 and will remain compliant after that.

Commissioner Cole suggested giving a one-time contribution at 80%, totaling \$13,400 out of Coal Severance. Commission Roberts made the motion and strongly urged a re-writing of the bi-laws. Discussion – none. Motion passed.

**Personnel Matters & Salaries for Nicholas County Deputies – Sheriff William Nunley & Chief Deputy Johnny Evans - Deputies to receive \$7,200 raise from budgeted money from two unfilled deputy positions as well as monies from DRC/Home Confinement/Increase in supplement contribution for PRO officers and \$10,000 from general account.**

Sheriff Nunley stated they are struggling to retain and keep deputies because of money. He requested to go into executive session to brainstorm to discuss salary issues and find solutions. Sheriff Nunley provided copies of deputy and chief deputy salaries for all 55 counties. He stated that he wants to find salary monies to help retain deputies and to also help attract additional and better applicants. Commissioner Chapman made a motion to go into executive session. Commissioner Cole granted the request at 9:56 a.m. and requested that Commissioners Cole, Roberts and Chapman, Clerk Painter, Sheriff Nunley, Chief Evans remain for executive session.

Reconvened at 10:51 a.m. No decisions were made during executive session.

Sheriff Nunley recommended that the funds that are set aside for the two deputy positions that were abandoned are used to supplement the salaries for the current deputies. Sheriff Nunley said in the future he would like to add the two positions back. He suggested looking into supplementing with DRC/Home Confinement funds as well. Comm Cole clarified that it would be reducing from 20 to 18 positions. Law enforcement is difficult to fill across the state and Nicholas County has not been at full capacity for quite some time now. Comm Cole said over time, we need to work back up to the point of full capacity. He appreciated Sheriff Nunley and Chief Deputy Evan's leadership. He also recommended the amount of \$25,000 come from Home Confinement and request funds from Day Reporting Center and also recommends that the Commission, Sheriff or both, approach the Board of Education to adjust or ask for supplement on their contribution for the PRO officers. Commissioner Chapman feels comfortable with the recommendations and feels like the raise should be in the \$7,200.00 range. Commissioner Roberts stated that he feels it is an underpaid part of our county. Commissioner Cole said that Clerk Painter crunched some numbers. Between the additional cost from those who have retired, \$25,000 from Home Confinement (which is a sustainable source because of that program) also cutting the two positions, Clerk Painter comes up with \$6,997.00. We needed it to be in the \$600 range for payroll purposes. We need an additional \$10,000 to get to that range. Comm Cole said we may be able to take \$10,000 from general accounting. Sheriff Nunley thanked him for their time. Commissioner Chapman made a motion in the amount of \$7200 for a department wide pay raise for the deputies in Nicholas County.

Discussion – Comm Cole asked Clerk Painter if the next payroll would give him time to put this into effect. Comm Chapman said as soon as possible. Comm Cole addressed Sheriff Nunley and Chief Deputy Evans expressing that he appreciates their leadership and working with the Commission. He stated that we are a small county with a lot of problems but when we get together, we can make things happen. He also thanked Clerk Painter and Commissioner Chapman for the work leading up to this decision. He finished by saying it is a good day for Nicholas County. Motion passed.

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**Appearing before the Commission – NCHSEM John McGinnis, Director – Security Cameras on Homeland Security Tower Sites**

Over the last year two of the tower sites were sabotaged. Now that we have a local contractor doing our maintenance on the generators and stuff, everything is up to date and par. He is requesting to purchase six (6) cameras through US Cellular with the county. The camera cost would be \$150 each and the total would be \$1,254 a month for 6 cameras. McGinnis stated it was needed to put security cameras on all of our sites to protect our critical infrastructure. Commissioner Roberts asked if the recurring cost would be \$1,404 each month and McGinnis agreed. Comm Cole asked McGinnis how much the last vandalism episode cost? McGinnis advised it was over \$2,000. Comm Cole said it would be going to either repairs or security. McGinnis said it is a month-by-month contract. Commissioner Chapman made a motion to approve.

Discussion – None. Motion passed.

**Appearing before the County Commission is Paul Witt with WV Bridge Ride 2023 Requesting a Proclamation for the Gold Star Mother’s Weekend October 13 – 15, 2023.**

Commissioner Cole read the proclamation (attached)

Commissioner Roberts made a motion to approve the proclamation. Discussion – None. Motion passed.

**Appearing before the County Commission Tamara Mullins – Nicholas County Community Foundation requested sponsorship of the first non-profit collaboration. County will sponsor \$2,500 from Coal Reallocation**

NCCF wants to start a Nicholas County Non-Profit Collaborate Group and have a big event to provide something to the organization, such as a grant writing group. NCCF donates to various non-profit orgs for scholarships to students. She wants to hold quarterly meetings to network, share ideas, etc. Truist WV Foundation is going to provide a venue and food for the first meeting. The grant writing instructor is going to require \$2,880 for the first meeting. Comm Cole thinks this would be beneficial to the County too. Ms. Mullins advised that the cost will be covering the first 50 people to attend. Any number of participants over 50 will be \$70 per person for the day. Wanting to hold the first class in November 2023. She has requested funding from the Summersville Rotary Club as well as the New River Gorge Development as well as Philanthropy WV. This is a one-time request.

Commissioner Chapman made a motion to approve. Discussion – None. Motion passed.

**Rhonda White with the Old Main Foundation requested funding for a flooring project. Commission will contribute \$12,800 from Coal Severance**

Ms. White wanted to present an update on the flooring project in the basement of the Old Main building. A moisture barrier was needed and the first contractor that worked on it didn’t do it properly with the moisture barrier that was needed. It had to be re-done and a new moisture barrier had to be installed. They went with an epoxy covering. They had two bids that were the same, in the amount of \$16,000. Maverick Construction of Morgantown did the work. Very satisfied with the work. Ms. White is requesting the final disposition of the grant, however the amount is lower than originally expected. Originally the estimate was closer to \$25,000. Commissioner Chapman stated it should be handled like the Richwood issue and stated that we just don’t have the funds to assist. Commissioner Roberts stated that since the Old Main Foundation has met all our requests it wouldn’t be right to off no support at all. Commissioner Cole agreed with Comm Roberts however he stated that the days of free money are over. Comm Cole recommended \$16,000 out of Coal Severance. Comm Roberts said that what the Commission had done with the last few groups is to put in 80%. He made a motion to approve 80% and contribute \$12,800. Ms. White thanked the three Commissioners and stated that they will fund raise to cover the difference.

Commissioner Roberts made a motion to approve and contribute \$12,800. Discussion – None. Motion passed.

**BJ Donato – Teen Court Coordinator requesting laptop for Sparrow Academy. Commission approved.**

Needs a laptop to utilize for projection to the DRC big screen. Fifteen children are currently in the program and needs a laptop to also display various classes online and to print handouts.

Commission Roberts made a motion to approve the purchase of a laptop. Discussion – None. Motion passed.

**Region IV – Wilderness PSD Resolution #5 \$291,055.89 paid by County Commission**

Mr. John Tuggle and Ms. Jamie Baker presented Resolution #5 for the design & construction of the water system upgrade for WPSD. Comm Cole asked if this was the main line upgrade, and it was confirmed. Commissioner Cole asked secretary Patty Neff what the commitment was to the upgrade. She advised that the commitment letter was attached. The total was \$634,508.00. Comm Chapman advised that the

commission reduced that at one point. They confirmed that the \$634,508 was the correct and current amount. Commissioner Cole stated that for the public's information this resolution's total is \$323,877.94 but the Commission's contribution \$291,055.29.

Commissioner Roberts recommended that a motion be made to pay the #5 resolution in the amount of \$291,055.29. Discussion – None. Motion passed.

#### **General Discussion on Sugar Grove Water Project**

John Tuggle spoke and said this project has been being considered for over 10 years. It was determined, based on the data that they had, as ineligible. He said that Leslie is very committed to making this project happen. He expressed that it is very difficult. He stated that they went back to (unintelligible) with their program to question them on it and they responded that it was not eligible. The layout and numbers were very expensive for it. Comm. Cole asked if it was the proposal from Runa Road down the hill and up the hill at Snow Hill. Tuggle said there are two phases. Comm Cole stated that he remembered at the meeting that it was discussed to include the Samantha Neff Road and that was pushed to the wayside. Support letters were received, and it seemed to line up. Commissioner Cole stated he would like to better understand why Samantha Neff Road is off the table. Mr. Jack Ramsey stated that part of that issue is capacity. It could be done and it's not that it can't, but they did a cursory review of the length of pipe and the pertinences of what would be required. It will probably be about the same amount.

Roger O'Quinn spoke up and said it is not going to be about the same. He configured a report and used today's figures. From there he stated that you can get water to Samantha Neff Road, even with the head loss you can get it and go down the hill and supply the hillside without anything and provide the other 4 or 5 customers up at the church itself. It would take a high pressure 7.5 horsepower constant running pump or a booster station down at the farm. The hard work of getting the water to 3000 ft is already done. He said that he knew this because he was there when it was built. He feels that now is the time to apply for funding. He said it would be approximately a \$2.5 billion dollar project. It's all State r/w, all gravel roads.

Mary Odell said she inquired about a small city grant. She inquired with Leslie about a copy of those forms that were turned in and because Mary and two others passed out the forms, they only knew of two that put on the form that they didn't want the water and Leslie had five. Leslie informed her that she would have to check with Small City to see if she was allowed to disclose that information. There is not any personal information on those forms and Mary was not questioning her ability.

Mr. Tuggle spoke up and stated that it was part of their job at Region IV to protect the people and themselves when giving out information. Citizens would need to give Leslie permission to release their information. So, the requests would have to come from the citizens to Region IV to let them know that Leslie has the authority to ask for the information from the PSC. He stated that if there were an audit come up, you'd be asking for that information as a citizen at that point. Ms. Odell said not exactly because she was the one that the PSD requested to do this for them. Mr. Tuggle said he understood that but that the PSD needed to give her permission to get that information. Mr. Tuggle said now to request information from the Public Service Commission it would have to be done through him. Commissioner Cole asked if the Commission could request that, and Mr. Tuggle said sure. Commissioner Cole said consider it requested. Mr. Tuggle said sure you can and that it is not a big deal, but it is supposed to be anonymous information. Comm Cole said I'd like to make that request directly to the Commission. Mr. Tuggle said that's fine and it's not a big deal. All they do is take the information they're given and try to protect the citizens. Ms. Odell said that is what they tried to do as well, because on the return envelopes they put Region IV as the sending and return address, but had she chosen to do it differently I could have handed it to them, let them fill it out and take it back herself she would have had the same opportunity to copy those reports. Mr. Tuggle said he understood that but the way it worked out, we work for you guys. This is where it becomes very sticky when an employee of the entity does the work that's going to get the service. We try to make sure that there's nobody that can point any fingers at anybody and at the end when he gets all the information together, we can provide that to you. It won't slow the project down. We can provide it to you. We just don't want to get ahead of ourselves, especially when you can take information and misconstrue it. Donna Norman has all the institutional knowledge in our office. She used to work for WD Smith. She is the one that looked at this stuff. That's entirely just to protect the citizens. It's not a problem to provide that. They're your documents. We work for you. Commissioner Cole stated that it would be treated confidential. He also asked Mr. Tuggle if there was anything that the Commission could do to help move this along and support funding initiatives. Mr. Tuggle said that Mr. O'Quinn mentioned numbers but most of those have match and must have other funding added to it.

Commissioner Roberts wanted to confirm that everyone could agree that the project is feasible and physically doable. Mr. Tuggle said that some agencies would question feasibility due to costs. Comm Roberts said physically it can be done. Cost is variable.

Commissioner Cole asked if they could provide the Commission with an estimate and Mr. Tuggle agreed. Commissioner Cole thanked everyone for their input.

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**Trane/Chiller - Discussion**

Commissioner Cole inquired about whether we have a warranty or not. Patty advised that she never heard back from Greg. The warranty was from Casto Technical Services. Patty advised that we are not still under contract with Casto. Comm Chapman advised that at some point we had an extended warranty purchased for 10 years, but the date of activation is unsure, either after the manufacturer's warranty or just for ten years after purchase. There was an extra \$2200 for an addendum into the bid that extended it for ten years. The original manufacturer's warranty was for five years. If the additional extended warranty took ten years, then we have no warranty. If it is extended to ten years after the manufacturer's warranty, then we are good until 2025 or 2026. It was installed in 2011. Comm Cole asked if they could get counsel involved to get an interpretation and Mr. Tucker agreed. Comm. Cole asked if Patty could get a copy of everything for Mr. Tucker. Mr. Tucker asked if there was a project manager for the chiller and Patty advised that Greg Boso was. Patty said she reached out to Mr. Boso but has not gotten a response yet. Mr. Tucker said he needs to see the actual warranty.

**Commissioner's Comments**

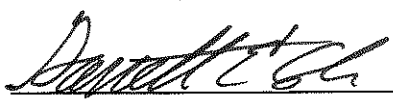
Commissioner Cole would like to commend Commissioner Roberts, Delegate Hanna, and Governor Justice on the AED for Craigsville Little League. He encouraged everyone to attend the Potato Festival.

Commissioner Chapman wanted to thank OEM Director John McGinnis for the chairs that the County Commission received.


Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 12:03 p.m.

**Documents**

- \*Chief Tax & Law Deputy FY 2024 Salary Print Off for all West Virginia Counties
- \*2024 West Virginia Gold Star Mothers Bridge Ride Proclamation
- \*Nicholas County Community Foundation – The Grant Advantage Quote for grant writing class  
Summersville Arena & Conference Center quote for conference/banquet room rental & food  
Letter of Support from City of Summersville
- \*Region IV Wilderness PSD Resolution #5

  
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Garrett Cole, President

  
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D. Craig Chapman

  
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Gary Roberts, Jr.

MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – September 20, 2023

The Nicholas County Commissioner met in a regular session at the Nicholas County Courthouse on Wednesday, September 20, 2023, and the meeting opened at 9:09 a.m. Present and in person were President Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II.

President Cole advised that Nancy Gall with the USDA Rural Development Rural Partners Network was present for public comment to discuss Rural Partners Network. She wanted to inquire whether the County had any projects in Nicholas County that needed grants or funding. RPN is a conglomeration of the Biden/Harris Administration. RPN partners with 29 agencies, meaning that if you needed a contact for certain agencies, she has the ability to make that connection. Commissioner Chapman asked if broadband was included in that, and she confirmed that it is included. Commissioner Roberts chimed in stating that locally we have an in-county initiative called Pioneer Resource Network and the County is looking to bind up several county initiatives and make them one larger proposal that we are looking to propose to federal agencies i.e., FEMA and USDA for funding.

Commissioner Chapman made a motion that they waive the review and reading of the September 6, 2023, minutes. Discussion – The only correction that Commissioner Cole requested was on page 2 of the September 6, 2023, minutes concerning the personnel matters of the sheriff's department that it lists that all three Commissioners, not just one Commissioner. Motion passed.

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

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. Motion passed.

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

Upon review of Invoices as submitted by various departmental offices, the Commissioner will take the appropriate action as deemed necessary. Commissioner Chapman moved to approve accordingly. Discussion – none. Motion passed.

**Estate of Lee Allen Horrocks File #10375 – Appointment of Matthew Horrocks as Executor**

Brandi Brown of the Nicholas County Clerk's office advised that on June 19, 2023, there was a hearing to remove the executor of the estate, Lee Ann Horrocks, and the Sheriff was appointed due to the possible mishandling of funds. Mr. Matthew Horrocks has requested to be appointed as executor. He was named as the alternate in the will at hand. Commissioner Roberts asked Mr. Horrocks if all the previous financial matters had been handled. Mr. Horrocks said that the joint accounts had been closed. He did inquire as to whether the sheriff had looked into anything prior to July (speaking of the questionable transactions). Commissioner Cole made the motion to appoint Matthew Horrocks as executor of the estate of Lee Allen Horrocks. Discussion – none. Motion passed.

**Tracy McCoy of Summersville CBC Re: Annual report for SCBC – CANCELLED**

**Stave Mill – Commission will contribute \$200,000.00 for fire suppression system through the Building Commission for up to 15 years with yearly forgiveness.**

Discussion – Commissioner Chapman advised that the stave mill in Calvin, WV will build the parts to make whiskey barrels in White Sulphur Springs, WV. There are five mills planned to make the parts. Everything they've got is already sold. Once they start accumulating wood for this (equipment is being installed now) they plan to be in production by the 1<sup>st</sup> of November 2023, maybe a little later. The Commissioner has been in talks with the stave mill regarding a fire suppression system. It is narrowed down to \$250,000.00. The City of Summersville has agreed to contribute \$50,000.00. Commissioner Chapman proposed that the County put up \$200,000.00 in the form of a loan to them. Commissioner Chapman suggested maybe taking the funds from the Building Commission since there is about a \$250,000.00 surplus. The loan would be over a 10-year period with a yearly forgiveness. This will create approximately 70 jobs and will be a two-shift operation. The company has invested nearly \$6 million dollars in this operation. Commissioner Roberts asked if they said what the starting pay would be? Commissioner Chapman advised it would be approximately \$40,000.00 or more a year. It is vacant property with minimal property tax. There will be tax revenue coming in and then they will be assessed for the \$6 million dollars worth of property. Tax revenue will be considerably high. Commissioner Roberts also stated that he was contacted by management requesting assistance on the hiring fair. He also asked if others would be able to tie into the water tank that will be put in for the fire suppression system – if it would serve one business or can it serve multiple. Commissioner Chapman advised that the NRGRDA is working on a plan right now to actually put up a water tank. This will be a direct flow (what the County is funding) directly into their fire suppression

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system. NRRDA is working to fund a water tank at a higher point to help fund the rest and then this water will be pumped into the tank as well. There is quite a bit of property to develop but this project is probably going to take up around 30 acres – that was just a guess. They have a large log yard. They will not only be taking in wood products logs, but they will also have a resale program of some going back out. Commissioner Cole asked Commissioner Chapman if they would consider a 15- or 20-year term, at least a 15 year. Commissioner Chapman said he figured they would.

Commissioner Chapman made a motion to contribute \$200,000.00 through the Building Commission to the Stave Mill for up to 15-year term with yearly forgiveness. Commissioners Chapman and Roberts were in favor. Commissioner Cole abstained but did not object to moving forward. He also requested setting up a meeting in the next couple of weeks to work out the details. Discussion – none. Motion passed.

**Region IV – City of Richwood Hinkle Mountain/Little Laurel Water Extension Project Resolution #18 for \$16,314.07**

Mrs. Jamie Baker with Region IV presented Resolution #18 requesting funds in the amount of \$16,314.07 for work completed on Contract 1 for Little Laurel. The resolution will be finalized by the City of Richwood at the council meeting on Thursday. Commissioner Roberts made a motion to approve and pay the \$16,314.07 for Resolution #18. Discussion – Commissioner Cole asked if the City of Richwood has contributed anything to this project. Mrs. Baker advised that he may want to follow up with Cassie on this because she normally takes care of this project. She said she didn't believe that the City was contributing simply because it wasn't listed on the resolution. Discussion – Mrs. Baker noted that the good news is that Contract 1 for Little Laurel Waterline is 85% complete; Contract 2 for Hinkle Mountain Waterline is 80% complete; Contract 3 for the Hinkle Mountain Water Storage Tank is 60% complete; and Contract 4 for the Water Treatment Plant is 60% complete. Little Laurel residents could possibly see water service as soon as November and Hinkle Mountain could have service by December. Motion passed.

**Hinkle Mountain Broadband Expansion Update of Environmental Report, Request for Release of Funds & Notice of Intent to Bid**

Mrs. Baker advised that they originally had documents originally signed by Dr. Adkins and needed to have them updated to have Commissioner Cole's signature on them. Region IV will be putting the Notice of Intent to Bid as well as the Request to Release Funds as a 30-day period as well as the Environmental Clearance. She advised that they received the approved scope change and understanding of the O&M agreement that will be ready for the Commissioner meeting at the beginning of October. They are waiting for the final approval from the Development Office on the environmental report and once that's approved the Environmental will require a public comment period, after which the project will be in position to request authorization to bid. Commissioner Chapman asked when this is all over and done, we (the Commission) will retain ownership of this project and we want to tie ourselves in a monthly fee, when do we discuss this? Pre-bid or post-bid? Mrs. Baker advised pre-bid. Commissioner Chapman then asked that when they bid is it going to be with service providers and not the contractors doing the work. Commissioner Roberts asked if the service providers take care of the maintenance. Commissioner Cole advised that it comes down to the agreement. Once you get your ISP, that is when you discuss the maintenance and/or charges for the Commission. Mrs. Baker confirmed. Commissioner Roberts said he spoke with the vice president of operations for Frontier in the state of WV and the VP advised that about 75% of the cost come from what you launch. Commissioner Cole advised that some of the fiberoptic cable will be buried in part of the National Forest. This project is the first of its kind in the WV state history because of the location, it just had so many under-served and its so close to the National Forest. This is the only place that qualified, and the requirements had to be lowered in order to get this. This is an example to the rest of the state and Nicholas County should be proud. Commissioner Cole recommended a motion to allow himself to sign the Environmental Assessment Determinations & Compliance Finding Report, Request to Release Funds & Certification and the Notice of Intent to Bid, which Cassie will update at a later time. Discussion – None. Motion passed.

**Commissioner's Comments**

Commissioner Roberts stated that the Commission is working to bring businesses into the County, a lot of grant money into the County. Every dollar in grant funding that we can bring into the county is money that the taxpayers don't have to pay out. He stated that there is a good team sitting behind the Commissioner's desk.

Commissioner Chapman wanted to give a pat on the back to Commissioner Roberts. He stated that the Gauley Fest went really well, and Commissioner Roberts stayed on top of everything. Commissioner Roberts went above and beyond, and it was very much appreciated. Also speaking of the Fall Festival, everyone did a fabulous job, and it was really good, and I heard nothing but positive feedback about it.

Commissioner Cole stated that he wanted to echo Commissioner Chapman's comments, especially on the Fall Festival. Many of the events throughout the County are going through changes and he told Gary that everyone, especially him, did a great job keeping that event alive and that it had grown. He also stated that the County partnered with the Nicholas County Community Foundation to support their first meeting

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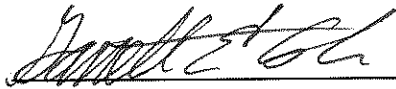
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of the Nicholas County Non-Profit Organizations Group and for the grant writer that we fund. That meeting is to be held Thursday, November 2, 2023, from 8 a.m. to 4 p.m. at the Arena & Conference Center. The first 50 people that sign up to attend will attend for free. Breakfast & lunch are included, and you must pre-register by Friday October 20<sup>th</sup> with the Community Foundation. You can reach Tamara at 304-549-7926. The days of ARP are quickly dwindling. So, this Commission is not going to have as much leeway as we have enjoyed over the last few years of supporting non-County government things. When sports groups and non-profits come to the Commission, they definitely need to attend this first meeting to truly understand the opportunities they have. The City and County both have excellent grant writers, and we have plenty of ways to go after the funding versus the Commission just simply writing a check. Commissioner Cole looks forward to the workshop, the entire County being involved. He plans to attend and support the meeting and hopes to see others that come into the Commission requesting funds.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 10:06 a.m.

**Documents**

\*Region IV City of Richwood Hinkle Mountain/Little Laurel Water Extension Project Resolution #18



Garrett Cole, President



D. Craig Chapman



Gary Roberts, Jr.

MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – October 4, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, October 4, 2023, and the meeting opened at 9:10 a.m. Present and in person were President Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II and County Attorney Greg Tucker.

President Cole advised that no one was present for public comment.

Commissioner Chapman made a motion that they waive the review and reading of the September 20, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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

Upon review of Invoices as submitted by various departmental offices, the Commissioner will take the appropriate action as deemed necessary. Commissioner Chapman moved to approve accordingly. Discussion – none. Motion passed.

**Terms of Office Expiring --**

Nicholas County Parks & Recreation Commission

Accept the resignation of Joey Myers with term of office expiring 10/15/2025. Fill unexpired term of office expiring 10/15/2025

Accept resignation of Tim Lewis with term of office expiring October 15, 2024. Fill unexpired term of office expiring 10/15/2024

Commissioner Chapman made a motion to accept the resignation of Myers & Lewis. Discussion – Commission Cole conveyed his appreciation to their dedication to the Commission. Motion passed.

Commissioner Roberts advised that the Commission has two recommendations for replacements of Myers & Lewis. Amy Cook has been recommended and appointed to replace Joey Myers. Stephen Postalwait was recommended and appointed to replace Tim Lewis.

Commissioner Chapman made motions to appoint Amy Cook and Stephen Postalwait to the Parks & Recreation Commission. Discussion – none. Motions passed.

Kathleen Curry term of office expiring October 15, 2023 – 3 year term  
Tracy McCoy term of office expiring October 15, 2023 – 3 year term

Commissioner Chapman made a motion to reappoint Kathleen Curry and Tracy McCoy to the Parks & Recreation Commission. Discussion – none. Motion passed.

Craigsville Public Service District

JoAnn Flynn term of office expiring October 18, 2023 - 6 year term

Commissioner Chapman made a motion to reappoint JoAnn Flynn to CPSD. Discussion – none. Motion passed.

Nettie Leivasy Public Service District

Glen Stirling term of office expiring October 10, 2023 – 6 year term. Commissioner Cole advised that there are three people interested and stated that it may be in the Commission's best interest to interview before appointing. Commissioner Chapman made a motion to table the appointment to the next meeting. Discussion – none. Motion passed.

Nicholas County Building Commission

George Jarroll term of office expiring October 17, 2023 – 5 year term

Commissioner Chapman made a motion to reappoint George Jarroll. Discussion – none. Motion passed.

Nicholas County Airport Authority

Jamie Thomas term of office expiring July 1, 2023 – 5 year term

Commissioner Chapman made a motion to reappoint Jamie Thomas. Discussion – none. Motion passed.

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**Region IV Planning & Development Hinkle Mountain Broadband Internet – Pending legal matter/executive session**

Attorney Clint Bischoff and Cassandra Lawson, Senior Project Specialist, appeared regarding broadband. Attorney Bischoff stated that it was regarding a pending legal matter and recommended going into executive session. Commissioner Cole asked if there was a motion to go into executive session including Attorney Clint Bischoff, Cassandra Lawson, Commissioners Chapman, Roberts and Cole as well as Mr. Tucker, attorney for the County Commission. Motion was made by Commissioner Roberts. Discussion - none. Motion passed. Executive Session went into effect at 9:18 a.m.

Executive Session ended at 9:50 a.m. Commissioner Cole stated that for the record no decisions were made. Motion was made by Commissioner Chapman. Discussion – none. Motion passed.

**Birch River Generator Project – Scope Change and Birch River PSD Mill Creek Waterline Extension Project – CDBG Budget Amendment**

**Commission approved scope change for the generator project to accommodate a 45kw generator in place of a 25kw generator (making a larger concrete pad for the generator to sit on)**

Generators - Ms. Lawson, Senior Project Specialist with Region IV, started with the generator project. It went to bid and the contract was awarded to the lowest bidder, but when the contractor went to place the order for the three generators (two 70kw generators and one 25 kw generator) with Cummins, Cummins advised that the 25kw generators are not currently available. The motors are outsourced from China and the manufacturer has just stopped production. Ms. Lawson said they would like to ask FEMA to allow the PSD to purchase a 45kw generator in place of the 25kw. She also advised that there is plenty of money in the project to facilitate that. They do not have to ask FEMA for a budget amendment but because the 45kw generator is physically a little bigger, the dimensions of the concrete pad that it will sit on will be approximately 2 feet larger, wider and longer than anticipated. It is for that reason that a scope change must be made. Also, the Commission was the sponsor for the FEMA funds and that is the reason that Region IV must bring it before the Commission. Commissioner Chapman made a motion to approve the scope change. Discussion – None. Motion passed.

**Birch River PSD – Possibility of extending waterline project to Mill Creek's 12 additional customers due to costs being under budget.**

This project went to bid last week. She passed out a projected budget to the Commissioners. Ms. Lawson advised that because of construction costs being under budget in excess of \$400k that the PSD may be able to extend the waterline project to Mill Creek to 12 additional customers. May be a challenge to get approved because the environmental letters must be updated, an income survey must be done, and some permitting will have to be updated as well.

**Budget Amendment – Community Development Block Grant budget amendment (moving money between CDBG & JDC intraoffices)**

Ms. Lawson stated that she is trying to be as prepared as possible; there is a possibility that this budget may not be submitted. She just wanted to try to have it in place just in case. This project is funded by the Community Development Block Grant Program and the Infrastructure Jobs & Development Council and monies are moved back and forth between the two for ease of facilitating a project. They increased the construction line item in CDBG and then leveled it out by moving the accounting, remaining engineering and legal fees into the infrastructure council funding. The explanation is to reflect the post-bid budget. The total change to the budget is zero. Commissioner Chapman made a motion to approve the budget amendment. Discussion – none. Motion approved.

**Discussion on Summersville Visitor's Center at Commissioner Cole's Request – Change of location and reduction of Commission Contribution from \$800K to \$500k**

Commissioner Cole stated that this project has changed some. The real estate that was once available is no longer available due to the sellers. The City has an opportunity to move elsewhere now with the new State Park. The Commission had originally agreed to contribute \$800,000.00, with parts of the ARP and different funding and that money was specifically to purchase land so that motion is now null and void. However, now the City is requesting that the Commission contribute to the construction of the facility, but now at a reduced rate of \$300,000.00 less, requesting instead \$500,000.00 with no contingencies. Commissioner Cole stated that he does support that and would like to give the City some sort of response this morning. Commissioner Chapman made a motion to reduce the funds to \$500,000.00 but with the contingency that one Commissioner will have a seat on the Board. Commissioner Cole stated that he did not have a problem with that. Commissioner Roberts had no objection to it either. Discussion – none. Motion approved.

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**Nicholas County Building Commission – regarding matters of purchasing/selling real estate (executive session)**

Commissioner Cole started by requesting that they go into executive session again. All three Commissioners, members of the NCBC, their staff and legal counsel remain in the room. Commissioner Chapman made a motion to go into executive session. Discussion – none. Motion approved. Executive Session began at 10:03 a.m.

Commissioner Chapman made a motion to exit executive session at 11:00 a.m. Commissioner Cole stated that for the record no decisions were made during the executive session. Discussion – none. Motion approved.

**Compass Job Exploration – placing kids ages 14 & up with disabilities into job experience opportunities Within the Courthouse at the discretion of Department Heads**

Alyssa Querrey, representative of Compass Job Exploration, a state vendor through the WV Division of Rehabilitation Services, presented. She stated that her business focuses on youth with disabilities. They work statewide on vocational rehabilitation, and work with courthouses throughout the state. They begin working with children at the age of 14 and when they turn 16 they are eligible to begin working. She inquired as to whether the Commission would approve of them being able to set up work sites within the courthouse. The youth would be supervised. If the individual is a youth with a particular disability, he/she will be supervised the entire time. If the individual does not have a disability that requires continuous supervision, he/she will be able to work independently depending on their work history. Compass Job Exploration will cover everything - all wages, all comp, etc. – except providing job duties, experience, etc. This allows them to put a little bit of work history on a resume. She emphasized that there would be nothing that the Commission would be responsible for and that it could be any task that any office would see fit and that they could do successfully. She also stressed that they are struggling to find employers within the county willing to participate. Mr. Tucker asked if the County would be covered under the liability policy of Compass and Ms. Querrey said yes. Providing the County with any information would not be an issue. There are approximately 80 youth enrolled in the work programs. Commissioner Chapman made a motion to enter into an agreement to work with Compass at the discretion of the Department Heads. Discussion - none. Motion approved.

**Nicholas County Health Department – Public Health Update**

Dr. Anita Stewart, Health Officer at the NCHD, advised that she was hired full time to serve Nicholas County in all capacities for public health. She wanted to give a brief update on the status of affairs in Nicholas County. First, NCHD is doing a health assessment to see what are the biggest needs of the citizens. She advised that she will be leaving with them the QR codes for that survey. The issue right now is that we are coming into respiratory season. There is an increase in respiratory viruses with Influenza A, Covid-19 and a slight influx of RSV. She stated that everyone needs to make sure they are doing commonsense things to prevent passing that on to others. We are expecting a busy respiratory season. Wash hands, cover coughs and sneezes, and vaccinate. The health department has flu, covid and RSV vaccines. She advised that if you are feeling ill, it's important to stay at home. She also advised that October is Breast Cancer Awareness Month, so make sure you get your screenings. She advised that all of the vaccines are covered by insurance and also if you do not have insurance NCHD can accommodate that as well.

Commissioner Roberts asked about STD statistics. Dr. Stewart advised that there is an increase in STD's in Nicholas County. Syphilis is an issue. In the last two years there has been approximately a 200% increase in syphilis. If you notice an all over rash, see a doctor. The age range is from 18 to 40. It is noticeable with people that have unstable housing, higher sexual behavior and IV drug use. The physicians around here are aware of the uptick. Reduce harm strategies are being put into place to increase protection during sexual encounters. HIV and hepatitis are additional conditions that go hand-in-hand with syphilis. There are long term complications with syphilis – neurologic, psychiatric, and increase risk of spreading. Commissioner Roberts then asked about contraceptives in schools. Dr. Stewart advised that they do not currently have a family planning program for oral contraceptives. For barrier methods to prevent sexually transmitted infections they do have male and female condoms at the health department. The school-based health centers care is provided by New River Health Association, and she advised that she will double check with them to see what they're able to provide there. It is certainly important that it is available to all age groups. Commissioner Roberts recommended maybe placing them at an anonymous setting. Dr. Stewart advised that it is absolutely anonymous at the health department. Commissioner Chapman inquired whether Dr. Stewart can obtain data from doctor's offices in the county. Dr. Stewart stated that there is a Reportable Disease Rule per state code and depending on the type of disease, that would determine which entity it would have to be reported to. Commissioner Roberts ended with one last question about Covid test kits and vaccinations. Covid vaccinations are covered by insurance and if you don't have insurance, you're able to take care of that as well. How does testing happen? She advised that covid test kits were made available to order through the United States Postal Service. Coverage for test kits depends on insurance. The Health Department will have some free test kits. They're trying to give some of those out at events. Dr. Stewart also advised that if you are symptomatic and know that you

have covid, that it's really important to know so that you don't spread it to others. If you do test positive, its five days of isolation from symptom on-set, masking from days 6 – 10.

Commissioner Chapman inquired about Narcan. Dr. Stewart advised that they are working actively to try to reduce the number of overdoses in our community. Naloxone is available at the health department. It is free. It is also over the counter now. You can purchase it at the pharmacy. If you can't afford it, come to the health department or Seneca also provides it. They're also trying to work in conjunction with Camden Family Health to start a distribution as well as with WVU health systems. Commissioner Roberts inquired about Harm Reduction. Dr. Stewart advised that "harm reduction" is a misunderstood concept. It is no different that her asking you to wear your seatbelt in the car. That is an example of harm reduction. So, from a healthcare standpoint, it would be like trying to smoke less if you are a tobacco user or washing your hands, exercising..... all these things to try to make yourself a little bit healthier. Where things get misunderstood is in regard to drug use. Harm reduction is important in Nicholas County because we are seeing an increase in drug use and sexually transmitted diseases, iv drug use, etc. Making available a safe space would reduce harm, offer things to help reduce spread of infection and, decrease drug overdose will in turn save lives and reduce spread of infection and as a secondary effect, we see a lot of people that receive supportive services and seek treatment by having that relationship in a harm reduction setting. The Health Department participated in "Save a Life Day" and they see a need for harm reduction services in our community. There are federal dollars available for the Health Department to access to use for harm reduction. There are funding opportunities that the health department will apply for. Certain licensures are required for harm reduction services and the Health Department and partners will participate. Commissioner Roberts questioned if we have HIV in Nicholas County and Dr. Stewart confirmed that indeed we do.

#### **Commissioner's Comments**

Commissioner Cole said that the City of Summersville wanted him to announce that beginning October 9, 2023 the City will begin writing tickets at all parking meters due to the downtown business owners requesting this.

Halloween will be observed on Tuesday October 31, 2023 from 5 to 7 p.m. or 6 to 8 p.m.

Commissioner Roberts said that the harm reduction that was discussed made more sense after the discussion of what it was and where the funding comes from. We would be a fool to not draw down the funding and utilize harm reduction in our county.

He also wanted to touch base again about the visitor's center. We had a savings of \$300,000.00. The partnership between the State, City and our County allowed us to re-coop the \$300,000.00. This is going to draw business to our county and will be a really wise investment. He believes it will be more bang for our buck than we initially thought.

Commissioner Chapman advised that he has been working with Dr. Stewart and with the Nicholas County Health Department on a vape ordinance. There will be more coming up about that later.

OHS Director John McGinnis requested signatures of the Commissioners on an invoice from the State. He will send it back to the State on county letterhead. It is the guideline for the budget approval which was awarded to the County Commission. It will be disbursed to the ambulance providers and fire departments. More will be on this at the next meeting.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:39 a.m.

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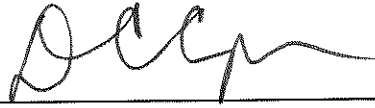
**Documents**

\*WV Dept. of Economic Development Community Development Block Grant for Birch River PSD Mill Creek Waterline Extension Project

Letter to Gabriel Reed, State Hazard Mitigation Officer, dated October 4, 2023 Re: Birch River PSD Project FEMA-DR-4359-WV-0007



Garrett Cole, President



D. Craig Chapman



Gary Roberts, Jr.

MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – October 18, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, October 18, 2023, and the meeting opened at 9:02 a.m. Present and in person were President Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II and County Attorney Greg Tucker.

President Cole advised that no one was present for public comment.

Commissioner Chapman made a motion that they waive the reading of the October 4, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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

Upon review of Invoices as submitted by various departmental offices, the Commissioner will take the appropriate action as deemed necessary. Commissioner Chapman moved to approve accordingly. Discussion – none. Motion passed.

**Terms of Office Expiring --**

**Nettie Leivasy Public Service District**

Glen Stirling term of office expiring October 10, 2023 – 6 year term. Commissioner Cole advised that there are now two people interested and stated that it may be in the Commission's best interest to interview before appointing. Commissioner Chapman made a motion to table the appointment to the next meeting. Discussion – none. Motion passed.

**Jonathan Hall, Field Rep of Congresswoman Carol Miller as well as Alex Hewitt, Field Rep for Senator Joe Manchin's office.** Senator Manchin wanted to convey his thanks and really appreciated the City of Summersville and Nicholas County for their part in the motorcycle ride for the Gold Star Mothers.

**Tracy McCoy, Executive Director of Summersville Convention and Visitors Bureau – Annual Report of CVB**

Ms. McCoy read the CVB annual report. See attached. Commissioner Roberts commended Ms. McCoy for all her hard work and partnerships.

**Cassandra Lawson, Senior Project Manager, Region IV Planning & Development – City of Richwood – Hinkle Mountain/Little Laurel Water Extension Project Resolution #20 Approval**

Ms. Lawson stated that Resolution #20 includes payment for construction contract 1, construction contract 4, Thompson & Litton for engineering services, Bowles Rice for legal services and Region IV for administration services. The total payment request is \$350,126.44, of which payment for contract 1 is \$56,804.50 is requested from the Commission's commitment to the project and the remainder will come from the City's drinking water loan and the water development authority grant. Based on payments made to date, the Little Laurel Extension is 89% complete, the Hinkle Mountain Extension is 79% complete, Hinkle Mountain tank is 72% and the water plant is 75% complete, based on payments. As for actual field work, Little Laurel has received its substantial completion inspection so they could possibly see water as soon as the end of this month. Per the engineer, Hinkle Mountain could be receiving water as soon as November/December. The tank must be in place in order to service those folks. Commissioner Cole stated that after payment of \$56,804.50 the remaining balance of the committed funding will be \$59,990.00. It is winding down. Commissioner Roberts made a motion to pay the \$56,804.50 toward Resolution #20. Discussion – none. Motion passed.

**Mary Jane Williams, President of Richwood Area Chamber of Commerce along with Cassandra Lawson with Region IV – City of Richwood Pool Improvements Funding Request.**

Ms. Williams stated that originally they were seeking a match to a grant. The grant deadline is November 1, 2023, but they had a more immediate concern which is the filter. They originally estimated that the project was going to be \$140,000.00, but it ended up being \$192,000.00. They were able to come up with the additional amount. The day before the pool opened, the pump went out. They had to get a pump the next day and extend the opening to another day. Everything was running smoothly, but the last part that has to be replaced is the filter (which the current one has been there since probably 1960) and also the pool skin (resurfacing). Ms. Williams advised that the purpose of being there today was to request assistance with the replacement of the filter. She brought an estimate from National Pools and it is



\$30,000.00, not the \$50,000.00 they were anticipating. Ms. Lawson stated that Region IV is helping the community with the application for the pool money. Initially the community had considered applying for both the filter and the pool but after the application is submitted, they probably won't know for at least a year if they will even receive funding. The Community decided to try to do the replacement of the filter on their own accord, not to go through the grant. Funding for the pool and liner repair will go through the application of the grant funding. Commissioner Cole asked if the Chamber has had a chance to request any of the funding from the City Council for the filter. Ms. Williams stated that they were going to request some funding the next day from the City Council. Commissioner Chapman asked about the large fund that the City has set up with close to \$1million where the hospital board controls it.... maybe the Cherry River Foundation. Ms. Williams stated that she had not. Commissioner Chapman recommended that she check with the board as well. Commissioner Chapman made a motion to contribute \$10,000.00 toward the pool filter replacement. Discussion – none. Motion passed.

**City of Richwood Resolution authorizing submission of Land Water Conservation Fund funding application for pool improvements**

Ms. Lawson stated that the City of Richwood would like to get the authorization of the Commission to submit the application for the Land Water Conservation Fund for the replacement of the skin of the pool since the County owns the pool. Ms. Williams advised earlier that the deadline for the application is November 1, 2023, and the liner is going to be a substantial cost. The City isn't sure if they will be able to raise the funds that they have to match (50/50). Just to make sure that everything is in place they wanted to go ahead and talk to the Commission to have everything ready. Commissioner Roberts made a motion to approve the application submission for the Resolution. Commissioner Chapman second that motion. Discussion – none. Motion passed.

**Gary Withee, Recorder for the City of Summersville and Prosecuting Attorney Paul Williams RE: City of Summersville Annexation by Ordinance and Order received by the County Commission to be approved and entered.**

County Attorney, Greg Tucker, stated that the City purchased some property behind the old Big Lots. The City purchased 89.71 acs, 26.619 acs, 8.11 acs, and a couple of access roads and this is going to be the sports complex that the City has planned. To do that, they have by ordinance (copy of the statute was given to each of the Commissioners) the annexation to bring that into the City limits. This is a little different from what the Commission typically sees. Because the City is the only owner of this property and there are no residents within the property the City chose to move forward by ordinance. The process is that the City passes the ordinance and they did that October 9, 2023. Mr. Withee, the City Recorder has his certificate. Mr. Tucker advised that he had a copy of the ordinance and order and he asked the Prosecuting Attorney, Paul Williams, to be present to answer any questions the Commission may have since Mr. Tucker is on both sides of the issue and he didn't want to be, in fact he stated that cannot be on both sides of the issue, so he allowed Mr. Williams to answer any questions. Mr. Williams stated that he reviewed the statute and that if they had any questions he would answer, but he would give them his opinion that everything is on the up and up and that he would ask them to sign the order that is offered to them. He also stated that he did the research on city annexation and he can support the signing of the document. Commissioner Cole asked if he felt that the City of Summersville completed all actions necessary before the Commission signed the documents. Mr. Williams stated that he does. Commissioner Chapman asked if this ONLY includes the property that the City acquired and Mr. Tucker advised that it does NOT include the residue that the city did not purchase. Commissioner Cole asked if this was a permanent annexation, not contingent on the City, if it was to ever sell or anything like that. Prosecuting Attorney Williams advised that it would be city property still located in the city limits, it will be permanently annexed into the City. Commissioner Roberts asked if because it was a one owner property with no residents, if that was what made this a clean annexation. Mr. Williams said yes and that is the law. He also reiterated that there are NO residents there. Commissioner Cole stated that he reviewed the Order requested of the Commission and he had no major concerns with the questions that they answered. Commissioner Craig Chapman made a motion to approve the order for annexation to be signed. Discussion – none. Motion passed.

**Commissioner's Comments**

Director McGinnis began with saying the Nicholas County Fire Fighters Association had a meeting and one discussion was about law enforcement coverage especially early in the mornings. He gave each Commissioner a copy of the letter from the president of the NCFFA and Summersville VFD, Chief Evan Aldridge. Director McGinnis read the letter to the Commission. He was requesting the Commission review and possibly add additional law enforcement coverage, especially in the early morning hours. McGinnis said from his standpoint, it also puts his 911 dispatchers in a bad situation. He advised that he can't control the law enforcement or their agencies, but he knew they have had several meetings together and the State Police and Sheriff's Department cannot get on the same page. McGinnis stated that he supports the letter from President/Chief Aldridge because something needs done. It's not just occurring in the early morning hours, but also in the afternoon. The 911 Center will put out calls, after calls, after calls in the afternoons with no response. They would like to have some help from the Commission's aspect of it, whether it be a meeting with the State Police or Sheriff. They'd like to have something worked out. There have been some

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bad situations in the County over the past couple of years and McGinnis hates for the first responders to be put in that situation.

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Commissioner Roberts questioned, so if a motor vehicle accident occurs at 3 a.m. and someone calls 911, is that a fan call that goes out to anyone that's available? McGinnis said right now the sheriff's department has two deputies until 4 a.m. McGinnis said for example they took a call this morning that the State Police transferred to 911 at 6:30 a.m. It was a suspicious vehicle. A lady called in and said there were 2 vehicles in the parking lot (which she owns the property) and she didn't recognize them. Director McGinnis stated that 911 had to "sit on the call" until 8:00 a.m. because after 4:00 a.m. to 8:00 a.m. our deputies and our troopers are on call. It's their discretion whether they want to come or not. It still puts 911 in a bad situation because the residents of Nicholas County call the 911 Center and we can only tell them that we can notify law enforcement. That is all that we can do. There have been several accidents scenes that it has taken a while. He stated that he had been there with them. It is very unfortunate. Especially now, Monday through Friday, you have bus traffic and that's another concern with the kids waiting on buses. Commissioner Chapman asked if the State Police have a shut down period like the County does. Director McGinnis advised that the last Trooper goes off duty at midnight and from midnight to 8 a.m. Sgt White always has someone on call until 8 a.m. Sgt. White is down to five troopers covering two detachments because of retirement and transfers. He's waiting on the Colonel to get more people in, and some are starting next week but they're doing all that they can. Commissioner Chapman asked how many troopers Sgt White needs to be back up to full staff and Director McGinnis stated that eight will put him at full staff. Commissioner Cole asked if that was Summersville and Richwood Detachments and McGinnis said yes. He stated that as of right now, Sgt. White and Trooper Shafer are assigned to Richwood and that the rest are in Summersville. Sgt Webb is retiring. Sgt. Stone will be coming back from Greenbrier County to Nicholas next week and he will be taking over the Summersville Detachment. Commissioner Chapman asked if they would continue to be closed for 8 hours at night or will they have a nighttime staff. McGinnis answered that they will continue to be on call from midnight to 8 a.m. Commissioner Roberts said that apparently a tough decision needs to be made outlying what metrics we can agree upon, that would be a mandatory dispatch. So, in other words, if I have a barking dog, I'll see you tomorrow morning at 8 a.m. If there's a motor vehicle accident, I'll see you in 20 minutes type of thing. McGinnis said that our nighttime dispatchers know, more or less, the priority calls, a dog barking complaint or something they won't even call an on-call officer, but anything high priority they do call and then it just depends on what trooper is on call or where he lives. It's one of those things we are hand-tied to, but what do we do? Commissioner Chapman stated that maybe a set-down meeting needs to be set up and if we have to go as far as get the Colonel up here, he can open that door. He suggested starting by talking and seeing what can be done first. Director McGinnis said that he will, after the meeting today, get everyone's schedule and work out a timeframe and then go from there. Commissioner Cole stated that, if need be, they can begin with the Commission, Fire Association and the Sheriff's Department and then expand it if necessary. Commissioner Chapman stated that it doesn't have to be like a fire meeting... just something as simple as set up in Director McGinnis' conference room. We just need to see what we can do.

Commissioner Cole stated that he would like to discuss the cooling unit. Commissioner Roberts said one of the questions he had was did the Commission anticipate that there could be a drop in the cost of materials and stuff over the next period. We have been able to limp through the fall, we'll get through the winter, but we don't want to fire it back up in May and then just be sitting on it. Commissioner Chapman stated that the two issues he had is that he still thinks it's under warranty because Trane keeps saying well, when they bought it the warranty started. That's not true. It's when you fire it up and turn it on you start. He said he is on too many construction jobs that they refuse to turn it on until a certain time when they open the door because of the warranty. They're trying to get out of backing it up on the warranty. And number 2, he had talked to one person that seems to think that he's looked at another courthouse and did it for them, but these new split units that have come out, if we didn't have to do the whole Courthouse out of these chillers, you might only need one and put in some smaller units and when the small units go bad its only a few thousand dollars to fix them. They did it up at the Old Main. They put a bunch of them in up there rather than put them in the middle. Honestly, we are taking the word of one company that keeps pushing us to do this and you're talking \$100 Grand we are going to have to put it to bid. We're going to have to do something. You know, we are only listening to them, and they are high pressuring us is what I feel like, into signing this contract. Commissioner Chapman wants to look at it from a whole different aspect and get someone in that knows a little more than us, obviously, about what we should do in the long term. Commissioner Cole asked if this was something that someone like Dan can advise, like a consultant? Commissioner Chapman said that you'd have to get someone like an engineer. Commissioner Cole asked if the Commission should put out a bid request for an engineer and Mr. Tucker advised we should, just so the County could get the cheapest price. Commissioner Cole said he'd like to do that. Mr. Tucker suggested getting an engineer also because of the changes upstairs with adding the additional judge it would change everything. Commissioner Cole clarified that this is only concerning the air conditioning and not the heat.

Commissioner Roberts wanted to discuss the assumption by the prosecution and legal or LEO that the dog warden was writing tickets, and it was his understanding that with the change of Commissions he had gained and lost that ability. With everyone on board with that, both of those representatives and JJ has talked to them. We are not changing anything, just affirming that he can actually write a lack of rabies

vaccination and unpaid dog tax. One of the things we are looking to do is get a handle on the dogs in the County. We are looking to impose a penalty to sway that behavior. We will vote on it the next meeting, but he does have that authority. JJ has had to call one of the deputies and have them sign off on the ticketing but allowing JJ to do that with his already imposed authority, it may free up the deputy with the current staffing issue we already have.

Commissioner Roberts again talked about the impact that the drug issue has on our community. He is a huge supporter of prevention, intervention, and treatment. We must do something. There are a lot of touch points that we can use for prevention for our youth before they start self-medicating with drugs or alcohol.

Commissioner Chapman wanted to reiterate what Commissioner Roberts said, giving a shout out to all of the first responders, the City, the wrecker service, ambulance drivers, and John McGinnis who are always on scene. We really appreciate what you do as first responders and we realize that you see things that we will never have to see. Thank you for all that you do.

Commissioner Cole said first off, a reminder of the Trick or Treat here in the County, as well as the City of Richwood and City of Summersville. All three governments are requesting our citizens to observe Trick or Treat on Tuesday, October 31, from 6 p.m. to 8 p.m. This is also the requested times. I want to remind everyone in reference to our week here in the County, Nettie fireman Brody Hanna will be brought home from Charleston to Simons and Coleman Funeral Home between the time of 2:00 and 2:30 p.m. on Thursday October 19, 2023. Summersville and Craigsville Fire Departments will be supporting their brother department and have their ladder trucks with the display of the American flag in honor of Brody and they encourage the public to come and honor Brody. Commissioner Cole said that some things of this world just don't make sense, but we as a community can show each other support and back each other during these times and make things a lot easier on these families, departments, and groups of individuals. That being said, he asked that everyone please stand, and we will be observing a moment of silence for Brody Hanna as well as that Department.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 10:30 a.m.

#### Documents

- \* CVB Annual Report
- \* Resolution Authorizing Execution of Application for Grant through Land & Water Conservation Fund
- \* Resolution of City of Richwood Approving Invoices Relating to Services for Hinkle Mountain/Little Laurel Waterline Extension Project & Authorizing Payment
- \* Hazard Mitigation Project Non-Federal Share Request Worksheet
- \* Order Appointing JoAnn Flynn to Craigsville Public Service District Board
- \* Order Re: Annexation of Additional Territory of the City of Summersville
- \* Certificate of Annexation Pursuant to an Ordinance Annexing 89.710 Acres, 26.619 Acres, 8.111 Acres, Access Road No. 1 and Access Road No. 2 Owned by the City of Richwood



Garrett Cole, President



D. Craig Chapman



Gary Roberts, Jr.

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## MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – NOVEMBER 1, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, November 1, 2023, and the meeting opened at 9:10 a.m. Present and in person were President Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II and County Attorney Greg Tucker.

President Cole advised that no one was present for public comment.

Commissioner Chapman made a motion that they waive the reading of the October 18, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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

Upon review of Invoices as submitted by various departmental offices, the Commissioner will take the appropriate action as deemed necessary. Commissioner Chapman moved to approve accordingly. Discussion – none. Motion passed.

### **Estate of Gerald Paul Tinney File #10453 Re: Executor Jack Tinney requesting resolution be brought about – Final Hearing set for November 15, 2023 at 11:00 a.m.**

A hearing was scheduled for August 22, 2023, before Fiduciary Mike Anderson. One of the individuals involved had a baby the night before the hearing so it was cancelled. Fiduciary Anderson has been very sick and in the hospital since October 10, 2023. Multiple attempts have been made to reschedule the hearing. Mr. Anderson required a \$1,000.00 fee which was paid by Ms. Brown. It doesn't appear that Mr. Anderson's health is going to allow it. Mr. Tucker, counsel for the Commission, asked what the objections were to this case. An attorney for one of the parties stated that the dispute was over certain items that should have belonged to his client, but was disbursed to others. There is also some real estate that needs sold but there is an objection to the valuation that is in the appraisal. Mr. Tucker asked if the will directed the sale of the property. The attorney didn't recall because he didn't bring his file and wasn't prepared for all of this. Chris Tinney, an heir, provided a copy of the will to Mr. Tucker. He advised that the will left the real estate to all three children. Ms. Tinney advised that there were no claims placed against the estate. Mr. Tucker stated that since this is the 2<sup>nd</sup> or 3<sup>rd</sup> time being before the Commission to resolve this, it needs to be taken care of. The attorney advised the dispute is over guns and other personal property items that were in the house. Mr. Jack Tinney advised that the other party was given the keys to the property and told to get what they wanted quite a while back. Chris Tinney stated that her dad gave the guns to her back in February. Mr. Tucker asked if there was another Fiduciary Commissioner that could hear the case. The attorney said his client doesn't dispute the real estate, but that the issue is the appraisal and the personal property not listed. He is wanting an evidentiary hearing. He stated that there is a list that can be produced by his client. Commissioner Cole asked if the list could be produced and presented to the Commission in 24 hours. The attorney said yes, he believed it could. Commissioner Cole stated that the next commission meeting will be held Wednesday, November 15, 2023, and a hearing can be held at 11 a.m. to try to resolve the issues at hand. Commissioner Chapman requested the list of personal property within 24 hours to Brandi at the County Clerk's office. Commissioner Chapman also stated that originally the complaint was for 2 guns and now it has grown to a list. He said that this would be resolved next commission hearing, like it or not. Chris Tinney asked if she would be able to see this list prior to the hearing on November 15<sup>th</sup>. Mr. Tucker asked that any evidence that either party has to present needs to have it submitted to the Commission by a certain date to be determined by the Commission, so that neither party is taken by surprise. Commissioner Cole said that the deadline for evidence will be Wednesday, November 8. It will need to be submitted to Brandi with the County Clerk's office.

### **Estate of Joseph Allen McMillion File #10342 – Objection to Appraisal - Motion to Withdraw & Remove Administrator and Appoint New Administrator on November 15, 2023**

This is regarding the objection to the appraisal. The appraisal only shows some real estate and nothing else. Alice McMillion is the administratrix of the estate. She was unable to attend. Mr. Trent, attorney for Mr. McMillion, requested removal of Alice McMillion. Mr. McMillion can testify that there is some rental property and none of the monies are listed on the appraisal. There has been a failure to respond, she has not produced a will, and hasn't responded to any of Mr. Trent's requests. He asked that the Commission remove her from the estate. Mr. McMillion has concerns about it and she will not produce bank statements for the rentals. Mr. Trent agreed to file a motion to remove Ms. Alice McMillion as

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administratrix and to appoint a new administrator. This estate will be rescheduled to November 15, 2023, County Commission meeting.

**Financial Request of the Nicholas County Airport Authority – County to contribute \$75,000.00 to operations**

The City of Summersville has agreed to contribute \$25,000.00 to the NCAA and in turn the NCAA is requesting \$75,000.00 from the County Commission to go toward operations this coming year. Commissioner Cole stated that the NCAA is getting close to receiving the FAA funds that they applied for, but until then they're on their own. He stated that he is willing to support this and to his understanding there is a third partner (possibly) to become a partner in this airport as well to make it a regional system. Commissioner Cole is willing to support and back this request, with the funds coming out of Coal Severance. The funds will come out of Coal Reallocated. Commissioner Chapman made a motion to pay \$75,000.00 out of Coal Reallocated.

Discussion – Commissioner Roberts had few comments. He questions whether this is going to be a fixed amount for the rest of the fiscal year. Commissioner Cole said that was the way it was explained to him. Commissioner Roberts said that it needs to be determined today or make it a stipulation. He stated that he had asked for financial information and didn't receive it. He had asked how much it cost to run the airport for a year and did not get a response. He doesn't mind supporting something, he just wants to know what we are supporting. He agrees to get behind this one time this year, fiscal year. Commissioner Cole said he thinks that's a good goal but that he didn't believe he could put that in the motion because the County owns it. Commissioner Roberts said but part of the operation includes improvements as well. Commissioner Cole said they're supposed to be getting some grants for improvements. This specific request is supposed to be just for operations. Commissioner Roberts says if it is for operations, he's all for it, but if its for a nicety then we need to look at the affordability. Commissioner Chapman said this is for necessity. There are some bids for upgrades, but there are grants that have been filed for that. Commissioner Cole stated that Commissioner Chapman had a great idea last meeting, stating that possibly have our County grant writer, Lindsay, to get in touch with Tim at the NCAA and possibly find some more money. Commissioner Cole said that it is not breaking even yet, but Commissioner Chapman says we are losing less money now than before. Commissioner Cole says he does want to get with their financial advisor, Mr. Adkins, and get their budget. He also said that he agreed with Commissioner Roberts, we do ask for financial records of others who ask for money, it only seems fair to request them from the Airport Authority as well. Commissioner Chapman said he will try to remember to ask for them at the next meeting. Motion passed.

**Melissa O'Brien, External Affairs Manager with Citynet Re: Project Update**

She advised that by the end of next year, Citynet will be another option for citizens of Nicholas County for internet services. She will be attending meetings more regularly and keeping everyone updated on the status of the projects. She provided a Management and Operation Agreement between the Nicholas County Commission and Citynet for broadband/high-speed internet services for the residents of Hinkle Mountain. HUD awarded \$800,000.00 in grant money to construct the project. She also discussed LEAD grants that could be applied for and recommended to get the Broadband Committee active.

**Discussion and Approval of NC Humane Officer/Dog Warden to write citations and/or fines for violations i.e. unpaid dog taxes and no proof of rabies vaccinations**

Commissioner Roberts discussed how the Commission is looking at the abandoned/stray dog areas in the county. After speaking with the dog wardens, Mayor of the City of Richwood and others in the area they came up with a proposal to make the dog catcher/humane officer more effective. They don't believe it's an influx of dogs, but the same dogs – the owner comes to pick them up and pays the \$25.00 but then it just keeps reoccurring. Now, if JJ, the dog warden, goes to pick up a dog, the shelter will charge \$25.00 to pick them up and then if any citations are to be levied, he typically works with Deputy Ellison to do that. He would like to reinstate the authority to the humane officer so that it can help slow down the repeat dog issue that we have. It is perfectly legal. We have confirmation from the prosecutor and sheriff's department. They just want to make it legal and official so that they can give him a citation book and a warning book and get things rolling. This would be a proactive/reactive measure. He's not going to go out and pick dogs up and snatch them, but if he does, he can write that citation. Commissioner Chapman asked who would supervise this, the sheriff's department, magistrate, prosecutor? Commissioner Roberts said the sheriff's department but that it would be a partnership between the sheriff's department, magistrate, prosecutor, and dog warden. Commissioner Chapman asked if Commissioner Roberts knew why the responsibility was pulled back at one time. Roberts stated that he was led to understand that it was the personal belief of a previous commissioner. He also stated that this would also offload our deputies. There are only two things the dog warden will be able to cite and that would be unpaid dog taxes and lack of rabies vaccine. Commissioner Cole stated that he is on board if the sheriff's office is over it. Commissioner Roberts made a motion to reinstate the authorization to write citations for unpaid dog taxes and not having rabies vaccinations. Discussion – none. Motion passed.

**Discussion on Disposal of Excess Property, both real and personal, of County Agencies**

Commissioner Cole said it is time to ask other departments to gather a list of all excess/obsolete properties and get everything together, including real estate, to have a list. Nicholas County Building Commission is looking toward a real estate agent auctioneer, which Joe Pyle can do both. He would like to put up the McClung house and the lot behind that and he would also like to consider putting up all other lots, excluding the Vance building, just to clean the slate and put a little more cash back into the coffers. He would like the sheriff's department to also auction off evidence not necessary for us to keep, a reduction in the back up cruisers that we have. There are around 15 sitting down there and we only need about three of them. Also, we would like to extend an invitation to all other offices to put in any furniture, equipment, etc. Basically, it would be like what the Board of Education does every year. Discussion – Commissioner Roberts asked if a deadline could be set to identify when it needed to be compiled by. A deadline for January 31, 2024, to gather obsolete equipment to auction. We will need an inventory of everything. An auction date of April 28, 2024, but we will need to put a bid out for auctioneers between now and January 31. Commissioner Craig Chapman made a motion to auction the McClung lots and other office inventory and made a motion that Commissioner Roberts oversee this project. Commissioner Cole suggested to split the motion into two parts. The first is to sell the McClung property and lots around it excluding the Vance property (referred to as the Pontieri tract) and the big flat, along with what the Building Commission has (McClung House) and then the second part would be to gather the information to sell the personal property. Commissioner Gary Roberts made a motion to auction the McClung house and lots. Discussion – none. Motion passed. Commissioner Cole said that as for the second part (personal property & equipment) he would put everyone on notice and would have Patty prepare a memorandum to all departments including park, airport, etc. January 31, 2024, we will need an inventory of everything the departments are willing to get rid of and a special note to the sheriff's department regarding the evidence that can be cleared. Make sure that the titles will be ready by then. We can aim for an auction window of when the weather breaks. Auction can be held April 28, 2024. Maybe we can get with both cities and have a large auction and possibly extend the invitation to the fire departments as well. We also need to put a bid out for auctioneers to handle everything except real estate between now and January 31, 2024. Joe Pyle will have to handle the real estate auction.

**Cassandra Lawson, Senior Project Specialist Region 4 Planning & Development Council**  
**Re: Hinkle Mountain Broadband Project – Operation & Maintenance Agreement Approval**

Commissioner Chapman made a motion to approve the Operation & Maintenance Agreement with Citynet. Discussion – none. Motion passed.

**Hinkle Mountain Broadband Project – DOH Permit & Associated Bond Approval**

They have to have a permit from the DOH to install the broadband. DOH bonds renew annually and the DOH would like to have the approval of the permit and the bond (\$100,000.00 minimum) before they will issue the permit. Region 4 is asking for the approval of the DOH permit and approval for the Commission to enter into the bond. The Commission will need to get with the bonding agency they usually obtain bonds from and the bonding agency should be familiar with what they are needing. The cost will probably be \$1,000.00 and Region 4 is asking that the Commission pays that up front and then they will reimburse. Ms. Lawson provided a blank bond form that will need to be completed by the bonding agency. Commissioner Gary Roberts made a motion to approve the approval of the DOH permit and approve to secure a bond. Discussion – none. Motion passed.

**Birch River PSD Mill Creek Waterline Extension Project – Budget Amendment (if necessary)**

Budget amendment is not necessary at this time. Ms. Lawson asked if it could be brought up at the next meeting.

**Commissioner's Comments**

Commissioner Cole read the proclamation that was also read at the funeral services of Fireman Brody Hanna on October 21, 2023.

**Terms of Office Expiring --**

**Nettie Leivas Public Service District**

Glen Stirling term of office expiring October 10, 2023 – 6 year term. Commissioner Cole stated that as a customer of this PSD; there were interviews conducted of three good candidates: Glen Stirling, Lane Robinson and Brandon Jones. These are three qualified candidates. The current situation at the PSD is that the Commission has funded well over 80% of the amount requested and it has improved its operation (no major water loss); however there is a lot of modernization that needs to take place in that office including customer service, amongst other things. The Commission has offered management assistance and requested cooperation with other PSD's and it has not been completed. There is a serious distrust by the public in this PSD. Mr. Robinson would be an excellent candidate for this position, unfortunately the employees of this PSD have made it very clear that if we put Lane on as a Board member, they are OUT.

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Those are their exact words. We are in a standoff position and we have to look at what is best for the customers of the PSD. As being three County Commissioners, Commissioner Cole thinks they do a very good job as far as personal vendettas in any issue they have taken on. He said it is very disappointing that this PSD services three major communities in this county and can't operate in that manner. Brandon Jones of Canvas works for the power company and has experience with utility jobs. He has shown willingness to be on the Board. Commissioner Cole also stated that he wanted to make it very clear on Mr. Sterling that he is a very good community minded person and has done some good things for this PSD and said that it is very sad that we have to weigh the entire position of this PSD on just one person but that is all that we can do at this time. We are stuck with one seat every two years and it just happens to be his. It is sad that 26 years of experience for Lane Robinson doesn't matter and so that being said Commissioner Cole puts his support with Brandon Jones to bring a fresh mindset and utility experience from another field. Commissioner Chapman said that he will go along with Commissioner Cole. Commissioner Roberts said all three were good solid candidates. He stated that what is important is to not satisfy anyone but the needs of the PSD. He also supported Commissioner Cole's decision as well. Commissioner Chapman made a motion to appoint Brandon Jones as a Board Member for the Nettie Leivasy Public Service District. Discussion – none. Motion passed.

Commissioner Cole requested a short executive session to discuss a personnel matter. Commissioner Chapman made a motion to enter executive session. Commissioner Cole advised that only Commissioners Chapman, Roberts and Cole, as well as Mr. Tucker, counsel for the Commission, and Robert Painter, the County Clerk, remain in executive session. Discussion – none. Motion passed. Executive session began at 11:15 a.m.

Commissioner Chapman made a motion to exit executive session where no decisions were made at 11:50 a.m. Discussion – none. Motion passed.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:51 a.m.

**Documents**

- \* Proclamation dated October 21, 2023 for Nettie Fireman Brody Hanna
- \* Management & Operation Agreement with Citynet, LLC/Hinkle Mountain Broadband



Garrett Cole, President



D. Craig Chapman



Gary Roberts, Jr.

MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – NOVEMBER 15, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, November 15, 2023, and the meeting opened at 9:13 a.m. Present and in person were President Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II and County Attorney Greg Tucker.

President Cole advised that no one was present for public comment, however Mr. Alex Hewitt, the regional coordinator for the United States Senator Mr. Joe Manchin's office, was present. Commissioner Cole asked if he had anything he would like to address.

Commissioner Chapman made a motion that they waive and accept the reading of the November 1, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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

Upon review of Invoices as submitted by various departmental offices, the Commissioner will take the appropriate action as deemed necessary. Commissioner Chapman moved to approve accordingly. Discussion – none. Motion passed.

**Terms of Office Expiring – None**

**Discussion of the DRC Roof Leak**

Commissioner Cole said that it had been patched a couple times and now it has leaked again. He suggested turning it in to the insurance. Commissioner Chapman said at one point half of the roof had blown off and they just folded it back and tried to repair it, so maybe go the insurance route first. Commissioner Cole asked Patty Neff to proceed accordingly.

Commissioner Cole also said that for the record the Courthouse will be closed November 23<sup>rd</sup> and November 24<sup>th</sup> in accordance with the state holidays set by the government.

**Cassandra Lawson, Senior Project Specialist Region 4 Planning and Development Council**

**Birch River PSD Generator Project – request for payment** Ms. Lawson advised that the generators have been ordered and that this is actually a request for the first pay estimate #1 to the contractor in the amount of \$8,956.58 for materials that have already been ordered and installed. Commissioner Chapman made a motion to approve payment. Discussion – none. Motion passed.

**Mill Creek/Birch River PSD Waterline Extension Project Budget Amendment** Ms. Lawson advised that it was necessary for a budget amendment due to a very significant under estimate on the project which allowed the PSD to make a request to utilize the over funds to extend the water to 15 additional customers. The overall budget has not changed in cost but they have just rearranged the numbers. Commissioner Chapman made a motion to approve the amended project budget. Discussion – none. Motion passed.

**Assessor Ernie Dennison – Bid Opening for New Vehicle**

Mr. Dennison is needing to replace some automobiles. He advised that he ran a bid in the local paper for two weeks with specifications. He only had two bids. The bid openings were for a Jeep Renegade at \$30,300.43 and a Compass at \$27,898.93. He needs to replace a 10 year old Ford that currently the bottom of it is rusted out and the other is a Dodge Durango that needs to be replaced and is 16 years old. Renegade would be for use off the beaten path for higher clearance and the Compass for Commercial use. Commissioner Chapman made a motion to defer it to Mr. Dennison. Discussion – none. Motion passed.

Mr. Dennison also requested a re-evaluation of the metal detectors positioning downstairs.

**Nicholas County High School Bands – RHS & NCHS Contributions**

Richwood High School Lumberjack Marching Band has the opportunity to perform at the US Capitol Christmas Tree Lighting in Washington DC. Michael Cox and Virginia Taylor appeared before the Commission. Ms. Taylor advised that they currently have \$25,000.00 in hand in contributions. They are lacking \$10,000.00 of the \$35,000.00 cost for the band to make the journey to DC. Commissioner Chapman made a motion to join forces with Michael Cox, of the prosecuting attorneys office but individually, he has agreed that if the County Commission will agree to contribute \$5,000.00 that he, personally, will also give \$5,000.00 to hit the mark. Discussion – Commissioner Roberts advised that his

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son is a member of the band and wanted to clarify whether or not he is allowed to vote. Counsel for the County, Mr. Greg Tucker, advised that he in fact can vote, because it will benefit the group, not him individually. The Commission commended Mr. Cox with a big heartfelt thank you. The funding will come out of the Coal Severance Fund. Motion passed.

Commissioner Chapman made a motion to also contribute \$5,000.00 to the Nicholas County High School Band out of Coal Severance as well. Commissioner Cole agreed to contribute money to NCHS as well, as they are not a one-sided Commission and want to support both of the high school bands in the county. Discussion – none. Motion passed

**Estate of Joseph Allen McMillion Estate #10342 – Objection to the Appraisal continued from November 1, 2023**

Woody Trent, representing Bo McMillion, appeared in person and Alice McMillion and Stephanie Maloney appeared via Zoom. Mr. Trent advised that there is an objection to the appraisal and also a motion was filed to have Ms. McMillion removed as administratrix of the estate. He suggested holding off on the motion to remove and give Ms. McMillion an opportunity to provide information and respond to the objection of the appraisal. Ms. McMillion stated that she had in fact responded to the objection to Ms. Brown in the County Clerk's office via email on 10/27/2023 at 1:49 p.m. Counsel for the County Commission, Greg Tucker advised that her response was not considered a response to an objection. Mr. Trent is requesting a date to be set that Ms. McMillion would have to respond in writing to his objection with an explanation. Ms. McMillion advised she would be happy to go ahead and answer his questions now.

Mr. Trent asked her if her father's property was rented out for a period of years. She said yes. He asked if it was approximately for five years. She said no, it was not for five years. He asked how many years it was rented for. She advised that John Brewster rented the property from 10/2018 through 10/2022. Mr. Trent asked if the rental was a certain amount for those four years and she said yes. It was \$750.00. Mr. Trent asked if it went into a particular bank account and she said it went into her father's bank account at United Bank – which is still open and she omitted from the appraisal. She will provide a copy of the bank statement from the date her dad passed to now. She was guarantor/guardian/conservator of her father because he was disabled. She also stated to Mr. Trent that the rental money was Venmo'd to her because she lives out of state. Commissioner Cole asked if that money was then transferred to the United account. Ms. McMillion said probably not. It would have probably been used for pads, diapers, household goods, foods, care, etc. "because what was mine was his and what was his was mine", stated Ms. McMillion.

Mr. Tucker gave legal guidance to the County Commissioners as to what they needed to ask for. County Commission set a deadline of no later than January 1, 2024 for the Final Settlement to be submitted to the County Clerk's Office. Everyone was in agreement.

**Estate of GERAL PAUL TINNEY File #10453 – Evidentiary Hearing**

The evidence requested was received last Wednesday, November 8, 2023. Commissioner Cole swore everyone in. Mr. Larry Harrah advised the Commission that everyone entered into an agreement in the hallway. The parties have reached agreement to sell the property. Mr. Harrah will put it in writing. Mr. Tucker, Counsel for the Commission, advised Mr. Harrah that the County Clerk's office does not need the agreement, but that the office will require a withdraw of the motion that was previously filed. Mr. Harrah said that he would file that withdraw of motion in the County Clerks office.

**Commissioners Comments**

Commissioner Cole requested that the Commissioners Comments be postponed and he requested that they go into Executive Session to discuss two items, one real estate matter and one personnel. They entered into Executive Session at 11:09 a.m. Present were the three Commissioners, the County Clerk and legal counsel be retained in the room. Motion was made by Commissioner Chapman. Discussion – none. Motion passed.

Exit Executive Session at 11:55 a.m. No decisions were made during Executive Session. Motion to exit was made by Commissioner Chapman. Discussion – none. Motion passed.

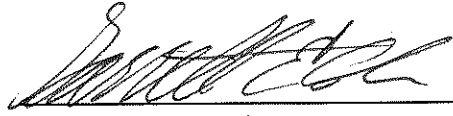
Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:56 a.m.

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**Documents**

- Birch River PSD Generators Project Pay Request #3
- WV Dept of Economic Development Form #6 Community Development Block Grant



Garrett Cole, President



D. Craig Chapman



Gary Roberts, Jr.

MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – DECEMBER 6, 2023

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, December 6, 2023, and the meeting opened at 9:06 a.m. Present and in person were President Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II and County Attorney Greg Tucker.

President Cole advised that there were representatives from the Nicholas County High School Band present for public comment. Mr. Akers, band director for NCHS, stated that they wanted to thank the Commission for their recent donation. It is helping with the purchase of new uniforms for the band. A young man from the band was present in a new uniform to show the Commissioners. Commissioner Cole presented him with a check.

Commissioner Chapman made a motion that they waive and accept the reading of the November 15, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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

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

**Terms of Office Expiring – None**

**Troy Kelley Estate – File #10240 – Re: No action taken on estate since opening two years ago. Continued for 30 days for an appraisal to be filed.**

No action has been taken in this estate since it was opened two years ago. Kevin Crane appeared by phone on behalf of James R. Kelley. Also, Roger Williams, Administrator of the Troy Kelley estate, was present, as well as Sheriff William Nunley and Shannon Bailes, Chief Legal Secretary as well as Brandi Brown from the County Clerk's Office.

Mr. Tucker, counsel for the County Commission, advised that he wrote a letter to Mr. Williams regarding a claim that Simons & Coleman Funeral Home desired to place against the bond. Mr. Williams was also asked to provide the Commission with an appraisal and at least a partial accounting of the funds over the two years that he has been an administrator. Shannon Bailes advised that a family member of Mr. Troy Kelley had reached out to the Sheriff's office for assistance in the matter and was able to track down Mr. Crane, who is the guardian/conservator to the heir of this estate.

Mr. Crane advised that James Kelley is a veteran who lives in a group home and needs his assets. Mr. Tucker advised that the Sheriff was the conservator for the deceased and the Sheriff turned over a substantial amount of money (in excess of \$175,000.00 in addition to real estate).

Mr. Williams provided a copy of the check and receipt from the payment of the services from Simons & Coleman Funeral Home. He also provided a statement of account from 10/31/23. He stated it shows approximately \$171,000.00 in the account. He said there will be \$165,203.41 still remaining in the account. He stated that the estate bond is still in effect for \$350,000.00. Initially Mr. Williams stated he would like to request ninety days to submit the amended appraisal and final settlement, however Ms. Brandi Brown of the Nicholas County Clerk's office spoke up and advised the Commission that the estate had been published for claims 120 days after the estate had been opened nearly two years ago and that, in essence, ninety days was an excessive amount of time and that it would be lovely if he could submit it within thirty days. Mr. Williams in fact agreed to provide an accurate appraisal for the estate as well as submit a final settlement within thirty (30) days. He will work in conjunction with Mr. Crane to settle this estate as quickly as possible. Commissioner Chapman made a motion to continue this matter for thirty days to allow submission of the amended appraisal and final settlement. Discussion – none. Motion passed.

**Mr. Bob Johnson – Richwood Airport Manager Re: Funding Consideration for the Airport**

Mr. Johnson stated that there is a hangar at the airport that is deteriorating and not functional and is requesting assistance to replace it. It would require \$26,000.00 to replace the existing hangar. It would be a sliding barn door style entry. Mr. Johnson stated that the work would be done by a professional out of Pittsburgh. Commissioner Chapman stated that he would need something more than a verbal amount,

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he would need bids. Secondly, he would like to see someone locally or at least from WV to do the work, rather than from Pittsburgh. Commissioner Chapman stated that the answer right now from him is no. Commissioner Roberts also stated that he just didn't know what the long term aspect would be of the airport. He would also like to see some financials in order to justify this type of spending. The Commission would like to have a meeting with the Board maybe at some point. We may be able to have our grant writer to assist with applying for a grant.

45  
**Approval of Resolution authorizing a Grant Agreement between Division of Administrative Services, Justice and Community Services Sections, 24-COSAP-09, to expand and improve substance use and mental health treatment and peer recovery support services in Nicholas County for individuals suffering from one or more substance use disorders. Grant Amount \$35,000.00**

This is an annual grant. Commissioner Chapman made a motion to approve the grant. Discussion – none. Motion passed.

31  
**Approval of Award Notice, two Contracts, two check-off lists of the grant requirements, a copy of the special conditions and assurances which were part of the original application, a copy of the mandatory reports from the WV Courthouse Facilities Improvement Authority, and a checklist from the State Historic Preservation Office. Grant Amount - \$100,000.00**

This will be used for the plumbing for the main courthouse. After January, we will be able to take bids. Commissioner Chapman made a motion to approve the grant. Discussion – none. Motion passed.

**Wayne Acord representing Acord Surveying RE: Quit Claim Deed for an Abandoned Street in Summersville**

Mr. Acord owns all property surround Pipe Street/Groves Street and hasn't been used since back in early 80's. Commissioner Roberts made a motion to sign the quit claim deed to the abandoned street. Discussion – none. Motion passed.

**Sheriff William Nunley Re: Home Confinement**

Home Confinement supervisor – ½ Home Confinement and ½ Day Report. This would be a five days a week position. A firearm would be issued. The Circuit Judge would have to sign off on the appointment of this position. He advised that there is a deputy that is getting ready to retire and that he would have to keep up his certifications. This would not be a deputy sheriff position – it would be an on-site position only. Sheriff Nunley also stated that he will do a letter to the Judge requesting his approval of the position as well as a name of the potential candidate. Commissioner Gary Roberts made a motion to pursue probation home confinement officer at 50/50 split. Discussion – none. Motion passed.

**Consideration of One Time Cost of Living Adjustment**

Commissioner Cole stated that he discussed with County Clerk Bobby Painter that last year the Commission approved \$500.00 per employee. The Commission would like to do that again this year. Commissioner Chapman made a motion to approve the one time cost of living adjustment in the amount of \$500.00 per general employee. Discussion – none. Motion passed.

**Dr. Anita Stewart – Nicholas County Health Department Re: Introduction of New Health Department Administrator and Dr. Stewart representing Nicholas Intervention Coalition presenting VAPE Ordinance**

Dr. Stewart reported that the Health Department is now fully staffed and that Ms. Kim Major was hired as the administrator/chief health strategist.

The Superintendent of Nicholas County Schools, Terrance Beam, and Director of Attendance and Student Services, Michael Williams, were also present along with Dr. Stewart regarding the VAPE Ordinance in Nicholas County. One goal is to limit the distance of the sale of these products to youth-serving sites, such as parks, schools, churches, community centers, etc.

Superintendent Beam spoke to the Commission discussing the alarming use of vapes, even with our younger children. He gave an example of a third grader last year that was caught vaping. He stated that last year over 40 expulsions were from vaping and a lot of them had THC in them. There has been a reduction this year. He isn't convinced that the usage is down, he believe that the children have become more creative as to how they are hiding and using them.

Dr. Stewart stated that vaping is not a safer alternative to cigarettes. The ordinance she presented is for the Commission's review and legal review to help do primary prevention and put safeguards in place. They will continue to look into the ordinance for ways that the County may be able to assist in prevention. Collaborative efforts will take place between NCHD, NCBOE, Legislature, etc.

020900 6401A

**Estate of Gerald Paul Tinney – File #10453 Re: Update on Estate Matter**

Brandi Brown on the County Clerk's office presented an update from the previous meeting on November 15, 2023 on this estate. Mr. Harrah, attorney for Miranda Brown, was supposed to have submitted a motion to withdraw an objection, still has not submitted it to this date. Ms. Brown requested that the Commission to dismiss the objection so that the county clerk's office can accept the final settlement and close the estate. Commissioner Roberts accepted the oral motion to withdraw the objection and made a motion to accept the final settlement. Discussion – none. Motion passed.

**Cassandra Lawson, Senior Project Specialist Region 4 Planning and Development Council Re: Birch River PSD Mill Creek Waterline Extension Project – Scope Change #1**

The bids were significantly under budget. The PSD was able to use the funds to extend service to an additional 15 customers. It just needs to be amended to the scope for the purpose of the grant. There are no changes in financing. Funding will remain the same. Commissioner Roberts made a motion to approve the scope change. Discussion – none. Motion passed.

**Ferrell Griffith – Generator request for Leivasy People's Place**

The Leivasy People's Place is needing some assistance on obtaining a generator. Mr. Griffith brought some bids for the Commission to review. They discussed various sizes and what would be necessary. Commissioner Roberts is questioning possibly a grant since the County uses it as a shelter. Commissioner Cole recommended that the Commission approves the lowest of the 24 kw generators today for this project out of coal severance. Commissioner Roberts has someone that is willing to look into a larger generator that could run the entire facility. Commission is going to see if they can get that information by December 20<sup>th</sup> meeting. Commissioner Chapman is wanting a 100% turnkey bid for a 24kw generator ready to go. Commissioner Cole is asking for at least three bids.

**Commissioners Comments**

Commissioner Cole stated that for the record he has received information from five different businesses regarding exterior/interior renovations for the second courtroom, plumbing, elevator replacement and other county facility upgrades. They have received proposals from Thrasher, The Profession Group, WYK Associates, ZMN, and Alpha Architects Engineers. The Commission will be reviewing these and then scheduling interviews later on.

Commissioner Roberts discussed CADCA – Community-based Advocacy Focused Data Driven Coalition Building Association. They have chosen two youth to go represent at our nation's capital to talk about some of the problems that our youth are facing around here. These are children that have been involved in Teen Court for quite a while. They will be needing money for food while they are there.

Commissioner Roberts also said he would like to look at the budget for the park and the pool at Veteran's Memorial Park and Pool as a collaborative team effort.

Commissioner Chapman wanted to thank everyone for their support of the Richwood High School band going to Washington DC, the band boosters and especially Mike Cox.

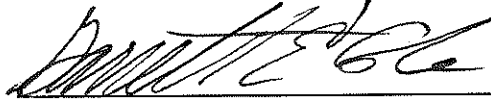
Commissioner Cole wanted to give everyone a friendly reminder that the Christmas lights at the park are currently going on at the Veteran's Memorial Park. Commissioner Cole also appreciated the City of Summersville taking over the Veteran's Day Parade.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 11:46 a.m.

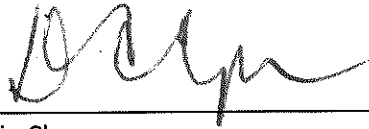
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**Documents**

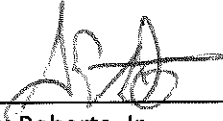
- Funding Assistance Contract Agreement between WV Courthouse Facilities Improvement Authority and Nicholas County Commission – Grant ID #21cycNicho2024
- State of WV Div of Administrative Services Justice & Community Services Grant Award
- WV Community Development Block Grant Request for Project Amendment – Change of Scope/Activity for Birch River PSD Mill Creek Waterline Extension Project Amendment #1



Garrett Cole, President



D. Craig Chapman



Gary Roberts, Jr.

020301 640731

**MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – DECEMBER 20, 2023**

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, December 20, 2023, and the meeting opened at 9:11 a.m. Present and in person were President Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II and County Attorney Greg Tucker.

President Cole advised that they did not have anyone for public comment.

Commissioner Chapman made a motion that they waive and accept the reading of the December 6, 2023, minutes. Discussion – none. Motion passed.

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

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. Motion passed.

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

Upon review of Invoices as submitted by various departmental offices, the Commissioner will take the appropriate action as deemed necessary. Commissioner Chapman moved to approve accordingly. Discussion – none. Motion passed.

**Terms of Office Expiring – None**

**Commissioners Comments**

Commissioner Cole stated that he would like the Commission to review the request for proposals concerning the courthouse facility upgrade. They have received the packets and would like to come with their recommendations to the first meeting of next year so that they can begin to schedule the interviews of who they'd like to interview. Possibly narrow it down to the top three.

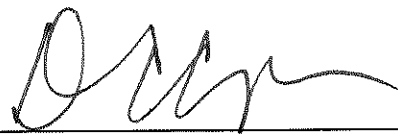
Also, Commissioner Cole wanted to set the first meeting of 2024 for January 3, 2024 at 9:00 a.m.

Commissioner Chapman, Roberts and Cole wished everyone a very Merry Christmas.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 9:15 a.m.



Garrett Cole, President



D. Craig Chapman



Gary Roberts, Jr.

WLO 075