# MINUTES OF THE NICHOLAS COUNTY COMMISSIONER - JANUARY 3, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, January 3, 2024, and the meeting opened at 9:20 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.

First matter of the meeting is to nominate and appoint the president of the county commission. Commissioner Chapman nominated Garrett Cole. Commissioner Roberts second the motion. Discussion – none. Motion carried.

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

Commissioner Roberts made a motion that they waive and accept the reading of the December 20, 2023, minutes. Discussion – none. Motion passed.

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 Commissioner 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 Commissioner will take the appropriate action as deemed necessary. Commissioner Roberts moved to approve accordingly. Discussion – none. Motion passed.

#### Terms of Office Expiring - None

## For the Record

Holidays were set according to the Governor's office. List is attached for 2024. Commissioner Chapman made a motion to approve the holiday list. Discussion – none. Motion approved.

Budget deadline for the elected officials will be February 23, 2024. Commissioner Roberts made a motion to approve the February 23, 2024 budget deadline. Discussion – none. Motion approved.

Approval of Order in the matter of payment of salaries and utilities. Commissioner Chapman made a motion to approve the order of payment of salaries and utilities as well as payroll dates. Discussion – none. Motion approved.

Approval of Order nominating a Commissioner to serve as a member of the Nicholas County Extension Service Committee for calendar year 2024 (WVU Extension). Commissioner Chapman nominated Commissioner Roberts remain on the committee. Discussion – none. Motion approved.

Reaffirm the Commission appointee, Commissioner Chapman, to serve on the New River Gorge Regional Development Authority. Commissioner Roberts made a motion to reaffirm Commissioner Chapman. Discussion – none. Motion approved.

Reaffirm the Commission appointee, Commissioner Chapman, to serve on the Nicholas County Community Partnership, Inc. Commissioner Roberts made a motion to reaffirm Commissioner Chapman. Discussion – none. Motion approved.

Reaffirm the Commission appointee, Commissioner Cole, to serve on the Nicholas County Fire Board. Commissioner Roberts made a motion to reaffirm Commissioner Cole. Discussion – none. Motion approved.

#### Public Comment Period - none

#### Assessor Ernie Dennison requesting to set Board of Review and Equalization Dates

There is a copy of the schedule attached. Commissioner Chapman made a motion to approve the dates. Discussion – none. Motion approved.

# Estate of Joseph Anthony Pomilla File #10608 Requesting Removal of Administrator – Continued Hearing til February 7, 2024 at 10:00 a.m.

Lorie Walker, daughter of Joseph A. Pomilla, appeared by phone. She is the objector. Also appeared Mr. Cipriani, attorney for Ms. Walker, Hanna Wright, attorney for Joseph Pomilla and Roy Cunningham, also counsel for Joseph C. Pomilla, by Zoom.

Ms. Brandi Brown of the County Clerk's office stated that Ms. Walker, through her attorney Mr. Cipriani, objected to the appraisement of the estate back in November, 2023. Daniel Armstrong, previous attorney for Joseph C. Pomilla, and Mr. Cipriani were sent a letter from Mr. Gregory Tucker, attorney for the Commission, advising that since our previous Fiduciary Commissioner had recently passed away, that maybe they could discuss with one another the situation and try to hash out the differences prior to meeting before the Commission. Mr. Armstrong did not respond. Mr. Armstrong requested a motion to continue days prior to the hearing. Yesterday, Ms. Brown was advised that Mr. Joseph C. Pomilla has since obtained other representation, Ms. Wright and Mr. Cunningham.

Mr. Tucker advised that he just put the two attorneys in contact yesterday with each other. Mr. Cunningham spoke up and stated that he believes it is possible for them to work things out.

Mr. Cipriani advised that the issue has been Mr. Armstrong not providing information that has been requested. Mr. Cunningham advised that he is still waiting for the remainder of the file from Mr. Armstrong's office. Mr. Cipriani is requesting a continuation of this hearing to allow time for the attorneys to try to come to an agreement and to provide information.

The Commission is going to allow thirty (30), February 7, 2024, at 10:00 a.m. to regroup and hear this matter once again. If this issue can be resolved prior to February 7, 2024, at 10:00 a.m. a letter will be sent to Mr. Tucker's office advising that the hearing is not necessary.

# Cassandra Lawson – Senior Project Specialist Region 4 Planning and Development Council Re: Craigsville PSD Influent Pump Station Project – Resolution #1

Ms. Lawson advised that the cost had increased some. There is a single invoice of \$87,795.00 from Buckhannon Pump and that the PSD is requesting the Commission's commitment to that invoice. This invoice is just for the pumps and controls. Once everything is installed, they will come back for the remainder of the commitment. PSD is going to pay out of the general fund for the overrun costs. This is mainly for the sewage part. Of the three sewage pumps, only one is running. Commissioner Roberts made a motion to approve Resolution #1 in the amount of \$87,795.00 out of the \$100,000.00. Discussion – none. Motion approved.

#### **Commissioners Comments**

Commissioner Cole advised that he realized something was missing from the agenda was the meeting schedule of the Commission. He recommends continuing the first and third Wednesdays at 9:00 a.m. He would also like to choose one day each quarter to have an evening meeting to make it more accessible to the public. Commissioner Cole suggested setting the evening meeting for the second month of each quarter and they will decide next meeting exactly when it will be.

Commissioner Roberts wanted to put information out about the dog catcher. There is a countywide issue with stray dogs and cats. He advised that the animal shelter in Nicholas County is a dog shelter. As for the cats that are taken in, they are privately funded. If there is a noise ordinance issue inside city limits of Richwood or Summersville, you will need to contact the local police departments. The only thing the County can do is pick up strays, ticket for unlicensed and unvaccinated dogs, unless its an issue with a biting dog, etc.

Commissioner Cole discussed the dilapidated structures ordinance. Tom Clark, Commissioner in Webster County, suggested it for Nicholas County. If there's an ordinance, there is funding available to assist in tearing down the structures.

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

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Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

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#### MINUTES OF THE NICHOLAS COUNTY COMMISSIONER – JANUARY 17, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, January 17, 2024, and the meeting opened at 9:04 a.m. Present and in person were Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman. Also present – County Clerk Robert Painter II and County Attorney Greg Tucker. President of the County Commission, Garrett Cole, appeared by Zoom.

Commissioner Chapman made a motion that they waive and accept the reading of the January 3, 2024, 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.

**Public Comment** - None

Terms of Office Expiring - None

# Estate of John Marshall Underwood File #10592 Re: Request for Removal of Beneficiaries

Ms. Haley Ferguson, attorney for Executrix (Melissa Dennison) of the estate, requested that three of the beneficiaries be removed from the estate. John Marshall Underwood, Jr. was present in person. This is to remove the great-grandchildren from the list of beneficiaries. Ms. Ferguson also requested that the contact person be Melissa Dennison for all beneficiaries under the age of 30 under the trust.

Mr. John Marshall Underwood, Jr. had no objections to anything requested. He is in agreement with Ms. Ferguson and the will.

Commissioner Chapman made a motion to accept the removal of the three great-grandchildren from the list of beneficiaries of the will of John Marshall Underwood. Discussion – none. Motion passed.

# <u>Cassandra Lawson – Senior Project Specialist Region 4 Planning and Development Council Re: Birch River PSD – Sugar Tree Ridge Road Project Letter of Support</u>

This is going to serve 11 customers and will be a very expensive project, nearing \$1 million. Because it will be \$999,999.00 the PSD is eligible to apply for the WV Infrastructure Jobs and Development Councils Critical Needs Program. The PSD has submitted an application and will be considered by the IGC's technical review committee. The PSD is reaching out for a letter of support. This program does not require a match. Discussion – none. No action required.

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# **Commissioners Comments**

Commissioner Chapman discussed warming shelters available in the area. You can call 304-872-4911 and they can get you in contact with each of these: Summersville Fire Department, Keslers Cross Lanes Fire Department, St. Lukes Methodist Church, Craigsville Volunteer Fire Department and Bethel Church in Keslers Cross Lanes and Grace Church in Persinger.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 9:38 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, February 7, 2024, and the meeting opened at 9:15 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Robert Painter II and County Attorney Greg Tucker appeared by Zoom.

Commissioner Chapman made a motion that they waive and accept the reading of the January 17, 2024, 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.

<u>Public Comment</u> — Sommer Dillsworth with the Nicholas County Board of Education to discuss the Communities in Schools Program. The program is now in Panther Creek Elementary, Richwood Middle School and Richwood High School. The purpose of the program is to ensure that all students have access to the community resources and tools. This program provides food, clothing, limited funding, attendance issues, mentoring and tutoring, etc. She requested a space so that they could have a confidential area to talk to the children. She is currently sharing a space with Deputy Deitz. She is requesting something small such as an 8' x 8' building. Commissioner Chapman recommend Vo-tech. Commissioner Cole suggested reaching out to the First Lady Kathy Justice. Commissioner Chapman said if Mark at the Vo-Tech will build the building that Commissioner Chapman would move the building.

#### Terms of Office Expiring

Nicholas County Historic Landmark Commission – Wayne Acord - term of office expiring February 22, 2024. Three (3) year term. Commissioner Chapman made a motion to reappoint. Discussion – None. Motion passed.

Ken Summers – Term of office expiring February 22, 2023. Three (3) year term. Commissioner Chapman made a motion to reappoint. Discussion – none. Motion passed.

Historical Society & Genealogical Society Rep. – Joseph Strickland – Term of office expiring February 2024. One (1) year term. Commission Roberts made a motion to reappoint. Discussion – none. Motion passed.

Nicholas County Fire Board – Benjamin "Ben" Bleigh – Term of office expiring February 6, 2024. Three (3) year term. Only allowed two consecutive terms. He is maxed out. This is tabled until the next meeting.

Steve Davis – Term of office expiring February 6, 2024. Three (3) year term. Only allowed two consecutive terms. He is maxed out.

Noah Allen was recommended by the Fire Association. He is the Chief of Wilderness Fire Department. Commissioner Chapman made the motion to appoint. Discussion – none. Motion passed.

Fenwick Mountain Public Service District. Delmas Bennett Jr. – Term of office expiring February 17, 2024. Six (6) year term. Commissioner Chapman made a motion to reappoint. Discussion – none. Motion passed.

County Clerk Robert Painter – Request for Election Equipment - Mr. Painter requested equipment to supply Richwood with their own early voting equipment. The quote is for \$15,740.00. The money is requested to come out of Coal Reallocated. Commissioner Chapman made a motion to purchase the equipment from Coal Reallocation from ES & S. Discussion – none. Motion passed.

Estate of Dennis Naylor File #10575 Re: Removal of Executor Request — Mr. David Clutter, Kelly Litton and David Clutter Sr were present and were sworn in. Legal counsel for the Commission, Mr. Tucker was present by Zoom. Mr. Milam was present by phone on behalf of Ms. Connie Naylor, Mr. Naylor's wife. Mr. Milam is requesting the removal of Mr. Clutter as executor of the estate due to failure to perform his duties. Mr. Tucker recommended the executor filing an amended appraisement. Mr. Milam and Mr. Clutter will get in touch with each other and set up a date to gain access to the property to do a complete appraisement of the estate. Mr. Milam is willing to hold off on the removal of the executor if this can be taken care of in a timely manner. This estate is going to be tabled indefinitely unless further action is necessary. Commissioner Chapman made a motion to table. Discussion — none. Motion passed.

<u>Community Center</u> They are in critical need of the renovation of the roof. They are in need of \$250,000.00. They are applying for a USDA grant of \$99,000.00 and the folks from the grant said they need to secure matching funds. The funds will be as follows: \$3,000.00 from the Center, \$15,000.00 from the Foundation, \$96,000.00 from the Puskar Foundation, \$36,000.00 from the County Commission. Commissioner Chapman made a motion to table this until February 21, 2024.

Estate of Joseph Pomilla File #10608 Re: Continuance from January 3, 2024 - Ms. Lori Walker appeared by phone and Mr. William Cipriani and Mr. Roy Cunningham appeared in person. This had been continued to allow the attorneys for both parties to talk and hopefully work things out on their own. On February 1, 2024, Mr. Cipriani filed a motion to petition the court to remove the administrator, Joseph C. Pomilla. Mr. Cipriani stated that the offer of a co-administrator was previously rejected on the basis that they just don't get along. Mr. Tucker, counsel for the Commission, suggested that they either agree on a third-party administrator or the sheriff as the administrator. Counsel has until February 15, 2024 at 4:00 p.m. to come up with a third-party administrator or else the sheriff will be appointed on February 21, 2024.

<u>911 Retirement</u> — All new 911 employees into the EMSRS retirement program beginning March 1, 2024 Director Johnny Rutherford of Metro 911, Dean Meadows, WV 911 Executive Director, and Russell Embert from WV Metro 911, as well as John McGinnis, Director of the Nicholas County OEMHS/911 was present. It is requested that the Commission sign a resolution to put the new 911 employees into the EMSRS retirement program. This will allow them to present it to the legislature and make it easier to bring in the existing employees. It will change the employer match from 9% to 9.5%. Commissioner Chapman made a motion to sign the resolution. Discussion — none. Motion passed.

#### **Commissioners Comments**

Commissioner Roberts reminded everyone that Valentine's Day is next week! Don't drop the ball!

Commissioner Roberts and Cole both would like to have the dog catcher and prosecuting attorney to the table to discuss what the dog warden does and what his capabilities are.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 11:23 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, February 21, 2024, and the meeting opened at 9:18 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Robert Painter II and County Attorney Greg Tucker appeared by Zoom.

Commissioner Chapman made a motion that they waive and accept the reading of the February 7, 2024, 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.

#### Public Comment - None.

<u>Terms of Office Expiring</u> - Nicholas County Fire Board Benjamin "Ben" Bleigh (termed out) and vacancy tabled – term of office expiring February 6, 2024 – 3 year term with a maximum of two terms. The new term will expire February 6, 2027. Commissioner Chapman made a motion/nomination of Angela Evans. This will be a citizen position. Motion passed.

# Estate of Troy Kelly File #10270 Re: Removal of Administrator

Roger Williams was present in person, Kevin Crane, Frank Coleman and Kathy Benson were present either by phone or by zoom. This was a continuance from December 6, 2023. Commissioner Chapman made a motion to remove Williams as administrator of the estate and to appoint the Sheriff as Administrator. Discussion – none. Motion passed.

# WVU Extension Agriculture Agent Brian Sparks Re: Farmers Market – update and request

Farmers Tailgate Market has been in existence for over 52 years. Mr. Sparks requested \$1,300.00 to be put into the Extension office Budget for a market manager for 100 hours. He wants to shorten the market from 6 days a week to just a couple days a week. Commissioner Chapman made a motion to put \$1,300.00 in the Extension Office Budge for a Farmers Market Manager. Discussion — none. Motion passed.

# Joan O'Quinn and President Larry Greynolds from Nicholas County Farmland Protection Program Board Re: Resolution in Support of Farmland Protections 25<sup>th</sup> Anniversary

Resolution in support of 25<sup>th</sup> anniversary. Motion by Commissioner Chapman to approve the resolution. Discussion – none. Motion passed. Copy Attached.

# <u>Cassandra Lawson, Sr. Project Specialist, Region 4 Planning and Development Council</u> <u>Birch River PSD Mill Creek Waterline Extension Project – Resolution#3</u>

Ryan Mustani with the Thrasher Group was present as well. It is now under construction. The total invoice is \$266,199.50. Region 4 is requesting approval of the Resolution #3 in the amount of \$266,199.50. Commissioner Roberts made a motion to approve the resolution. Discussion – none. Motion passed.

<u>Craigsville PSD Influent Pump Station Critical Needs Project Resolution #3</u> \$10,690.00 is requested in the Resolution #3 for the pump. Only \$1,500.00 is left of the commitment. Commissioner Roberts made a motion to approve Resolution #3 for the influent pump station payment of \$10,690.00. Discussion – none. Motion passed.

Hinkle Mountain Broadband Project Resolution #20 Approval for Resolution #20 is requested in the amounts of \$12,320.00, \$1,067.20, \$1,100.00, with a total of \$14,487.20. Commissioner Roberts made a

motion to approve Resolution #20 payment in the amount of \$14,487.20. Discussion – none. Motion passed.

#### Veteran's Memorial Park Campground Proposal

There have been several proposals from engineering firms regarding the park campground. There is a meeting set up for March 7<sup>th</sup> with the three engineering firms the Commission has chosen to meet with.

# Rotary Club Annual Coat Drive - Anita Groves and Ken Altizer from Summersville Rotary Club

They have requested \$5,000.00 for the annual coat drive in order to split the cost 50/50 and essentially spend \$10,000.00 for coats. Commissioner Roberts made a motion to contribute \$5,000.00 out of Coal Severance for the coat drive. Commissioner Chapman abstained due to sitting on the board of the Rotary Club. Discussion – none. Motion passed.

Richwood Community Center – Marsha Hanna and (attending by Zoom) Mary Jane Williams Of the Board for the Richwood Community Center Re: Decision on Roof for the Richwood Community Center Richwood Community Center has raised \$60,000.00 and possibly another \$15,000.00 from another foundation. Commissioner Roberts made a motion to contribute \$5,000.00 from Coal Severance. Discussion – none. Motion passed.

#### School Levy

County Clerk Robert Painter requested a motion and approval to place the Nicholas County Board of Education School Levy on the ballot on the 2024 Primary Election Ballot. Commissioner Chapman made a motion to approve the school levy on the ballot for the 2024 primary election. Discussion – none. Motion passed.

#### **Commissioners Comments**

Commissioner Chapman made a motion to go into Executive Session to discuss Commission owned property. Commission went into Executive Session at 11:03 a.m. Commission reconvened at 11:47 a.m. and no decisions were made during Executive Session. Commissioner Chapman made a motion to come out of Executive Session. Discussion – none. Motion passed.

Commissioner Cole advised that the Veterans Memorial Park Pool is hosting an Act a Fool for the Pool fundraiser on March 2, 2024 at 2:00 p.m. It is similar to a Polar Plunge. The entry fee is \$25.00 to participate and \$5.00 to watch. Costumes are optional.

Commissioner Chapman expressed his sympathy for the loss of Bobby Gordon. The Commission held a moment of silence in honor of Mr. Gordon.

Commissioner Roberts and Commissioner Cole both talked about SB 835 - county jail bill.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:57 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, March 6, 2024, and the meeting opened at 9:10 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Robert Painter II and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the February 21, 2024, 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.

Public Comment - None.

**Terms of Office Expiring - None.** 

# <u>Betty Grifffin – Employee Representative for Wage and Benefit Review Board Re: Consideration for Easter as a County Holiday</u>

She proposed that the County allow the Courthouse to be closed on Friday, March 29, 2024, for Good Friday. Commissioner Cole suggested that the Courthouse could be closed, but not as a holiday in order to separate Church from State. He also suggested that each year the Commissioner consider closing the Courthouse for that day. Commissioner Roberts made a motion to close on March 29, 2024. Discussion – None. Motion passed.

# Estate of Lindale McClung Estate #10618 Re: Discussing the removal of the executor

Present and sworn in for possible testimony were Debra McClung, Timothy McClung, Ashley McClung, Teddy Dale McClung, Terry Barnett and Scotty McClung.

Brandi Brown presented to the Commission that Mr. Timothy McClung was appointed as executor in September 2024 and has faithfully completed his duties as executor as far as the County Clerk's office is concerned. All deadlines had been met by the executor. Ms. Brown stated that once we receive the final Report of Receipts & Disbursements then a letter will be sent to all beneficiaries and they will have 10 days to object to the final settlement. Commissioner Roberts made a motion to allow Timothy McClung to remain executor of estate. The deadline will be March 14<sup>th</sup> to file an objection to the Final Settlement.

# Ferrell Griffith representing Leivasy Peoples Place Re: Generator estimates for Leivasy Peoples Place

Mr. Griffith gathered three quotes for a generator estimate for the building. Commissioner Cole said there is a possibility that the Commission may have donated generators to give to the LPP since it is an American Red Cross/Warming Shelter and that he would like to add that location (LPP) to the maintenance route. The Commission has decided to table the issue so that they can review bids. It is tabled to March 20, 2024.

<u>Executive Session</u> – Executive session was entered into at 10:13 a.m. to discuss personnel issues. Motion to enter into executive session was made by Commissioner Chapman. Executive session ended at 10:37 a.m. Motion to exit executive session was made by Commissioner Chapman. No decisions were made.

# Rhonda White, President of Old Main Foundation Re: Requesting help getting carpeting for Conference Room at Old Main

Ms. White and Joe Strickland requested money to assist in purchasing carpeting for the conference room. Commissioner Chapman abstained due to conflict of interest. The total to replace the carpet would be

\$4,956.36. Commissioner Gary Roberts made a motion to give \$1,000.00 from Coal Severance. Discussion – none. Motion passed.

#### Real Estate Matters Re: McClung House

The Commission has received a verbal offer on the McClung House. Legal counsel has recommended getting the offer in writing before making a decision or discussing. Commissioner Cole would like to dispose of the McClung House since it is no longer needed since acquiring the old post office for our new 911 center. This has been tabled until a proposal is submitted in writing.

#### **Commissioners Comments**

Commissioner Cole wanted to recognize Commissioner Roberts for his assistance in the "Act a Fool for the Pool" benefit.

Commissioner Roberts advised that over \$3,000.00 was raised in the fundraiser. He also stated that we still continue to have a dog issue in the county. Last year the Animal Shelter took in 1055 dogs last year and 972 cats. The shelter just recently took in 12 dogs in two days. Commissioner Roberts is also wanting to make the Humane Officer's hours Monday – Friday 9 a.m. to 5 p.m. due to the fact that there is a lot of overtime and comp time accruing due to people calling after hours over the neighbor's dog being in their yard, etc. Commissioner Roberts would like the after-hours calls to only be for life threatening issues.

Commissioner Cole also reminded everyone to set their clocks forward.

Commissioner Chapman stated that he would like to see the new judge's offices get started soon.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 10:52 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, March 20, 2024, and the meeting opened at 9:09 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Robert Painter II and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the March 6, 2024, 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.

**Public Comment** - None.

Terms of Office Expiring - None

# County Clerk Robert Painter Re: Poll Worker Approval

Mr. Painter presented the Commission with the Democratic and Republican Executive Committee's lists of poll workers, as well as the Commission's poll workers, to be approved. Commissioner Chapman made a motion to approve the list. Discussion – none. Motion passed.

# Cassandra Lawson, Senior Project Specialist Region 4 Planning & Development Council Re: Birch River Public Service District Mill Creek Waterline Extension Project – Resolution #4

Ms. Lawson is requesting Resolution #4, which includes payment to Pro Contracting for their work during construction, Robinson for their construction oversight and project inspector, Region 4 administration for the months of December & January and a reimbursement to Birch River PSD for the land they had to purchase for the pump station required for the project as well as reimbursement to the PSD for a renewal of a permit they had to have for the project. The funds are to be split between the Community Development Block Grant (CDBG), which the Commission is the sponsor of, and the Infrastructure Jobs & Development Council (IJDC). The CDBG portion is \$295,236.75. The project is approximately 50% complete. Motion to approve Resolution #4 in the amount of \$295,236.75 was made by Commissioner Roberts.

# Requested by Commission: Approval of the Levy Estimate/Official budget document for fiscal year July 1, 2024 – June 30, 2025

Clerk Painter presented the Commission their budget that they had discussed in the brief budget meeting. The general county fund represents a budget of \$7,469,832.00 and the Coal Severance Fund is a budge of \$350,000.00. Once its approved by the Commission, Clerk Painter advised that he will present it to the Auditor's office for their approval. Once the Auditor's office approves it, it will be published. Commissioner Chapman made a motion to approve the levy estimate. Discussion – none. Motion passed.

## **Mayor Robert Shafer Re: Property Matters**

Executive session was entered due to this concerning property matters. Commissioner Chapman made a motion to enter into executive session at 10:05 a.m. Discussion – none. Motion passed. The Commission exited Executive session at 10:58 a.m. and Commissioner Chapman made a motion to exit Executive session. No decisions were made during executive session. Discussion – none. Motion passed.

## Real estate matters Re: McClung House

Commissioner Cole recused himself due to being in a business partnership with a partial owner who made the proposal. Commissioners received a written proposal from Mid-State Properties from their attorney, Milam Law Firm to work a real estate deal including a partial trade/partial cash. Mid-State would sell the property formerly known as the Losch building for the sum of \$235,000.00, together with a portion of the parking lot located behind the McClung Annex for the sum of \$165,000.00. In return, the Commission would transfer title to the property known as the McClung House and pay the sum of \$200,000.00. Commissioner Roberts made a motion to approve the purchase for the sum of \$200,000.00 and to pull the funds out of coal reallocation since its an infrastructure project. Discussion – Commissioner Roberts discussed that we are getting ready to bring in a second judge and additional parking is necessary. Motion passed.

## Lindsay Brady, Grant Manager Re: Court Security Fund Grant

Informational – Grant requests. Ms. Brady advised that what is needed is a camera system, a panic button, some lock poppers to Family Court and also to the Circuit Clerk's office. Ms. Brady had met with Judge Callaghan, Judge Stollings and had spoke with Sheriff Nunley. Sheriff Nunley advised he has no needs at this point. She wanted to know if anyone else had any needs. This is for the FY24 court security. Commissioner Chapman advised that there will be a need for the new judge's office and possibly some downstairs for the new Circuit Clerk's office as well. Ms. Brady advised that they have one month to get it figured out. Commission advised that there will be a need for a new door to be constructed out into the hallway, secured access. Commissioner Cole asked if Ms. Brady could look into grants for staffing the metal detectors. She agreed that she would. Ms. Brady advised that she will also follow up with the Magistrates and Prosecuting Attorney's office.

Judge Stollings, Nicholas County Family Court Judge, advised that he would like to have one secretary's office moved into what is now the conference room so that way the staff is all together, as well as a security window so that she can speak with the public without endangering herself. Also, he would like to have some mirrors, computer monitors so staff can see who's in the hallway.

May 6, 2024 is the deadline for the grant application.

## **Commissioners Comments**

Commissioner Cole advised that the Commission attended a Connect Humanity Broadband Initiative. Region 4 is a cooperative with them and others. There will be more meetings coming up. He thanked Commissioners Chapman and Roberts for attending that meeting.

Commissioner Chapman noted that today is the funeral for a county patriarch. Everyone be in thoughts for the Frame and Campbell Families.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 11:13 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

#### MINUTES OF THE NICHOLAS COUNTY COMMISSION – APRIL 3, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, April 3, 2024, and the meeting opened at 9:08 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Robert Painter II and County Attorney Greg Tucker.

Commissioner Cole began by making a clarification and began by requesting that Nicholas Chronicle put this in the next week's Chronicle. It was stated that he owned Mid State Properties which did the land transfer with the Commission. He stated that he does not. The reason that he recused himself was because he is in partnership with some of the members of Mid State Properties.

Commissioner Chapman made a motion that they waive and accept the reading of the March 20, 2024, 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.

**Public Comment** – None.

Terms of Office Expiring - None

# Estate of Theodore McClung Jr. File #10669 Re: Removal of the Administratrix

Present were Diane Hughes, Chris Hughes, Spencer Hughes, Daniel Deitz, Jennifer McClung and Commissioner Cole swore them in.

Ms. Brandi Brown advised that an objection was filed to remove the administratrix. Diane Hughes is the current administratrix. As far as the County Clerk's office is concerned, she is fulfilling her duties as required.

The objection is due to nieces and nephew not being informed of his passing and his body being cremated.

Commissioner Roberts made a motion to allow Diane Hughes to remain administratrix of the estate. Discussion – none. Motion passed.

## Robin Bartlett of the Richwood Library Re: Financial Request to Meet Their Grant Match

Ms. Bartlett came to request the grant match for the library. The Board of Education is giving \$20,000.00, \$1,000.00 from the City of Richwood and she is requesting \$2,500.00 from the County Commission.

Commissioner Chapman made a motion to give \$2,500.00 to the Richwood and Craigsville libraries from Coal Severance. Discussion – none. Motion passed.

# Kayla Farley - Animal Shelter Manager Re: Animal Shelter/DHHR Proposed Partnership

This subject was tabled due to all information not being available yet. The partnership would entail the DHHR having participants that are required to work in the community for minimum wage for a certain amount of hours each week. The employer would pay half the wage for a maximum of 32 hours per week per person. The minimum wage is now \$8.75. Once solid information is available, they will revisit this topic.

## Betty Griffin - Employee Representation for Wage and Benefit Board Re: Request for Pay Raise

Ms. Griffin came before the Commission requesting a monthly raise for 29 employees. She stated that this will not include DRC, 911, or the deputies. A \$300.00 a month raise for employees would cost the County \$127,000.00 per year, including retirement. A \$200.00 per month raise would cost the County \$85,000.00 per year.

Commissioner Chapman made a motion to approve \$300.00 per month raise for employees beginning May 1, 2024. Discussion – none. Motion passed.

# Amanda Smarr Project Assistant/GIS Coordinator Region 4 Planning and Development Council and others Re: Potential Nicholas County ReConnect Project

John Tuggle, Chris Morris with Citynet, Melissa O'Brien with Citynet, Amanda Smarr with Region IV, John Stump with Steptoe & Johnson and Chris Burford with New River Engineering were present.

This meeting is to discuss the Broadband initiative and to get an update.

John Tuggle began by discussing the payment options, either all loan, all grant or 50/50 loan grant with the USDA.

Mr. Stump advised that we need to get the bonds issued via the Building Commission.

Commissioner Roberts made a motion to pursue the 50/50 loan grant and to proceed with the Building Commission. Discussion – none. Motion passed.

# <u>Discussion concerning Senate Bill 737 - Emergency Medical Services Act WV CODE §16-4c-25 - Emergency Medical Services Salary Enhancement Fund</u>

Joseph Ratliff, Director of the Office of Emergency Medical Services. Legislation passed a \$9 million for salaries as well as some for mental health. The money has to flow from OEMS to the County Commission and then to the proper agency. The money is proportionate based on call volume for calendar year. The County Commission can hand out the money by quarterly or monthly, as long as it is handed out by December of 2024. This \$9 million can only go toward salary enhancement, not automobiles, etc. As for the mental health portion, each county received \$18,181.81. The recommendation is that the local EMS agencies present to the County Commission their plan on developing that regional team and the money will go to their training. The stipulation is that the individual must have run at least 10 calls per year and be a provider in this state. No action was taken at this time.

# **Craigsville Senior Center**

Senator Vince Deeds, Senator Woodrum and Delegate Tully are present to discuss LEDA. Carl Groves from Craigsville Senior Center was also present. Senator Deeds advised that he has a check from the Local Economic Development Administration in the amount of \$10,000.00 to present to Mr. Groves for the Craigsville Senior Center.

# **Homeland Security Center**

John McGinnis was present to discuss a new Homeland Security Center. There were some change orders, either mechanical or electrical. He would still like to get the parking lot paved. McGinnis advised that he is applying for a Homeland Security Grant for fencing in the back for Homeland Security and the Sheriff's Department. With the change orders, it may be close to \$100,000.00 to \$150,000.00 just to be on the safe side. The building commission still has around \$100,000.00. McGinnis is requesting to secure and not use, around \$150,000.00 to use as a safety net, to finish up the entire building and part of the money would also include bidding out the paving project. He did get quotes over a year ago. Inflation has caused the price to go up so that would be part of that money as well. Homeland Security is planning to move into the new building May 1, 2024. 911 will move in at a later time that is unknown right now.

Commissioner Chapman made a motion to allocate \$150,000.00 commitment in Revenue Loss Recovery. Discussion – none. Motion passed.

# MINUTES OF THE NICHOLAS COUNTY COMMISSION – APRIL 3, 2024

# **Richwood Police Department Request for Cruisers**

Richwood needs cruisers. They are requesting two cruisers from the Opioid Settlement Fund. Mid-State Ford has a state bid for 2024 Ford Explorers. \$44,829.94 x 2. The total will be \$89,659.88. Commissioner Chapman made the motion to fund from the Opioid Settlement Fund two Ford Explorers for Richwood Police Department. Discussion – none. Motion passed.

#### Proposal of Design Competition for County Commission Seal – separate from County Seal.

This will be separate from the County Seal. There will be a contest to design the seal for the Nicholas County Commission. Commissioner Roberts made a motion to commit \$500.00 to a scholarship to high school juniors and seniors (home schooled juniors and seniors as well) in Nicholas County. Discussion – none. Motion passed.

# **Commissioners Comments**

Commissioner Cole wanted to show appreciation on behalf of all of Nicholas County to the first responders, law enforcement, EMS and fire departments over the last 24 hours and what they're going to be dealing with over the next couple of days. Our appreciation goes out to the linemen for working around the clock to try to restore our power and doing everything that they can under these circumstances.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 12:10 p.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

# Attachments:

 Funding Request Resolution between Nicholas County Commission and USDA ReConnect Program Regulations

The Nicholas County Commission met for an **EMERGENCY MEETING** at the Nicholas County Courthouse on Wednesday, April 3, 2024, and the meeting opened at 8:54 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Robert Painter II and County Attorney Greg Tucker.

Commissioner Cole advised that this meeting was called to discuss the general county progress of all of the damages from the storms that recently occurred as well as the plan to begin rebuilding the courthouse park airport and other facilities including the road at Indian Rocks.

Beginning with the Veteran's Memorial Park, we lost two dugouts and there was damage to some of the dugouts. One of the announcer booths was scooted, and he believes it can be relocated. The senior league field lost its scoreboard. The red barn lost a portion of its roof. The one-room schoolhouse is a major issue, but he believes that the Commission will need some outside guidance as to repairs. A tree fell and struck it down through the middle of it and destroyed the roof. The walls are still intact and are bowed, but he believes it can still be salvaged. Commissioner Cole and others went to the schoolhouse and moved the contents to one side of the building and covered it up enough before the next round of storms came in an attempt to protect it as much as they could. Sally, the park manager, advised that there are some trees that will need to be removed.

Commissioner Roberts asked about the damage to the red barn. Nothing major was damaged other than insulation. The animal shelter had some weather head that had fallen. They will need a certified electrician to make some of the repairs to the animal shelter, not just a contractor.

As for the airport, Commissioner Chapman advised that there was a hangar that had the doors blown off and blew out the back of it.

Commissioner Roberts confirmed that WV Corp is our insurance provider. The Commission will contact them and provide them with photos of the damages and begin filing the proper paperwork for claims.

Director of Homeland Security John McGinnis advised that Lone Tree Tower Road needs repaired ASAP in order to access the tower. We have 12,527 customers without power in Nicholas County and we are still under a flood warning until this afternoon. Mon Power is estimating power out until tomorrow.

Summersville Fire Department Station #2 and Summersville Baptist will serve as warming stations at this point.

The animal shelter will not be taking animals at this point until power is restored due to refrigeration of vaccinations/medications.

Commissioners will send photos to Patty Neff so that she can forward that documentation to the insurance company.

Motion to recess the Emergency Meeting was made by Commissioner Roberts at 9:06 a.m. Discussion – none. Motion passed.

Commissioner Roberts made a motion to reconvene the emergency meeting at 12:10 p.m. Discussion – none. Motion passed.

Meeting reconvened at 12:10 p.m.

Counsel for the Commission, Greg Tucker, advised the Commission that the capabilities of contract labor during a state of emergency (which the Governor declared Nicholas County) you can take oral bids for \$2,500.00 to \$10,000.00, anything above \$10,000.00 you take three written bids. If it is a dire emergency and you cannot get three bids in time, you can go ahead and award that bid and then get the written quote within five days.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 12:14 p.m.

# MINUTES OF THE NICHOLAS COUNTY COMMISSION – APRIL 3, 2024

MINUTER

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, April 17, 2024, and the meeting opened at 9:02 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Robert Painter II and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the April 3, 2024, 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.

#### Public Comment - None.

#### **Terms of Office Expiring**

Nicholas County Board of Health – Accept the resignation of Linda Hayes with term of office expiring June 30, 2025. Commissioner Chapman made a motion to accept the resignation. Discussion – none. Motion passed.

Fill the unexpired term of office of Linda Hayes with the Nicholas County Board of Health with the term expiring June 30, 2025. Commissioner Chapman made a motion to table this issue. Discussion – none. Motion passed.

Birch River Public Service District – T. G. Griffith term of office will expire May 24, 2024. This is a six (6) year term. Commissioner Chapman made a motion to table this issue. Discussion – none. Motion passed.

# Nicholas County Intervention Coalition Program Re: Youth Prevention Survey Results

Anita Stewart and Kim Major presented to the Commission on behalf of Lauren Weatherford as Board members of the Nicholas County Intervention Coalition Program. They conducted a student behavior survey partnered with the Nicholas County Board of Education. This is done every two years. The focus was on substance use and mental health. The data was taken from the Fall of 2022. 15% of students indicated using illicit drugs. 12% of 9<sup>th</sup> graders reported drug use and 24% of 11<sup>th</sup> graders reported drug use. Studies show that students under report so its more likely 30% higher than what was actually reported.

The next thing they discussed was what types of drugs were being used by students. E-cigarettes/vapes came in at 14%. Alcohol was 12%. Marijuana was 8% and cigarettes was at 7%. Most students used the drugs at home. There is additional information available from this survey.

Commissioner Chapman made a motion to go into executive session at 9:27 a.m. Motion passed. Everyone left the room with the exception of the Commissioners and legal counsel.

Commissioner Chapman made a motion to exit executive session at 10:09 a.m. No decisions were made during executive session. Motion passed.

# Probation Officer Aaron Evans Re: Teen Court

Updated on Sparrows program. Teen Court is thriving and doing great. Cases range from vapes to Zyns (smokeless pouches), THC, alcohol at school, trespassing, and shoplifting. Sparrows received a grant through Nicholas County Board of Education. They're doing community service such as picking up trash, cleaning the courthouse, shoveling gravel at Summersville Elementary, cleaning at Indian Rocks, etc. The

program also helps with getting the kids grades back up. Smoking and drug cessation classes are being offered to the juveniles.

Officer Evans is requesting an additional coordinator to set up a second program in Richwood at the middle school. This would eliminate the children from Richwood Middle/High school from having to leave school early and travelling to Summersville to attend Teen Court. This would be funded from Teen Court Funds.

Commissioner Chapman made a motion to approve a second coordinator. Discussion – none. Motion passed.

# Estate of Oscar Tharpe Sr. File #9170 Re: Objection to Financial Settlement

Estate was opened in 2016. This case went to Fiduciary Commissioner in 2017. The case went back to another Fiduciary Commissioner in 2018. Another Fiduciary Commissioner was appointed in 2021. FC Cynthia Whitlock had this case sent to the Nicholas County Sheriff's Office for an investigation.

Basically, the heirs object to financial mishandling of the estate. Ms. Brown advised that the Clerk's office has exhausted all efforts in an attempt to satisfy the people who are objecting, with no avail. It's the recommendation of the Clerk's office that the Commission sign off on the final settlement and anyone wanting to object to the settlement of the estate should do so in the Circuit Court.

Mr. Shuck, attorney for Connie Tharpe was present and Henry Wood, attorney for heirs was present. It was agreed upon that Mr. Wood prepare an order to refer the matter to Circuit Court.

Commissioner Chapman made a motion to table this matter for thirty (30) days until May 15. Discussion – none. Motion passed.

## Five Rivers Cooperative Inc. Agreement - Re: Repayment of Tractor Advance

Mr. Norvell Clark was present requesting a delay until December 2024 to repay the tractor advance. They are waiting for the payment of the grant. Five Rivers was being audited and it is now completed.

Commissioner Chapman made a motion to grant a delay and file a UCC on tractor and agree to reduce the loan by donation of produce to Nicholas County Food Banks/Senior Centers. Discussion – none. Motion passed.

#### Cassandra Lawson Senior Project Specialist for Region IV Planning and Development Council

- 1 City of Richwood: Hinkle Mountain/Little Laurel Waterline Extension Project Resolution #26 Tabled
- 2 City of Richwood: Memorandum of Understanding for Mitigation/Reconstruction Project Tabled
- 3 Birch River Public Service District Mill Creek Waterline Extension Project, Resolution #5

  For construction \$139,863.32. Our portion is \$112,888.77. Commissioner Roberts made a motion to fund Resolution #5 in the amount of \$139,863.32. Discussion none. Motion passed.
- 4 Craigsville Public Service District Generator Project FEMA Request for Payment #11, Resolution #10 For \$2,170.94 for admin fees. Commissioner Roberts made a motion to approve the payment for #11 in the amount of \$2,170.94 for admin fees. Discussion none. Motion passed.

Chris Jeffries from Panhandle Cleaning and Restoration Company Re: Emergency Response Plan Emergency Response Plan Presentation. No cost app for data collection. No cost for a quote.

#### **Courthouse Data System**

Software Systems – IBM is discontinuing normal hardware support of our AS/400 model. They are going to give us a quote on a new system. They have agreed to refund our maintenance agreement from the first of June to the end of December 2024. Software Systems will back up monthly the three main parts of our system, whereas we usually backed it up daily. Commissioner Cole asked Mary O'Dell to see if we can get Michael from Software Systems in our next meeting to discuss a new system.

#### EMS Salary Enhancement Fund from 4/3/24 Agenda

John McGinnis gave the Commission a packet showing the total amount allocated from the state, \$318,181.18, \$18,000.00 goes to the mental health/crisis team. Redi Care is ready to become a part of that team. He would like to set up a meeting with Jan Care and Redi Care one-on-one to discuss how to

properly distribute money to their employees. He wants to ensure there is no misappropriation of funds. There will be a meeting on May  $1^{st}$  in McGinnis' office for a work session at 10:00 a.m.

McGinnis stated that FEMA and the State response teams will be in the county tomorrow and Friday. As for the slippage going to the Lone Tree Tower, he is obtaining three quotes on that.

He is still trying to get moved into the new facilities.

# **Commissioners Comments**

Commissioner Cole stated that all of the insurance liabilities have been submitted.

Commissioner Chapman stated that there was an issue with a resignation of one of the departments and its fixed.

Commissioner Roberts stated that the Ramp Feed was very successful and encouraged volunteering.

Commissioner Cole stated that the Commission received a Thank You card from Ms. Bartlett from the Richwood Public Library.

The next County Commission meeting will be very brief and will not be held in its regular location due to early voting. It will be brief.

The last day to register to vote is April 23, 2024.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 12:14 p.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

#### Attachments:

- Letter from Five Rivers Cooperative
- Correspondence from Software Systems Incorporated

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, May 01, 2024. Present were: President Garrett E. Cole, Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker

Upon the review and waiving the reading of the minutes, Commissioner Chapman moved to approve said Minutes from Special Meeting held March 25, 2024, approve the Fiscal Year Levy Estimate Minutes of April 16, 2024 and approve the regular scheduled Commission Meeting Minutes of April 17, 2024. Discussion - none

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

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

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

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

Upon a move by Commissioner Chapman, Tamara Mullins was appointed to fill the unexpired term of Linda Hayes term of office on the Nicholas County Board of Health Department. Ms. Mullins' term of office will expire on June 30, 2025. Discussion - none

Upon a move by Commissioner Roberts, T. G. Griffith was reappointed to the Birch River Public Service District for a six-year term of office with term of office expiring May 24, 2030. Discussion none

# **PUBLIC COMMENT**

Jennifer Piercy, a representative from U.S. Senator Shelly Moore Capito's office and filling in for Todd, stopped by for a brief visit to let the Commission know that soon their office would be vetting letters of support that were submitted during the open portal's for Congressionally Directed Spending Funds for 2024/2025. It was conveyed that we would be asked to organize and prioritize those sent in, and if we went through other offices, that they knew about that as well. The Commission noted that they believed that both Senator Capito and Senator Manchin received the same letter as individual projects came across our desk. Following a very brief discussion

# **DOCUMENTS ATTACHED**

Order of Appointment for T. G. Griffith to Birch River Public Service District Oath of Office for T. G. Griffith in capacity as Board Member to Birch River PSD

Being no further business to come before the Commission, the Commission adjourned its meeting until May 15, 2024.

Garret/E. Cole. President

D. Craig Chapman, Commissioner

Gary E. Roberts, Jr., Commissioner

Submitted by: Patricia Neff Administrative Assistant

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, May 15, 2024. Present were: Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Also, present: County Commission Attorney Greg Tucker. Commissioner Chapman mentioned that Commissioner Cole was absent today as both he and his wife were expecting the arrival of their first newborn.

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

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

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

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

On the Commission's agenda were three (3) board members from different boards whose terms of office would soon be expiring come June 30, that being Kenneth Johnson with the Craigsville Public Library, Bill Glasscock with the Nicholas County Farmland Protection Board and Fred Monnett with the Nicholas County Solid Waste Authority. Upon a move by Commissioner Roberts, it was the decision of the Commission to table all three until our next meeting date of June. Discussion - none

Upon a move by Commissioner Roberts, the Commission entered an Order designating the incorporated banks within the county as county depositories for the fiscal year beginning July 1, 2024 as follows - Truist Bank of Summersville, Community Trust Bank NA of Summersville, First Community Bank of Summersville and United Bank of Summersville. Discussion - none

# **PUBLIC COMMENT**

No Public Comment

At the request of the Commission Michael Manley representing Software Systems appeared to give an update with an ongoing problem with our AS400 tape drive and our inability to do a backup as the unit would no longer work. IBM stated that they showed it was no longer covered under maintenance and would not work on it, and even suggested that it may be difficult to find parts for it since our system was obsolete and we needed to be looking at an upgrade. Mr. Manley noted that through research that it was discovered that his company left off the tape drive in error in 2019 from under maintenance. In calculating it out, it was approximately \$6,500 that Nicholas County did not have to pay. He did bring another loaner down with him and will make sure its working before he leaves today. Mr. Manley noted that our maintenance on our main unit is good until December 2025 and that we need to be looking at an upgrade in the near future with our operating system.

Appearing before the Commission - Rodney LeRose

It was noted that the purpose of this meeting was for consideration of a donation of real estate to the county. Because this matter involved real estate, upon a move by Commissioner Roberts, the Commission entered into an executive session pursuant to West Virginia Code 6-9a-4. Discussion none

Upon a move by Commissioner Roberts, the Commission entered back into regular session. It is being noted that no decision was made while in the executive session.

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

Ms. Lawson had seven (7) project items to be considered by the Commission for its approval and following a brief update on each of the projects the following actions were taken by the Commission.

Upon a move by Commissioner Roberts, the Commission approved the Craigsville Public

Service District Generator's Project Request for Funding, Non- Federal Share Worksheet, and Updated Sub Recipient Agreement. Discussion - none. (A copy of Hazard Mitigation Project Non-Federal Share Request Worksheet attached to be recorded.)

Upon a move by Commissioner Roberts, the Commission approved Request for Payment #12, Resolution #11 in the amount of \$1,000 to The Thrasher Group. Discussion - none. (A copy of payment #12 to Thrasher Engineering and along with Resolution #11 is herein attached to be recorded.)

Upon a move by Commissioner Roberts, the Commission moved to approve the Birch River Public Service District's Generator Project - FEMA Time Extension Request. Discussion - none. (A copy of the letter requesting the time extension for Project: FEMA-DR-4359-WV-0007 is herein attached to be made apart of this record.)

Upon a move by Commissioner Roberts, the Commission moved to approve the Birch River Public Service District's Mill Creek Waterline Extension Project - CDBG Time Extension Request. Discussion - none. (A copy of the letter requesting the time extension for Project #19SCBG0012 is herein attached to be made apart of this record.)

Upon a move by Commissioner Roberts, the Commission moved to approve the Hinkle Mountain Broadband Expansion Pilot Project - #17SCBG0013 & 18SCBG0017 Time Extension Request for one year. Discussion - none. (A copy of the letter requesting the time extension for Project #17SCBG0013 & 18SCBG0017 is herein attached to be made apart of this record.)

Concerning the Hinkle Mountain/Little Laurel Waterline Extension Project, Resolution #27 and at the request of Ms. Lawson, she requested for this to be tabled at this time as it was not yet ready for approval. The Commission agreed to table this project to a later date.

Upon a move by Commissioner Roberts, the Commission moved to approve the Richwood Reconstruction Project - Memorandum of Understanding concerning a FEMA Hazard Mitigation Grant Program Project Management and Open Space Agreement. Further, The Nicholas County Commission, in cooperation with the City of Richwood, agrees to the management of one proposed property elevation and reconstruction of said structure located outside the limits of the City of Richwood. This agreement is to stipulate that the current property owner agrees to maintain said property in compliance with any and all deed restrictions placed on the property. In addition, the Agreement further stipulates that the City of Richwood will be the responsible party in the implementation of the grant and all financial accounting of the grant. Discussion - none (A copy of the Memorandum of Understanding between the City of Richwood and Nicholas County Commission is herein attached to be made apart of this record.)

Appearing before the Commission - Robin Ward, County Executive Director representing U.S. Department of Agriculture - Farm Service Agency

Ms. Ward came before the Commission to inform them that in view of the recent storm damages that occurred last month, that their agency has come up with an Emergency Conservation Program Assistance that could benefit eligible Producers who suffered damages from the storms that ripped through the southern portion of Nicholas County on April 2, 2024. The sign-up will begin on May 20th and end on June 20, 2024. To be eligible for assistance, Producers must be an active farmer and have farm records established at the Farm Service Agency. Producers calling ahead will help staff determine eligibility and documents needed for sign up. Ms. Ward noted that anyone interested should contact the Braxton County Farm Service Agency located in Sutton and the number is 304.364.5103. She further conveyed that the approved practices under this authorization includes removing debris from farmland and replacing or restoring permanent fences. The Emergency Conservation Program also assists Producers with the recovery cost to restore the agricultural land to pre-disaster conditions. Approved applicants may receive up to 75% of the cost of approved restoration activity. Limited resource, socially disadvantaged and beginning farmers and ranchers may receive up to 90% cost-share. Farm Service Agency county committees will evaluate applications based on an on-site inspection of the damaged land, taking into consideration the type and extent of the damage. The inspection does not guarantee that cost-share funding will be provided. She noted there was a lot of damage done in Nicholas County. Ms. Ward noted she was trying to get the word out through whatever means possible, and for the Commissioner's to send people they may know who suffered damages to their office. The Commission thanked Ms. Ward for coming in.

#### **COMMISSIONER'S COMMENTS:**

Commissioner Robert's gave a shout out to the staff within the County Clerk's office. We

have 30 polling places, 180 poll workers, and everything was reported in and they shut everything down and shut the doors at 9:36 p.m., with no instances, and to him, that's a huge undertaking, a huge feat. The staff worked together and you could see it.

Commissioner Chapman conveyed to the candidates who did win congratulations. He loved the fact that this was such a clean election. The comradery between the people and the contestants was very good and congratulations to our attorney who we are going to lose.

# **DOCUMENTS ATTACHED**

- Order County Depositories for Fiscal Year Beginning July 1, 2024
- Application on behalf of Craigsville Public Service District for Generators Project for funding assistance through the Hazard Mitigation Project
- Craigsville Public Service District Generators Project: FEMA-4273-DR-WV-0016 Pay Request #12 & Resolution #11
- Birch River Public Service District Project FEMA-DR-4359-WV-0007 Time Extension
- Birch River Public Service District's Mill Creek Waterline Extension Project #19SCBG0012
   Time Extension
- Hinkle Mountain Broadband Expansion Pilot Project #17SCBG0013 & 18SCBG0017 -Time Extension
- Memorandum of Understanding between City of Richwood and Nicholas County Commission

Being no further business to come before the Commission, the Commission adjourned its meeting until June 5, 2024.

Garret E. Cole. President

D. Craig, Chapman, Commissioner

Gary E. Roberts, Jr., Commissioner

Submitted by: Patricia Neff Administrative Assistant

The Nicholas County Commission conducted a Special Meeting in the Office of the Nicholas County Commission in Summersville, West Virginia on Wednesday, May 15, 2023 at 11:30 a.m. Present were: Commissioner D. Craig Chapman and Commissioner Gary E. Roberts, Jr. Commissioner Chapman mentioned that Commissioner Cole was absent today as both he and his wife were expecting the arrival of their first newborn.

The purpose of this meeting was to approve all resolutions and documents required to submit to the USDA Reconnect Grant/ Loan Program tor the Nicholas County Reconnect Broadband Project Initiative.

Appearing before the Commission - Amanda Smarr representing Region 4 Planning and Development Council

Ms. Smarr noted for the record that she brought with her today two Resolutions needing to be adopted by the Commission for this project. The first was Evidence of Applicant Commitment To Strong Labor Standards and the second was Evidence That Applicant Commits To Net Neutrality.

Commissioner Roberts moved to approve the first Resolution which was Evidence of Applicant Commitment To Strong Labor Standards. Discussion - none. (A copy of said Resolution is herein attached to be made a part of this record.)

Commissioner Roberts moved to approve the second Resolution which was **Evidence That Applicant Commits To Net Neutrality**. Discussion - none (a copy of said Resolution is herein attached to be made a part of this record.)

#### **DOCUMENTS ATTACHED:**

Resolution - Evidence of Applicant Commitment To Strong Labor Standards Resolution - Evidence That Applicant Commits To Net Neutrality

Being no further business to be taken up at this Special Session, the Commission adjourned said meeting.

(Absent)

Garrett E. Cole, President

D. Craig Chapman, Commissioner

Gary E. Roberts, Jr., Commissioner

Submitted by: Patty Neff

Administrative Assistant

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, June 5, 2024, and the meeting opened at 9:08 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman (appearing by Zoom), County Clerk Robert Painter II and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the May 15, 2024, 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.

<u>Public Comment</u> – Matt Buckner Re: Mt. Lookout traffic light – he requested the Commission to speak to the proper authorities to express their concern and the need for a stoplight at that intersection; Barry Fitzwater Re: Stoplight at Mt. Lookout – expressed his concern and requested that the Commission give their input to the proper authorities; Delegate Tom Clark Re: LEDA Grant Presentation for St. Luke's Church in Craigsville for \$5,000.00 for their heating/air conditioning; Cherry River Foundation for flooring in the activities building in Richwood awarded in the amount of \$5,000.00; Leivasy Peoples Place for new stoves; Indian Rocks.

Mt Lookout Traffic Light – Reading of Resolution by President Cole; Commissioner Roberts made a motion to approve. Discussion – none. Motion Passed. Copy attached.

#### Terms of Office Expiring

Nicholas County Board of Health – Shauna Shaffer – Term of office expiring June 30, 2024 – 5 year term. Commissioner Chapman made a motion to reappoint. Discussion – none. Motion passed.

Accept the resignation of Robin Brown – term of office expiring June 30, 2026. Commissioner Roberts made a motion to accept the resignation. Discussion – none. Motion passed.

Fill unexpired term of office of Robin Brown – term of office expiring June 30, 2026. Commissioner Roberts made a motion to appoint Jourdan Deitz. Discussion – none. Motion passed.

Craigsville Public Library – Kenneth Johnson – term of office expiring June 30, 2024 – 5 year term. Commissioner Roberts made a motion to reappoint. Discussion – none. Motion passed.

Nicholas County Farmland Protection Program James William "Bill" Glasscock – Term of office expiring June 30, 2024 – 4 year term. Commissioner Roberts made a motion to reappoint. Discussion – none. Motion passed.

Nicholas County Solid Waste Authority – Fred Monnett – Term of office expiring June 30, 2024 - 4 year term. Commissioner Chapman advised that they are wanting to fill this position but the Board does not have anyone in mind yet. He requested that it be tabled until the next meeting.

<u>Proposed Resolution to Support Mount Lookout Traffic Light</u> — Commissioner Cole read a Resolution regarding the Traffic Light requesting the DOH to reconsider the request of a stop light at Mt. Lookout. Commissioner Cole is requesting a copy to be delivered to Jimmy Wriston, Director of the Division of Highways, District 9 Office in Lewisburg, the Governor's Office and State Emergency Management. Commissioner Roberts suggested giving a copy to our Delegates and Senators as well. Commissioner Roberts made a motion to approve said resolution. Discussion — none. Motion passed.

<u>Sheriff Budget Adjustment</u> - Chief Johnny Evans and Sheriff's Chief Tax Deputy Angela Evans and Sheriff William Nunley (by phone)

Sheriff Nunley requested a budget adjustment for the Chief Tax Deputy position. As of December 31, 2024, we will be transitioning to get a new Chief Tax Deputy and there will be some training necessary to be able to do that. He requested that starting July 1, 2024, Angela will have to start on the Sheriff's Settlement and the new person will need hands on training. He would like to have an adjustment for 6 month training period. The temporary amount for six months would be \$15,563.85 including retirement, etc. Money will come out of the General County account. Commissioner Roberts made a motion to approve \$15,563.85 out of General County and adjust the budget. Discussion – none. Motion passed.

<u>Proclamation recognizing National Men's Health Month – in particular, the week of June 10 – June 16 in order to highlight health and wellbeing of the men in our community</u> - Commissioner Cole read a Proclamation regarding Men's Health Month June 10 – June 16. Commissioner Roberts made a motion to pass the proclamation. Discussion – none. Motion passed.

# Bid Opening Paving & Improvements Nicholas County Department of Homeland Security & Emergency Management E911 Center –

Commission received one bid from Southern WV Paving, Inc. in the amount of \$47,400.00 for 1679 sq yd of asphalt. Warranty is for one year on all material and workmanship for one year from completion date. Commissioner Roberts made a motion to accept the bid and to pay from Coal Severance. Discussion – none. Motion passed.

#### Meeting Times & Dates -

Future County Commission Meeting Dates Proposed:

June 19, 2024 will be moved to June 26, 2024

July 3, 2024 will be moved to July 10, 2024

July 17, 2024 will be moved to July 24, 2024

Commissioner Roberts made a motion to approve the change of the meeting dates. Discussion – none. Motion passed.

<u>Discussion regarding financial assistance concerning Nicholas County Veteran's Memorial Park Audit</u> – \$3,500.00 for two (2) years audits

Commissioner Chapman made a motion to pay from Coal Severance. Discussion – none. Motion passed.

<u>Executive Session - Pending legal matter involving the Commission.</u> Commissioner Roberts made a motion to go into Executive Session at 10:15 a.m. Only the Commission and legal counsel should remain in the room. Discussion – none. Motion passed.

Commissioner Roberts made a motion to exit Executive Session at 11:01 a.m. No executive decisions were made during the session. Discussion – none. Motion passed.

#### **Commissioners Comments**

Commissioner Cole thanked Commissioner Chapman for handling the last meeting.

Commissioner Roberts stated that not all victories can be shared. When he spoke to the gentlemen about the stop light at Mt. Lookout, it will be more than just a letter. The letter just makes it official. There will be a lot of background work, networking, etc. to take place as well.

Commissioner Roberts also stated that as for fiscal responsibility, the Commission is always looking for ways to cut costs and the best way to use taxpayer dollars

Commissioner Chapman wanted to thank the DRC and participants for the excellent job they did in preparing for the Farmer's Market Ribbon Cutting. The Courthouse looks great and kudos to them for the mowing and other jobs they are doing for us.

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 11:03 a.m.

Multer

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

#### Attachments:

- Resolution to Enter into a Contractual Agreement with WV Courthouse Facilities Improvement Authority
- Resolution to Enter into a Contractual Agreement with WV Dept of Transportation to receive funds through Department of Multimodal Transportation Facilities opportunities

# MINUTES OF THE NICHOLAS COUNTY COMMISSION – June 26, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, June 26, 2024, and the meeting opened at 9:08 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the June 5, 2024, 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.

<u>Public Comment</u> – Michael Underwood and Steve Burkholder came before the Commission on behalf of the Nicholas County Fair Board requesting support for Fair security or four (4) additional deputies (1 at the front entrance; 1 at the back entrance; 2 roamers) from July 24 - 27. Commissioner Roberts made a motion to provide four (4) deputies up to \$6,000 from the general account.

Attorney for the Commission, Greg Tucker, recommended AED defibrillators to be available at the fair. Commissioners recommended having John McGinnis check on getting AED's to be placed at all County facilities.

Steven Clark with the US Small Business Administration spoke regarding Disaster Recovery & Resilience Grants that are available for disaster relief for 11 counties (including Nicholas) from the April 2024 storms. FEMA will accept applications until July 22, 2024 for physical property damage.

# Terms of Office Expiring

Nicholas County Solid Waste Authority – Fred Monnett's term of office expires June 30, 2023 and it is a four (4) year term. The Commission has not received any word of anyone yet willing to accept the position. Commissioner Chapman recommended tabling this until the next meeting.

New River Gorge Regional Economic Development Authority – Elizabeth Dix's term of office will expire June 30, 2024 and it is a three (3) year term. Commissioner Chapman advised that Ms. Dix does not wish to renew her term and that they would need to find a replacement. It was recommended that this issue be tabled until the next meeting.

# Cassandra Lawson, Senior Project Specialist Region 4 Planning & Development Council

<u>Birch River PSD Waterline Extension Project – Grant Amendment #3</u> - The Amendment #3 is basically just a time extension. The request is to extend it until June 30, 2025. Commissioner Chapman made a motion to approve Amendment #3 granting the time extension. Discussion – none. Motion passed.

<u>Hinkle Mountain Broadband Expansion Project – Grant Amendments #4 and #5</u> - These amendments are also time extension requests until June 30, 2025. Commissioner Chapman made a motion to grant the time extension for both Amendment #4 and #5. Discussion – none. Motion passed.

Ms. Lawson advised that as soon as the Department of Highways approves the permit, then they can start on bidding.

<u>Executive Session</u> - Commissioner Cole advised that it was necessary to go into executive session to discuss the airport property. Present were Commissioners Cole, Chapman and Roberts, as well as counsel for the Commission, Greg Tucker and John McGinnis with the Nicholas County Department of Emergency Services and Homeland Security. Commissioner Roberts made a motion to go into executive session at

# MINUTES OF THE NICHOLAS COUNTY COMMISSION - June 26, 2024

9:28 a.m. No action was taken at this time. Commissioner Chapman made a motion to exit executive session at 10:31 a.m.

Nicholas County Health Department Board of Directors and Dr. Anita Stewart – Requesting approval of the Increase in Permits and Fees as structures and approved by the Nicholas County Health Department. This will align the NCHD with other health departments around the state. Commissioner Chapman made a motion to approve the increase. Discussion – none. Motion passed.

Nicholas County Sheriff – Request for Cruisers – The Sheriff's Department was awarded a \$308,000.00 spending package from Congress, which will accommodate the purchase of six (6) new vehicles. It is unsure when the money will be awarded. Sheriff Nunley ordered the cruisers from the dealership and questioned if the County could purchase them and then reimburse the County with the funds once it was awarded. The Sheriff's office had received a letter from Sen. Manchin advising of the award. Counsel for the Commission advised that they should get some kind of confirmation from Manchin before purchasing the vehicles to inquire about reimbursement. Mr. Tucker will email Eric Dietrich with Manchin's office regarding the reimbursement.

<u>Day Reporting Center – Resolution for Rolling Grant</u> – Commissioner Cole read the resolution for the rolling grant, which is an annual grant. Last year the grant amount was \$103,982.00 and this year the grant is in the amount of \$109,619.00.

<u>Courthouse Chiller Unit</u> - The system has been half functioning and cannot keep the air cool. Trane is going to put a "band-aid" on it for now.

<u>Courthouse Improvement Grant</u> – The Nicholas County Commission received a \$100,000.00 but we must do a 20% match.

<u>One Room School House</u> — Commissioner Cole reported that an estimation hasn't been given yet as to when repairs can be made. The Commission is still waiting on an insurance adjuster. He also advised that the insurance company has not made any progress for the Red Barn, One Room School house or the Airport. Mr. Tucker will draft a letter to be send to the insurance adjuster.

#### **Commissioners Comments**

Commissioner Cole stated he received a request from Paul Fallon with Orion Strategies for the credit card computation account. The Commission is going to table the matter until they can refer to the County Commission Association.

The Courthouse will be closed on July 4<sup>th</sup> for Independence Day and the County Commission meeting previously scheduled for July 3, 2024 will be held on July 10, 2024 at 9:00 a.m.

Also, a special thanks goes out to the Rotary Club for their contributions to the NCVMP pool equipment (furniture and upgrades).

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:16 a.m.

Garrett Cole, President

D. Craig Chapman

MINUTES OF THE NICHOLAS COUNTY COMMISSION – June 26, 2024

Gary Roberts, Jr.

# Attachments:

- Community Development Block Grant Amendment No. 4
- Nicholas County Health Department Permit Fee Increase

# MINUTES OF THE NICHOLAS COUNTY COMMISSION – July 10, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, July 10, 2024, and the meeting opened at 9:11 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Bobby Painter and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the June 26, 2024, 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.

# Public Comment - None

# Estate of Dennis Naylor File #10575 - Objection to Final Settlement

This matter was before the Commission February 7, 2024. There is an objection to the final settlement. Attorney Milam for Mrs. Naylor stated this is a very complicated matter. Commissioners agreed that this matter needs to be referred to the Fiduciary Commissioner. Commissioner Chapman also made a motion to freeze the sale of assets. The parties involved in this estate will return before the County Commission on August 21, 2024. Discussion – none. Motion passed.

# Estate of Joe Coffman File #10693 - Removal of Executrix

This estate was before the Commission regarding the removal of the executrix at the request of Lora Gabriel by attorney Jacob Shuck. Paula Coffman is represented by David Hammond and she is the executrix. The objection was received May 14, 2024. Ms. Gabriel wishes to be appointed as executrix. Mr. Shuck requested that the Commission table this issue since there is some progress being made. Commissioner Chapman made a motion to table this issue until August 21, 2024. Discussion — none. Motion passed.

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

<u>Birch River PSD Mill Creek Waterline Extension Project Resolution #6 –</u> Commissioner Chapman made a motion to approve Resolution #6 for this project. Discussion – none. Motion passed.

<u>Birch River PSD Mill Creek Waterline Extension Project – Grant Amendment #4</u> – This amendment is to swap Development Office Funds between projects. There is no change other than using up older funds. Commissioner Chapman made a motion to approve Grant Amendment #4. Discussion – none. Motion passed.

# Estate of Oscar Tharp File #9170 Re: Follow-up to Previous Hearing Held on April 17, 2024

Mr. Shuck represents Connie Tharp and Mr. Henry Wood represents the heirs, Michael, Linda and Oscar Tharp Jr, grand-children and some great-grandchildren. Mr. Wood does not represent Connie Tharp's children or grandchildren. Commissioner Chapman made a motion to table this until the next meeting on July 24, 2024 so that each Commissioner can review the file individually. Both counsel may appear by Zoom. Discussion – none. Motion passed.

<u>One Room School House</u> – Commissioner Cole advised that an insurance adjuster responded very quickly however the insurance company hasn't received the report from the adjuster yet. There will be no action in this matter at this time.

## **Courthouse HVAC**

Currently the HVAC units are only working at 50%. The Trane technician came up and put a "band-aid" on it for now. Tim Mills with Trane advised that we would be a good candidate for a rebuild on both units, which would include a 5-year warranty. Reconstruction for both units would be approximately \$79,652.00. Technician stated it would be a three (3) week job. Commissioner Chapman made a motion that the Commission allocates up to \$80,000.00 for the rebuild and repair of the HVAC for the Courthouse. Discussion – none. Motion passed.

# **Terms of Office Expiring**

Nicholas County Solid Waste Authority – Fred Monnett's term of office expires June 30, 2023, and it is a four (4) year term. Commissioner Chapman made a motion to appoint Chris Moore. Discussion – none. Motion passed.

New River Gorge Regional Economic Development Authority — Elizabeth Dix's term of office will expire June 30, 2024 and it is a three (3) year term. Commissioner Chapman advised that Ms. Dix does not wish to renew her term and that they would need to find a replacement. Commissioner Chapman made a motion to appoint Anita Groves. Discussion — none. Motion passed.

<u>WVU 4-H Extension</u> – The Commissioners received thank you letters from the Nicholas County 4-H program campers. They were very please to know that the campers had a great time and were learning.

<u>Executive Session</u> – Commissioners went into executive session at 12:03 p.m. concerning contractual matters. Commissioner Roberts made a motion to go into executive session. Present were the Commissioners, Clerk Painter, legal counsel and Executive Secretary Patty Neff. Executive Session was exited at 1:12 p.m. No decisions were made or action was taken.

## **Commissioners Comments**

Commissioner Roberts discussed the conduct and behavior of the residents at Merchant's Walk on the 4<sup>th</sup> of July.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 1:13 p.m.

Garrett Cole, President

Yanolt EGE

D. Craig Chapman

Gary Roberts, Jr.

# Attachments:

- Community Development Block Grant Request for Payment on Birch River PSD Mill Creek Waterline Extension Project
- Community Development Block Grant Grant Amendment No. 4

# MINUTES OF THE NICHOLAS COUNTY COMMISSION - July 24, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, July 24, 2024, and the meeting opened at 9:07 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Bobby Painter and County Attorney Greg Tucker.

Commissioner Roberts made a motion that they waive and accept the reading of the July 10, 2024, minutes. Discussion – none. Motion passed.

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 Commissioner 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 Commissioner will take the appropriate action as deemed necessary. Commissioner Roberts moved to approve accordingly. Discussion – none. Motion passed.

# Public Comment - None

# Estate of Theodore McClung Jr. File #10667 Re: Removal of Administratrix

Canceled due to Covid - Reschedule

#### Estate of Oscar Tharpe File #9170

Appearing was Mr. Henry Wood by Zoom and Mr. Jacob Shuck (in person). Mr. Tucker, attorney for the Commission, stated that the purpose of this was to either accept or reject the previous recommendation by the former Fiduciary Commissioner and enter an order or have a hearing. The issue is that the tapes from the previous hearing cannot be located. Commissioner Chapman made a motion to have a hearing and to refer to another Fiduciary Commissioner. Commissioner Cole said to come back in two weeks to advise if a Fiduciary Commissioner has been found and the Commission will let the parties know how this will proceed. Discussion – none. Motion passed.

## Nicholas County Prosecuting Attorney Paul Williams Re: Additional Employee

Mr. Williams came before the Commission requesting salary for a full-time staff or secretary/assistant. His understanding was that the starting salary is \$27,000.00. Mr. Williams also needs a third attorney to cover for the one that will become judge for a different circuit. He advised that he should be able to return to the Commission 100% of the salary for the other attorney beginning January 2025. They previously had a fourth assistant and he chose not to replace that fourth person. Mr. Williams advised he would like to have the fourth assistant to help with juvenile cases. He will have three attorneys and four staff members. Commissioner Roberts made a motion to approve the hiring of the fourth staff member and adjust the budget for the half of year. Discussion – none. Motion passed.

# <u>Empower Corp – Starting Point Marla Short, Executive Director Re: Requesting financial assistance for Richwood Food and Soup Kitchen</u>

Ms. Short requested assistance for the Richwood Food & Soup kitchen. Commissioner Chapman made a motion to contribute and fund \$5,000.00 as a one-time contribution from the general account. Discussion – none. Motion passed.

# Cassandra Lawson, Senior Project Specialist, Region 4 Planning and Development Council Re: City of Richwood Sewer System Improvements Project – Bid Overrun Request

Ms. Lawson advised that the City of Richwood accepted bids for their sewer system a few weeks ago and they received an overrun bid. The original cost of the project was \$7,450,000 and the project came in with two difference scenarios. One scenario makes the overrun \$569,000.00. The first is with the alternate exercise and then the other is \$1,200,000.00. This is for the collection system, lines and pumps, etc. There

# MINUTES OF THE NICHOLAS COUNTY COMMISSION – July 24, 2024

is a chance that ARC (Appalachian Regional Commission) might fund the project. There is no funding at this time. Commissioner Chapman said the Commission would have to decline at this time due to the amount of funding needed.

Ms. Lawson also stated that regarding the Hinkle Mountain Broadband expansion project that the DOH is needing a letter from the Commission granting approval of Thompson & Litton to submit for the WVDOH MM109 Application portal. Commissioners agreed to sign the letter.

# **Commissioners Comments**

Commissioner Roberts stated that the Nicholas County Fair begins tonight. Come and join the fun.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 10:22 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Ir

#### Attachments:

- Letter of Declination to the City of Richwood regarding Sewer System Improvements Project Funding Request
- Letter approving Thompson & Litton to electronically submit for the WVDOH MM109 Application portal

### MINUTES OF THE NICHOLAS COUNTY COMMISSION - August 7, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, August 7, 2024, and the meeting opened at 9:21 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Bobby Painter and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the July 24, 2024, 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.

#### Public Comment - None

#### Terms of Office Expiring -

Nicholas County Airport Authority Regional Appointments – Establish Terms of office for Allison Taylor, Christian Kappler and Chris Fussell. Commissioner Chapman made a motion that the terms of office requirement will be tabled at this time to determine the terms.

### Certificate of Recognition from Senator Joe Manchin for the Nicholas County Fair

Commissioner Cole read the certificate from Senator Manchin. He advised that he will forward it on to the Nicholas County Fair Board.

### Estate of Oscar Tharpe File #9170

Commissioner Craig Chapman made a motion to appoint E. Scott Stanton as Fiduciary Commissioner in this case. Discussion – none. Motion passed.

# <u>Bobby Markham Re: Overpayment of Commercial Property Taxes Account #08549499 (sent by Assessor Ernie Dennison</u>

Mr. Markham was referred to the Commission by Mr. Dennison regarding overpayment by James T Markham Trucking. Mr. Dennison supplied the Commissioners with a copy of the rules/guidelines for reimbursement over an erroneous assessment from State Code. He advised that this was a legitimate error. This was concerning coal trucks. This goes back to 2019 in the amount of \$21,246.34. Commissioner Chapman made a motion that the Commission agree to credit both 2024 tickets and cash refund. Discussion – none. Motion passed.

# <u>Casandra Lawson Senior Project Specialist Region 4 Planning & Development Council – Re: Birch River PSD Mill Creek Waterline Extension Project – Resolution #7</u>

Resolution #7 CDBG is requesting \$214,465.15 for Pay Estimate #5 for the Birch River PSD. Commissioner Roberts made a motion to approve said pay estimate. Discussion – none. Motion passed.

# <u>Casandra Lawson Senior Project Specialist Region 4 Planning & Development Council – Re: Birch River PSD Mill Creek Waterline Extension Project – Grant Amendment #5</u>

Ms. Lawson requested the Commissioners sign the grant amendment #5. Commissioner Roberts made a motion to approve the grant amendment. The Development Office needed to swap some money around so that they don't lose it at the State level. No changes are being made as far as dollar amounts — just moving where the money is coming from. Discussion — none. Motion passed.

### MINUTES OF THE NICHOLAS COUNTY COMMISSION – August 7, 2024

<u>Nicholas County Commission Attorney, Greg Tucker – Re: Action to Authorize an acting President to Execute Documents to Complete Transaction with Mid-State Properties</u>

Commissioner Garrett Cole recused himself due to conflict and appointed Commissioner Gary Roberts as acting President of the Commission.

Mr. Tucker was discussing the transfer of property between the Commission and Mid-State and the need to have a Commissioner to sign documents accordingly. Commissioner Roberts made a motion appointing Commissioner Chapman to sign the documents pertaining to the property transfer between the Commission and Mid-State. Discussion – none. Motion passed.

## Frontier Representatives Re: Nicholas County Broadband Initiatives

Presentation from Frontier representatives regarding Broadband Initiatives. (Very difficult to transcribe due to poor connectivity)

Golf Course Lease - Consideration to Renew Nicholas Memorial Golf Course Inc./Expired lease

This topic is tabled at this time.

<u>For the Record</u> — Commissioner Cole stated that he would like to put on the record that he opposes the 15.4 base rate increase by Appalachian Power that will impact some of the Nicholas County citizens.

Commissioner Cole stated that the Public Service Commission did approve the provisional plans of the 150 megawatts solar project.

<u>Appointment to the Nicholas County Airport Authority</u> – Commissioner Chapman made a motion to table the appointment of the members to the Nicholas County Airport Authority board as well as the establishment of the terms.

<u>Executive Session</u> — Counsel for the Commission, Greg Tucker, requested that the Commission enter into executive session to discuss a real estate matter related to the Airport Authority and John McGinnis, Director of OEM/DHS requested executive session to discuss contractual matters. Commissioner Chapman made a motion to enter into executive session at 11:02 a.m. Present were Commissioners Cole, Chapman and Roberts, as well as counsel for the Commission, Greg Tucker Commissioner Chapman made a motion to exit executive session at 11:56 a.m. No action was taken at this time.

### **Commissioners Comments**

Commissioner Roberts said thank you to everyone with the Nicholas County Fair and the Cherry River Festival.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:57 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

- Community Development Block Grant Amendment #5
- Community Development Block Grant Water/Sewer/Storm Request for Payment for Birch River PSD Mill Creek Waterline Ext Project
- Resolution of Commission authorizing payment for Birch River PSD Resolution #7

### MINUTES OF THE NICHOLAS COUNTY COMMISSION - August 21, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, August 21, 2024, and the meeting opened at 9:10 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Bobby Painter and County Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the August 7, 2024, 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.

### Public Comment - None

### Terms of Office Expiring -

Nicholas County Airport Authority Regional Appointments – Establish Terms of office for Allison Taylor, Christian Kappler and Chris Fussell. Commissioner Chapman made a motion that the terms of office requirement will be tabled at this time to determine the terms. Discussion – none. Motion passed.

### Estate of Dennis Naylor File #10575 Re: Status Update

On the last hearing, July 10, 2024, Anthony Selbe was appointed as Fiduciary on this matter. On July 24, 2024 Mr. Selbe sent a letter to Connie Naylor's attorney, James Milam, requesting his fee to be paid in order to set the matter for hearing. The status is that Mr. Selbe is waiting for his fee to be paid and once it is received it will be scheduled for hearing with the fiduciary commissioner. There will be an update on September 4, 2024, Commission meeting. Counsel for the Commission recommended that if the fee has not been paid by the next meeting on September 4, 2024, for the Commission to dismiss the objection.

### Estate of Joe Coffman File #10693 Re: Removal of Executrix -

Attorney Jacob Shuck called the County Clerk's office and advised that the parties have come to an agreement. He asked that the petition be held in abeyance and said that there would be no reason for them to have to come before the Commission again.

### Lisa Strader, Director Visit Southern WV Re: Update on Annual Report and Current Events

Ms. Strader presented the Commission with a hard copy of the annual report and a copy of the tourism guide that was recently released.

# <u>Dr. Anita Stewart, Nicholas County Health Department Re: Nicholas County Health Department Harm</u> <u>Reduction Program asking for a letter of support</u>

Dr. Stewart requested a letter of support from the Nicholas County Commission for the Harm Reduction Program.

Commissioner Chapman made a motion to go into Executive Session at 10:03 a.m. Present were Greg Tucker, Commissioner Chapman, Commissioner Cole, Commissioner Roberts, Clerk Bobby Painter. Executive Session was exited at 10:25 a.m. with a motion made by Commissioner Roberts. No decisions were made at this time.

Dr. Stewart advised that the Harm Reduction Program can reduce the Hepatitis-C and HIV infections by approximately fifty percent (50%). The Health Department is required by State Code to have a

### MINUTES OF THE NICHOLAS COUNTY COMMISSION - August 21, 2024

recommendation letter from the County Commission in order to provide the services. Dr. Stewart advised that if they do not receive a letter of recommendation, it could impact whether or not they receive funding for this project. The mobile unit would be used at designated locations throughout the county.

Commissioner Chapman made a motion to table this issue at this time and suggested to Dr. Stewart to have a few "town hall meetings" to discuss this program with the public. Discussion – none. Motion passed.

### Estate of Theodore McClung Jr File #10667 Re: Removal of Executrix

Attorney Kevin Burgess represents Diane Hughes, the administratrix. They oppose the objection to remove her as administratrix. The determination of the fourth heir needs to be determined.

Jennifer McClung was sworn in and stated that the fourth heir, Steven, was adopted when he was between 7 and 10 years old. He is now Steven Palmer. Her main concern is that Steven should not receive an interest because he was adopted.

The Commission decided to table this issue for thirty (30) days. This will be heard before the Commission at the second meeting in September (September 18, 2024). Commissioner Roberts made the motion to table the decision on removal of the administratrix. Discussion – none. Motion passed.

### Deputy Matt Deitz representing the Nicholas County Police Canine Association Re: K9 Seminar

Deputy Deitz advised that there will be a K9 Seminar in April 2025 in Nicholas County at the Veteran's Memorial Park. Nicholas County Sheriff's Department and the City of Summersville have K9's and the Richwood City Police Department is in the process of obtaining a K9. Deputy Deitz stated that the Association will be hosting a K9 Seminar in Nicholas County at the Veteran's Memorial Park in April 2025 that there will be roughly 100 dogs and their handlers for one week. He stated that they will be visiting all of the schools and doing school sweeps.

Commissioner Cole asked how much the Park stated for rent for the facility. Deputy Deitz stated that the initial quote was \$1,500.00. Commissioner Roberts made a motion to contribute \$1,500.00 for the venue rents from the opiod funds. Discussion – none. Motion passed.

# <u>At the Request of Commission – Resolution to WV Public Service Commission concerning Appalachian</u> <u>Power Rate Increase</u>

Commissioner Cole read a resolution opposing the proposed rate increase by Appalachian Power Company, which would affect some of the citizens in Nicholas County. Commission Roberts made a motion to pass the resolution. Discussion – none. Motion passed.

### Cassandra Lawson, Senior Project Specialist, Region 4 Planning and Development Council - via Zoom

<u>City of Richwood Hinkle Mountain/Little Laurel Waterline Extension Project – Resolution #28</u> - needs corrections before presenting to the Commission

<u>Hinkle Mountain/Little Laurel Broadband Expansion Project – Grant Amendment –</u> This is for an adjustment of funds within the State Development Office. This does not change financial commitment with the Commission. Commissioner Roberts made a motion to approve the grant amendment. Discussion – none. Motion passed.

<u>Birch River PSD Mill Creek Waterline Extension Project – Grant Amendment –</u> This is for a zero-dollar change on the commitment by the Commission. This is just for an adjustment/transition of older funds by the State office. Commissioner Roberts made a motion to approve the grant amendment. Discussion – none. Motion passed.

### **Commissioners Comments**

None

## MINUTES OF THE NICHOLAS COUNTY COMMISSION – August 21, 2024

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:24 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr

- Community Development Block Grant Amendment #6 for Hinkle Mountain Broadband Expansion Pilot Project.
- Community Development Block Grant Birch River PSD Mill Creek Waterline Ext Project Amendment #5
- Resolution of Commission Opposing Appalachian Power Company rate increase

## MINUTES OF THE NICHOLAS COUNTY COMMISSION – September 4, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, September 4, 2024, and the meeting opened at 9:09 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Bobby Painter and County Attorney Greg Tucker.

Commissioner Roberts made a motion that they waive and accept the reading of the August 21, 2024, minutes. Discussion – none. Motion passed.

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 Commissioner 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 Commissioner will take the appropriate action as deemed necessary. Commissioner Roberts moved to approve accordingly. Discussion – none. Motion passed.

### Public Comment - None

### Terms of Office Expiring -

Nicholas County Airport Authority Regional Appointments – Establish Terms of office for Allison Taylor, Christian Kappler and Chris Fussell. Commissioner Chapman made a motion that the terms of office requirement will be tabled at this time to determine the terms. Discussion – none. Motion passed.

Nicholas County Parks & Recreation Commission – Commissioner Roberts made a motion to accept the resignation of Kathleen Curry who resigned earlier this year. Discussion – none. Motion passed.

Commissioner Roberts made a motion to table the appointment of filling the unexpired of Kathleen Curry. Discussion – None. Motion passed.

## Estate of John Marshall Underwood File #10592 Re: Lack of Communication by Executrix -

An objection was received from John M. Underwood Jr. as to not being informed about the status of the estate. Mr. Underwood stated that he was told that he would have lifetime rights in the real estate (family farm) but the decedent never changed his will. He claims that the executrix told him to change the bills to the family farm into his name. An update on the estate was provided by Haley Ferguson, counsel for the Executrix, Melissa Dennison. Ms. Ferguson relayed that the decedents farm was in the process of being sold as directed by the will and that they have received an offer on it. However, there is an ongoing lawsuit regarding an adverse possession claim and the property cannot be sold until the lawsuit is resolved. Commission legal counsel pointed out that the will directs that the property be sold. Ms. Ferguson stated that the estate has offered John M. Underwood Jr. the opportunity to buy the farm through an open offer at fair market value in order to satisfy the directions in the decedents will. Ms. Ferguson said that if John M. Underwood Jr. would like to file a claim against the estate for the bills that he paid, he can do that, but they would need written receipts to reimburse him. Commissioner Roberts stated that it seems there is adequate communication between John M Underwood Jr. and the Executrix through her attorney, and that the Commission cannot take any further action at this time. President Cole agreed that not further action can be taken at this time. Commissioner Roberts made a motion that no action be taken today. Motion passed.

### Bid opening for Roof at DRC Building -

President Cole stated that the Commission went through proper publication and that only one official bid was received (attached). The bid was from Alpha Construction for a mechanically attached 50 mil Duro-Tuff Single Ply Membrane roof. The bid amount was \$62,720. President Cole confirmed with Commission staff that this was the only bid received. Commissioner Chapman made a motion to accept the bid to be paid from DRC funds. Motion passed.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION – September 4, 2024

## Dennis Naylor Estate file #10575: Make a determination to the objection to the final settlement-

Deputy Clerk Brandi Brown updated the Commission that a fiduciary commissioner, Anthony Selbe, has been appointed and since the last Commission Meeting, he has received payment and will set up a hearing Commissioner Roberts made a motion that the Commission take no action today. Motion passed.

### Denise Taylor - New Hope Community Center requesting funding for air conditioning.

Mrs. Taylor presented the Commission with a proposal for purchasing air conditioning for the New Hope Community Center (attached). She stated that the center is set up an emergency shelter for the community and they serve as a warming center when necessary and would like to be able to serve as a cooling shelter as well. The center has an electrician that has volunteer to consult and help with installation. Citizen Mr. Dave Cox spoke to the County Commission in favor of getting the cooling system for the Center. Mrs. Taylor is asking for \$4,800 for the equipment. President Cole suggested that we approve the request from Coal Severance funds. Commissioner Chapman made a motion to contribute \$5,000 from Revenue Loss Recovery funds. Motion passed.

## Consideration & Approval of Nicholas Memorial Golf Course Lease Agreement-

President Cole stated that they have copy of the lease to review. Commissioner Chapman asked that a discount be included for County employees. Commissioner Chapman made a motion to table the approval until the next County Commission meeting.

## **Discussion concerning Sheriff Department Vehicles-**

President Cole explained that the Sheriff's department ordered six new cruisers to be funded by a federal earmark from Senator Joe Manchin. At this time the vehicles have been ordered and delivered to the dealership but the County has not received the earmark at this time. Commission Chapman confirmed via text with Grant Coordinator Lindsay Brady that the earmarks have been approved, we are just waiting on the funds. The vehicles were purchased on the state contract and the dealership is waiting for payment. President Cole suggested that the Commission advance funds to the Sheriffs Department to purchase the vehicles and reimburse the County when the earmarks are received. The total purchase being \$271,292.92 for six police cruisers. Commissioner Roberts made a motion to approve up to a \$280,000 advance for two Dodge Durango's, two Ford F-150's and two Ford Explorer's. Commissioner Roberts amended his motion to advance the funds from the Revenue Loss Recovery Fund. Motion passed.

## Budget Amendment for expenditures for the Homeland Security Dispatch Center-

President Cole proposed a budget amendment and transfer of funds to reimburse the 911 fund for purchases made through the E911 fund for construction at the Homeland Security Dispatch Center (attached). President Cole proposed a transfer of funds in the total amount of \$249,460.98. After some general discussion concerning where funds have been paid, Commissioner Chapman made a motion to advance the E911 fund the \$249,460.98 from the Revenue Loss Recovery Fund.

## Nettie-Leivasy Public Service District update and financial request-

Nettie-Leivasy Public Service District manager Larry Syner appeared before the County Commission along with board member Brandon Jones appearing by Zoom. Mr. Syner gave a financial and operational update concerning the Nettie-Leivasy PSD which is attached. Mr. Jones is asking for funding to supplement the salary of manager Larry Syner from his current salary of \$31,200 to \$56,200, a \$25,000 request. General discussion and an extended update by Larry Syner and questions by the County Commission ensued. Commissioner Chapman inquired if the PSD can sustain its current financial commitments without raising rates. Mr. Syner said he did not foresee a need to raise rates. Mr. Jones said he was not comfortable saying they would not have to raise rates at this time. Commissioner Chapman made a motion to fund a one-time payment to the PSD for 12 months of salary increase from Coal Severance funds at \$25,000. Motion passed.

### Executive Session-

Commissioner Chapman made a motion to enter into Executive Session pursuant to WV Code 6-9A-4(b) to discuss Real Estate matters at 11:21am. Motion passed. The County Commission retuned from executive session @11:55am with a motion by Commissioner Chapman and President Cole stipulated that no decisions were made in executive session.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION – September 4, 2024

## **Commissioners Comments**

President Cole – Wanted to remind everyone to get out and enjoy the Potato Festival this weekend. President Cole also read a thank you card from Beckley Chapel in Nettie thanking the Commission for their attendance at their 150th reunion and the Proclamation Plaque that was presented President Cole also announced his resignation for the Nicholas County Parks and Recreation Commission.

Commissioner Chapman - None

Commissioner Roberts – Updated everyone on an effort to reduce stray dogs in the Richwood area and requested community partnership in the matter.

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 12:00 m.

Garrett Cole, President

D. Craig Chapman

Gary Boberts, Ir.

- Bid Proposal for Roofing Project received from Alpha Constrution.
- Request for Assistance received from New Hope Community Center for air conditioning.
- Proposal for Homeland Security Budget Amendment
- Nettie-Leivasy PSD Financial and Operational Update.

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, September 18, 2024, and the meeting opened at 9:15 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Bobby Painter and County Attorney Greg Tucker.

Commissioner Roberts made a motion that they waive and accept the reading of the September 4, 2024 minutes. Discussion – none. Motion passed.

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 Commissioner 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 Commissioner will take the appropriate action as deemed necessary. Commissioner Roberts moved to approve accordingly. Discussion – none. Motion passed.

### Terms of Office Expiring -

Nicholas County Parks & Recreation Commission – Commissioner Roberts stated that he had reached out to Richard Vance and would know something before the next County Commission meeting.

<u>Public Comment</u> – Lindsay Skidmore with the Summersville Chamber of Commerce appeared before the Commission to present an update on their winter basketball tournament to be held between Christmas and New Year's Day at the armory. She stated she was not asking for any monetary support at this time but wanted to make the Commission aware if they wanted to consider it.

## Estate of Theodore McClung File #10667 Re: Follow up to August 21, 2024 Meeting -

This is a follow up to the August 21, 2024 meeting concerning the status of a potential additional heir Steven Palmer. President Cole asked all who wished to speak to take an oath. Kevin Burgess, Attorney for executrix Dianne Hughes, gave an update to the Commission. He stated that he had found the mother of Steven Wayne Palmer, Debra Ann Lang and she confirmed that Steven Palmer had been adopted and was not an heir to the estate. Debra Ann Lang is in the process of signing an affidavit confirming such details and that affidavit will be filed with the estate. Mr. Burgess feels the estate can be concluded within the next couple of weeks. The petitioner, Jennifer McClung, stated that as long as the status of Steven Palmer being excluded as an heir is settled, she had no further objections. Commissioner Roberts made a motion to deny the petition to have the executrix removed. Motion passed.

### Approval of poll workers -

County Clerk, Robert Painter, presented the Commission with a list of poll workers for the upcoming November 5, 2024 general election. He stated that they had received nominations for poll workers from the respective political parties as well as the county commission. They had reviewed the lists and they were just awaiting approval from the County Commission. Commissioner Roberts made a motion to approve the poll workers for the General Election. Motion passed.

### Consideration of purchase of new AS400 server.

County Clerk, Robert Painter appeared before the Commission in a follow up to a presentation in May by Michael Manley with Software Systems, Inc. At that time Michael Manley presented the County Commission with options for replacing the AS400 server which is nearing the end of its maintenance agreement (proposal attached). Clerk Painter stated that the AS400 serves his budget and payroll systems as well as the tax office software. President Cole advised that he felt the server was needed. Commissioner Chapman made a motion to purchase the AS400 server from Coal Severance funds. The purchase and installation price including the 3-year maintenance agreement being \$47,237. Motion passed.

# Bid Opening- Alteration and Renovation of Courthouse Facility for Additional Circuit Court Judge and staff.

President Cole stated that we received one bid with the lone bid being from Kev's Contracting. (attached) Upon opening the bid, he stated that the bid was for \$79,000 for phase 1 and \$58,500 for phase 2 for a total bid of \$137,500. President Cole requested that if the bid was accepted, the Contractor must provide a contractor's license and proof of insurance since it was not included with the bid. He also clarified that this contractor did attend the mandatory pre-bid meeting and that he had met all other requirements. Commissioner Roberts made a motion to accept the bid from Kev's Contracting. President Cole asked to clarify from where the funding would come for this project. Commissioner Chapman suggested the Opioid Settlement Fund. After some discussion it was proposed to take phase 1 from the Opioid Settlement Fund. Commissioner Roberts asked to amend his motion to include the funding from Opioid Settlement Fund. Motion passed. As a formality the County Commission revisited the bid opening at 10:01 a.m. due to 10:00 a.m. being the time the bid opening was advertised. There were no further bids presented.

#### County Auction-

Sheriff William Nunley and Chief Deputy Johnny Evans came before the Commission to discuss an auction of county vehicles. Chief Deputy Johnny Evans stated that they have 13 impounded vehicle and 8 cruisers that they have identified to be auctioned. Sheriff Nunley advised that in light of the difficulty in finding an auctioneer, he proposes auctioning the vehicles on "govdeals.com." He further stated that his office would take photos of the vehicles and upload them to the gov deals website. Sheriff Nunley advised that a timeline of 30 days seemed reasonable to get everything collected and uploaded. Commissioner Roberts made motion to continue the auction with the equipment that has been identified from the Sheriffs, department, Assessor, Park Board, and DRC.

### Letter of Support for CityNet BEAD Application-

Commissioner Roberts requested a letter of support for CityNets application to the West Virginia Broadband Equity Access and Development (WVBEAD) program. Commissioner Roberts stated that we have partnered with CityNet for our broadband project and we are supporting their grant application to the WVBEAD program for funding. President Cole read the letter of support. (Attached) Commissioner Roberts made a motion to move forward with the letter of support. Motion passed.

## Region IV Planning and Development Council Budget Amendment #4

Cassandra Lawson, Senior Project Specialist with Region IV Planning and Development Council, appeared before the Commission to present them with a budget revision (attached) for the Hinkle Mountain Broadband Expansion Project. Mrs. Lawson relayed that this is a budget amendment at the request of the WV Development Office to use 2019 available funding rather than more recent funding in order to preserve newer funds. Mrs. Lawson also gave a general informational update on other projects throughout the County. Commissioner Roberts made a motion to approve the Hinkle Mountain Broadband Project Budget Revision #4. Motion passed.

### Richwood Area Chamber of Commerce

Dawn O'Dell and Jamie Robinson with the Richwood Area Chamber of Commerce appeared before the Commission for a grant request for the city park pool. Ms. O'Dell stated that they have decided not to requested any funding at this time because they are still looking at options on how to best repair the pool. She said that they wanted to attend the Commission meeting and to thank the County Commission for their support for getting the pool up and running. She gave a brief update on the community center roof project. Dawn O'Dell also gave an update on a few projects in the Richwood area including the Community Center and the Rails and Trails.

### **Commissioners Comments**

Commission Chapman – Congratulated everyone involved with the Potato Festival and the Craigsville Fall Festival for putting on great events.

Commissioner Roberts – Highlighted the outstanding work of Homeland Security Director John McGinnis staying on top of the recent water shortages and having resources in place.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION – September 18, 2024

President Cole – Noted that the county wide fire ban has been lifted. The state of emergency will stay in place until next week because there is still limited water in the Richwood area.

### **Executive Session-**

Commissioner Roberts made a motion to enter into Executive Session pursuant to WV Code 6-9A-4(b) to discuss personnel matters at 10:56 a.m. with no intention to make decisions. Motion passed. The County Commission retuned from executive session @11:33 a.m. President Cole noted that no decisions were made in executive session. Commissioner Roberts made a motion to exit executive. Motion passed.

### Adjournment-

Motion to Adjourn was made by Commissioner Chapman. Discussion - none. Motion passed and the meeting was adjourned at 11:34 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

- Proposal from Software Systems for AS400 server.
- Bid from Kev's Contracting for renovation of courthouse for Circuit Court Judge.
- Letter of Support for CityNet WVBEAD grant application.
- Region IV Hinkle Mountain Broadand Project Budget Revision #4.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION -October 2, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, October 2, 2024, and the meeting was called to order at 9:24 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., and Commissioner D. Craig Chapman, County Clerk Bobby Painter, and Prosecuting Attorney Paul Williams.

Commissioner Chapman made a motion that they waive and accept the reading of the September 18, 2024, 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 — Commissioner Chapman made a motion to reappoint Steve Postalwait to a three-year term ending October 15, 2027, to reappoint Gary Roberts to a three-year term ending October 15, 2027, to reappoint Erin Bell to a three-year term ending October 15, 2027, and to reappoint Michelle Underwood to a three-year term ending October 15, 2027. Discussion — None. Motion passed.

Commissioner Chapman made a motion to accept the resignation of Garrett Cole from the Nicholas County Parks and Recreation Commission. Discussion – None. Motion passed. The appointment to fill the vacancy created by the resignation of Garrett Cole was tabled until the next meeting.

**Nicholas County Building Commission** - The five-year term of office of W.D Smith expiring October 17, 2024 was tabled to the next meeting.

Public Comment - None.

### Winter Classic Basketball Tournament Financial Assistance -

Lindsay Skidmore, Executive Director of the Summersville Area Chamber of Commerce was unable to attend. However, President Cole stated that Ms. Skidmore was requesting a sponsorship for the Winter Classic Basketball Tournament. After some discussion concerning the economic benefit to local businesses and the sponsorship levels, Commissioner Roberts made a motion to sponsor the Tournament for \$2,000 to be paid from the Coal Reallocated Severance Fund. Discussion-None. Motion passed.

### Visit Greater Summersville-

Tracy McCoy, Executive Director of Visit Greater Summersville, was present to give the County Commission an Annual Report (attached). Ms. McCoy highlighted some of the information in the report to the Commission.

## Nicholas County 4-H Craft Bazaar-

Amy Walker, 4-H Extension Agent, was present to ask the County Commission approval to hold a craft bazaar on the Courthouse lawn in conjunction with the Christmas parade in December. She started by saying that they have workshops to teach kids skills regarding crafts. They are looking to sponsor a craft table at various craft shows throughout the area for kids to showcase their crafts. As a way to raise money to sponsor the various tables, they would like to hold a craft bazaar on the courthouse lawn and charge a small fee for anyone who would like to buy a table to set up at the parade. President Cole stated he had no problem with the proposal. After some discussion regarding small details such as electrical source and

## MINUTES OF THE NICHOLAS COUNTY COMMISSION -October 2, 2024

post event cleanup, Commissioner Roberts made a motion to approve the request. Discussion-None. Motion-passed.

### Assessor's Office Quote for Electrical Repairs-

Assessor Ernie Dennison presented the County Commission with a quote from Disciple Electric. Mr. Dennison stated that there is an overloaded circuit in his office that sometimes causes disruptions when the circuit gets overloaded and shuts down. Mr. Dennison further explained that he reviewed the quote and everything seemed reasonable. The total price of the quote is \$3,479.40. Commissioner Chapman made a motion to approve the quote, President Cole asked for a more detailed scope of work upon approval. Discussion-none. Motion-passed.

#### County Wage and Benefit Review Board-

The County Commission had requested the attendance of all elected officials for a general discussion and to gauge feedback concerning the Wage and Benefit Board pay scale. In attendance for the meeting were Circuit Clerk Debbie Facemire, Assessor Ernie Dennison, Prosecuting Attorney Paul Williams, Chief County Clerk Deputy Betty Griffin, Chief Circuit Clerk Deputy Amanda Brown, Assistant Prosecuting Attorney Mike Cox, Sheriff William Nunley, Chief Law Enforcement Deputy Johnny Evans, Chief Tax Deputy Angie Evans, and Commission Assistant Patty Neff. General discussion ensued regarding employee pay going forward with different ideas being presented as to how to raise starting pay and current employee salaries. No decisions were made and no actions were taken.

#### Letter of Support for Meadow River Trail System-

President Cole stated that he had not heard back from the organization regarding their request for a letter of support. President Cole explained that the Meadow River Trail system is applying for a grant and they are requesting a letter of support to that effect. Commissioner Roberts made a motion to draft a letter in support of the Meadow River Trail System for a grant for which they are applying. Discussion-none. Motion-passed.

### **Commissioners Comments**

Commission Chapman — Wanted to thank Commissions Roberts on the work he has done getting donations for the flooding in Western North Carolina. Commissioner Roberts gave an update on the progress and gave the public a list of areas throughout the County for drop off of supplies. Commissioner Chapman further explained that there is some money available for small businesses through a state agency. He asked any interested to get in touch with a County Commissioner and they would put them in touch with the agency.

President Cole – Also gave an update on the supply mobilization efforts and thanked all of those involved. He also noted that the County had been offered the ownership of a property in Dixie, WV and they were looking to acquire it to use as an emergency shelter and polling location.

## Adjournment-

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:27 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

- Visit Greater Summersville Annual Report.
- Quote from Disciple Electric for Assessor's Office electrical repairs.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION -October 16, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, October 16, 2024, and the meeting was called to order at 9:10 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., Commissioner D. Craig Chapman, County Clerk Bobby Painter, and Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the October 2, 2024, 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 -

All terms of office expiring were tabled until the next County Commission meeting.

Public Comment - None.

## Marianne Taylor - Homeless Commission -

Marianne Taylor, Assistant to Mayor Shafer, appeared before the County Commission to give an update on the newly formed Homeless Commission. Here presentation is attached.

### Iva Jean Lerose Estate-

Mark LeRose appeared before the County Commission in regards to the Iva Jean LeRose Estate. Mr. LeRose stated that he was trying to close his mother's estate but there is a claim from a credit card company that has not been released. He has tried contacting the company but numbers are either disconnected or they can't find any information using the credit card number. This being an older claim, Commission Legal Counsel Greg Tucker recommended dismissing the claim and allowing Mr. LeRose to close the estate. Mr. Tucker stated that if the Commission voted to close the estate, he would prepare an order to that effect. Commissioner Chapman made a motion to close the Iva Jean LeRose estate. Discussion—None. Motion—passed.

## Region IV Planning and Development Council.

Cassandra Lawson came before the County Commission to address a few grant items. First, she presented the Commission with a Letter of Scope Change (attached) for the Craigsville Generator Project. She explained that this was a change that came up in the field but there was no scope change at that time but the grant agency was asking the project manager to do a retroactive scope change. President Cole requested that in the future if there were any scope changes, it needs approved by the County Commission ahead of time. Commissioner Roberts made a motion to approve the scope change request. President Cole stated that he would like to change the letter to direct fault at the contractor and not the County Commission. Mrs. Lawson said she would make that change and get an updated letter to the Commission. Further discussion-None. Motion-passed.

Secondly, Mrs. Lawson presented the County Commission with a Resolution #29 for the Hinkle Mountain/Little Laurel waterline extension project. Mrs. Lawson explained that this resolution is for payment to the Menji Group and represents the last payment from the Nicholas County ARPA fund in the amount of \$3,186.03. President Cole asked for an update on the project status. Mrs. Lawson said that it was operational but there were still a few house cleaning items to clear up. Mrs. Lawson also updated the Commission on a few other grant projects in the Richwood area. Commissioner Roberts made a motion to

## MINUTES OF THE NICHOLAS COUNTY COMMISSION -October 16, 2024

approve Resolution #29 in the amount of \$3,186.03 from the Nicholas County ARPA fund. Discussion None. Motion-Passed.

Lastly, Mrs. Lawson stated that in February 2023 the County Commission supported the Richwood Sidewalk Project that is to be funded from ARPA funds. She explained that the Department of Highways is managing the project and that they require all funding up front, then they manage the project internally. She asked that the County Commission send the funds directly to the DOH. President Cole asked for Mrs. Lawson to obtain written confirmation from the DOH that the project was going forward. Commissioner Roberts made a motion to release funds from the ARPA fund in the amount of \$25,000 for the project contingent on the confirmation from DOH on the project status. Discussion-None. Motion-Passed.

### Assessor Ernie Dennison Aeiral County Flyover-

Assessor Ernie Dennison presented the County Commission with a state bid amount for a county flyover to update imaging on the statewide property mapping. Assessor Dennison explained the previous funding of the prior flyover with most of the funding coming from the Assessor 2% fund and the E-911 fund. He feels that the county should provide some funding for the project this time. He stated that Thrasher has the state contract and there will therefore be no bidding process. The stated bid amount is \$50,358. Commission Chapman asked Mr. Dennison if he would be happy with paying 25% and the County would work out the remaining 75%. Commissioner Chapman made a motion to contract with Thrasher for \$50,358 with the Assessor's Office providing 25%. Discussion-none. Motion-passed.

## Dixie Missionary Baptist Church - Proposal to donate facilities-

The County Commission was joined by Mr. Wood with the Dixie Missionary Baptist Church. Mr. Wood explained that he is the last official of the Church and that he hasn't had services in three years. He said he tries to keep the doors open but it's getting to be more than he can handle. He said, that in order to keep the facility available for the community he would like to donate the facility to the County Commission. Concurrent with some discussion regarding which content would remain in the facility and which would be kept and or donated, Commissioner Chapman made a motion to accept the gift from Mr. Woods contingent on the proper title examination by legal counsel.

## Letter of Support for Meadow River Trail System-

President Cole updated the Commission from the last meeting where they had voted to draft a letter in support of the Meadow River Trail System for a grant for which they are applying. He presented for the record the letter of support that he sent to the New River Regional Development Authority in support of the Meadow River Trail System. Attached.

### Executive Session-

President Cole requested an executive session for pending legal matters. Commissioner Chapman made a motion to enter executive session pursuant to WV Code 6-9A-4(b). Discussion-None. Motion-Passed. The Commission went into executive session at 10:24a.m. At 11:15a.m., with a motion made by Commissioner Chapman, the County Commission returned from executive session. There were no decisions made in executive session.

President Cole explained that the Commission had a real estate matter to discuss from which he had previously recused himself. In the matter, he appointed Commissioner Chapman to serve as acting President. Commissioner Roberts made a motion to enter into executive session to discuss real estate matters. The Commission entered executive session at 11:16a.m. The County Commission returned from executive session at 11:48 on a motion made by Commissioner Roberts with the clarification that no decisions were make in executive session.

### **Commissioners Comments**

Commission Chapman - Wanted to thank Nettie Leivasy PSD for their recent work.

Commissioner Roberts – reminded everyone of the Trick or Treat hours. He also stated that we'd had an outpouring of support for Hurricane victims and wanted to thank everyone involved. One estimate is that they had sent \$107,000 worth of supplies.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION -October 16, 2024

### Adjournment-

Motion to Adjourn was made by Commissioner Chapman. Discussion – none. Motion passed and the meeting was adjourned at 11:52 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

- Homeless Commission Report.
- Letter of Request for Scope Change Craigsville Generator Project.
- Resolution #29 Hinkle Mountain/Little Laurel Waterline Extension Project.
- Letter of Support Meadow River Recreational Corridor

## MINUTES OF THE NICHOLAS COUNTY COMMISSION – November 6, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, November 6, 2024, and the meeting was called to order at 9:05 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., Commissioner D. Craig Chapman, and Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive and accept the reading of the October 16, 2024 regular meeting minutes and the October 28th special meeting 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 and Recreation Board – Commissioner Roberts made a motion to appoint Jessica Taylor to the unexpired term of Kathleen Curry expiring October 16, 2026. Discussion – None. Motion passed. Commissioner Chapman made a motion to appoint Mary Igo to a term of 3 years expiring October 15, 2027. Discussion – None. Motion passed.

Nicholas County Building Commission - Commissioner Chapman made a motion to reappoint W.D Smith to a 5-year term of office expiring October 27, 2029. Discussion – None. Motion passed.

Public Comment - None.

### Bill Dyer - Summersville Rotary Financial Request -

Bill Dyer representing the Summersville Rotary Club appeared before the County Commission to request financial assistance with VAPE detectors for area schools and for assistance in providing suicide prevention bracelets in school. He asked the County Commission for \$10,000 for VAPE detectors. After some discussion, Commissioner Roberts made a motion to provide \$7,500 for VAPE detectors and \$600 for assistance with suicide prevention bracelets. The total financial assistance of \$8,100 to be paid from the Opioid Settlement Funds. Discussion – None. Motion passed.

### Request to accept copy of Last Will and Testament of Cynthia Taylor-

President Cole swore in Herbert Taylor and Lee Taylor. Herbert Taylor explained that the original will is in a lock box and that he can't get access to the original without starting probate. Legal Counsel asked if anyone was objecting to the acceptance of the copy. There being none, he recommended that the Commission grant limited permission to use the photocopy to begin probate with the stipulation that once the original will be obtained, it be presented in place of the photocopy. Commission Roberts made a motion to grant limited approval of the copy of the will. Discussion – None. Objections – None. Motion passed.

## Chief Deputy Johnn Evans - Requesting new position for a bailiff for Judge Tucker.

Sheriff William Nunley and Chief Deputy Johnny Evans appeared before the county commission to request new uniforms and badges for all Deputy Sheriff's for conformity with Deputy Sheriff's statewide. He explained that he's trying to get the department to appear more professional. After some discussion, Commissioner Chapman made a motion to purchase 52 pairs of uniform pants and new badges for the Sheriff's Department to be paid from the Opioid Settlement Fund.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION –November 6, 2024

Chief Deputy Evans stated that he would also like to hire a bailiff for the new Judge. He explained that the current bailiff will be taking a new position in the department in January and he would like to retain him as a brown shirt deputy as well. He would like to hire JJ Tompkins to get him trained and advertise for another bailiff. He explained that with three "brown shirts" he could potentially use these officers to free up some duties of other Deputy Sheriffs. Commissioner Roberts made a motion to create a new bailiff position and to fund that position out of General County and supplement that budget. Discussion – None. Motion passed.

### Commissioner Roberts -

**Creation of an approved Contractor List** - Commissioner Roberts explained that he would like to create a list of contractors. He feels this would help procure bids proactively. The contractors would be pre-vetted but would still be subject to the current bid procedures.

Financial assistance grant process – Commissioner Roberts would like to establish a uniform grant process. He would like to have stated timeframe and process for providing financial assistance. He proposes an established amount of assistance per year and per project. Commissioner Roberts proposed an advisory board to score applications then that board would make a recommendation to the county commission. Commissioners Chapman and Roberts made a recommendation that a plan be developed and it be approved at a future meeting.

**Golf course lease agreement** – Commissioner Roberts shared some concerned he received from the Golf Association concerning their lease with the county commission. He feels they are just uneasy due to the lease not being timely and asked that the lease be finalized with a 5% fee and a five-year renewal. Commissioner Roberts made a motion to approve the lease pending legal review of Legal Counsel. Discussion – None. Motion passed.

### **Commissioners Comments**

Commission Chapman - Kudos to the County Clerk's office for the recent election.

President Cole – At the request of Couty Clerk Robert Painter he wanted to thank all of the roughly 180 poll workers that worked on election day. President Cole state that it was a fast turnaround on election night.

### Adjournment-

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 10:26 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

### Attachments:

• None

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, November 20, 2024, and the meeting was called to order at 9:19 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., Commissioner D. Craig Chapman, County Clerk Robert Painter, and Attorney Greg Tucker.

Commissioner Chapman made a motion that they waive the reading and approve the November 6, 2024 regular meeting 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 Fire Board – Commissioner Roberts made a motion to accept the resignation of Angela Evans from the Nicholas County Fire Board. Discussion – None. Motion passed.

Public Comment - None.

## Estate of Shirley Ann Donelson File #11762 -

President Cole swore in Donny Donelson, Rhonda Legg, and Betty Donelson. There is a request to remove the administratrix of the estate, Betty Donelson. Donny Donelson presented some of the reasons he is asking for the removal of the administratrix. There was some disagreement concerning the value of some coins and other general disagreements between the heirs. After more arguing amongst the heirs, Commission Roberts stated that there seemed to be two options, either keep the administratrix in place or appoint the Sheriff to serve as Administrator of the estate. All heirs in attendance were in agreement to remove Betty Donelson as administratrix and appoint the Nicholas County Sheriff. Legal counsel, Greg Tucker wanted to clarify that the Sheriff would charge a statutory fee of 5% to serve as administrator. Commissioner Roberts made a motion to appoint the Sheriff as administrator of the estate. Discussion – None. Motion passed.

### Nicholas County Community Action-

Tamara Mullins and Anita Groves appeared before the County Commission to request financial assistance with a grant writing program. Mrs. Mullens gave a presentation on the success of last year's grant writing class and a non-profit collaborative group. They were applying for a grant for their non-profit collaborative group but it fell through at the last moment, so they are asking the Commission for a one-time contribution to fill the financial gap created. Commissioner Chapman made a motion to fund the \$5,000 request from the Coal Reallocated Severance Tax Fund. Discussion – None. Objections – None. Motion passed.

### Nicholas County Land Bank Ordinance-

President Cole presented the County Commission with a draft of a Land Bank Ordinance (attached) for consideration and for a first reading. President Cole explained the proposal was requested from our Economic Development Authority and other counties have passed such and ordinance. The ordinance would create a Land Reuse Agency for vacant, abandoned and tax delinquent properties. The Board would, via code, purchase such properties, refurbish them, and return them to market to get them back on the tax rolls. President Cole explained that the agency, once created, cannot force a person to sell their property. Commissioner Roberts state that he would like the agency to focus on main thorough phares throughout the county. Commissioner Chapman made a motion to waive the first reading of the ordinance. Discussion – None. Motion passed.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION -November 20, 2024

### Safe Structure Ordinance -

President Cole presented the Commission with a Safe Structure Ordinance. (attached) He began by reading from the proposed ordinance. The ordinance would grant the County Commission the ability to regulate unsafe or unsanitary structures. Commissioner Chapman clarified that the ordinance does not grant the County Commission the authority to seize anyone's land. He further stated that it would give the County Commission opportunities for seeking funding and to determine what is unsafe or unsanitary and needs cleaned up on someone's land and establish a process for remediation. Commissioner Roberts made a motion to waive the reading and approve the first reading of the ordinance. Discussion – None. Motion passed.

### Old Main Foundation Security Camera Request -

Tammy O'Dell with the Old Main Foundation appeared before the Commission to request funding to update their security system. She said the current system has no sound and is in black and white. She asked for \$1,000 or whatever the commission could do. She stated that \$1,000 would at least get security for the doors and they could later build off of that. President Cole said he had previously suggested a RING type system. After some discussion regarding office hours and opportunities for grants going forward, Commissioner Roberts made a motion to provide \$700 in funding for a security system. Discussion – None. Motion passed.

## Nicholas County Historical and Genealogical Society and City of Summersville -

President Cole explained that the Historical Society had been housing their inventory at the Hamilton house but the owner's had exercised their claw back clause and the Historical Society had to relocate everything. They had security storage for their items through the Board of Education but had to pay for packing and transporting everything to storage. The City of Summersville is willing to partner with the County to split the \$4,000 cost of a moving company to help the Historical Society. The City has already paid the \$4,000 and are asking for reimbursement of \$2,000. Commissioner Chapman made a motion to reimburse the City of Summersville for \$2,000. Discussion – Commissioner Roberts stated that this was a necessity and they had little choice but to help. President Cole explained that they had explored other options such as asking DRC to help but it would not work out. President Cole requested taking the funding out of Coal Severance. Motion passed.

### Remodeling 2nd Judge's Office -

President Cole started by saying that there was a need for additional remodeling for the Judge's office. He stated they while we are in the middle of renovation it's a good time to replace the carpeting and paint the walls in the area where the bailiff's desk will be. Commissioner Chapman said the best way is to ask the current contractor to do a change order for the additional work. After some general discussion regarding time restraints with the Supreme Court it was the consensus to have the current contractor provide a change order and cost estimate to be considered at the next meeting of the County Commission.

### Region IV Planning and Development Council-

Birch River Generator Project - Cassandra Lawson appeared before the County Commission with a FEMA Request for Reimbursement #4 Resolution #2 for the Birch River PSD Generator Project. She explained that there this is a payment to C2G Engineering in the amount of \$218,681.77 and that after this payment there is still roughly \$54,000 in their contract. She provided a general update on the status of the project and the funding breakdown. Commissioner Roberts made a motion to approve Reimbursement request #4 resolution #2 for the Birch River Generator Project. Discussion — None. Motion passed.

Cassandra Lawson remained in session to give the County Commission an update on the Birch River Keener's Ridge Waterline Project. She explained that the Birch River PSD was applying for a CDBG for a waterline extension project and as a part of that project the County Commission would need to be the sponsor for the grant with no financial commitment. Commissioner Chapman made a motion that the County Commission sponsor the Kenner's Ridge Waterline CDBG Project. Discussion — None. Motion passed.

Cassandra Lawson then presented the County Commission with some upcoming grant opportunities though the USDA to keep in mind going forward. She also gave the Commission an update on the course to create a comprehensive plan.

### **Executive Session-**

President Cole requested that the County Commission enter into executive session concerning a contractual matter. Commissioner Roberts made a motion to enter executive session at 10:55a.m. Motion passed. The County Commission retuned from executive session at 11:12a.m. with a motion by Commissioner Chapman and it was noted that no decisions were made in executive session.

### Chief Deputy Johnny Evans Update on Class B Uniforms-

Chief Deputy Johnny Evans appeared before the Commission as a continuation from the previous meeting. Chief Deputy Evans presented the County Commission with quotes for the cost of outfitting the department with Class B uniforms. The lowest quote was from Gall's for \$29,281 for the Class B uniforms, the rain gear, and the tourniquets for each Deputy. There was then some discussion regarding the need to officially bid the purchase and whether Gall's Inc had the state purchasing contract for uniforms which would negate the need to bid out the purchase. It was decided that Chief Deputy Johnny Evans would contact Gall's to determine their state purchasing contract status and report back at the next Commission meeting.

### **Commissioners Comments**

President Cole presented a letter from Governor Justice announcing the County Fire Protection funds are now permanent and the county is receiving a check for \$47,519.46 for fire department to split equally. President Cole also presented that Governor Justice had announced abandoned mine land grant funding which the Cranberry Tri River Trails had received \$1.298 million to improve 16 miles of trail and to build a campground. President Cole also presented a thank you letter from Drema Rose of the Old Main Foundation for the Commission attending their Flag ceremony.

Commissioner Roberts brought up that in the past two years there has been a one time pay adjustment for employees. He requested a special meeting on Monday November 25, 2024 to consider a pay adjustment this year. He also reaffirmed the new grant process and reminded people they would not be on the agenda but need to go through the grant process. Commissioner Roberts asked legal counsel to contact Norville Clark to ask him to provide an update on the co-op/food bank project.

President Cole presented a plaque for Rodney McClung, Maintenance Supervisor, for his upcoming retirement and thanked him for his years of loyal service and friendship to the county.

### Adjournment-

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 11:35 a.m.

Garrett Cole President

D. Craig Chapman

Gåry Roberts, Jr.

- Land Bank Ordinance
- Safe Structure Ordinance
- Birch River PSD Generator Project Pay Request #4

## MINUTES OF THE NICHOLAS COUNTY COMMISSION –December 4, 2024

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, December 4, 2024, and the meeting was called to order at 9:09 a.m. Present and in person were President of the County Commission, Garrett Cole, Commissioner Gary Roberts, Jr., Commissioner D. Craig Chapman, County Clerk Robert Painter, and Attorney Greg Tucker.

Commissioner Roberts made a motion to waive the reading and approve the November 20, 2024 regular meeting minutes and the special meeting minutes of November 25, 2024. Discussion – none. Motion passed.

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 Office Expiring -

Nicholas County Fire Board – No nominations were made at this time.

Public Comment - None.

#### Estate of Anna B Hayes File #10710 -

President Cole swore in Lisa Conley and Tina Massey. Brandi Brown started by explaining that the County Clerk's office had received an objection requesting the removal of the administrator of the estate, Donald Massey. Mr. Massey at this time has failed to return the appraisement. She further explained that in the objection that was file one of the complaints is that it is holding up the sale of real estate and that it is believed that Mr. Massey is either incarcerated or in rehab at this time. Mr. Brewster, attorney for heir Tina Massey, stated that all three heirs are in agreement to remove Mr. Massey and reiterated that it is holding up the sale of real estate. After some discussion regarding who would serve as administrator of the estate, Commissioner Robert made a motion to remove Donald Massey and require him to file a partial settlement before his bond is released. Discussion – None. Motion passed. Commissioner Roberts also made a motion to appoint Tina Massey as administratrix of the estate of Anna B Hayes. Discussion – None. Motion passed.

President Cole requested an amendment to the agenda to hear the 10:30a.m. agenda item at this time. Commissioner Chapman made a motion to amend the agenda.

### Representative of Rodney L LeRose Sr. Consideration of Property Donation-

Attorney James Milam appeared before the Commission on behalf of Rodney LeRose to propose the donation of the BB&T building to the County. He explained that Mr. LeRose would like to donate the building at not cost to the county. President Cole recused himself and appointed Commissioner Roberts as acting President. Mr. Milam stated that the donation would only include the building and not the drive through portion of the property. He also said that it would be ideal if the transaction occurred before the end of this year. Commissioner Chapman asked if the Commission could get a first right of refusal in the deed if the second half of the property was ever put up for sale. Mr. Milam said he would discuss that with Mr. LeRose. Commissioner Chapman said that the county was very much interested and that they would inspect the building and put the matter on the next County Commission agenda. No further action was taken.

## Norville Clark Executive Director of Five Rivers Cooperative, Inc.-

Norville Clark appeared before the County Commission at their request regarding an advance that the Commission had make to the Five River Cooperative. Mr. Clark explained that he was prepared to return

## MINUTES OF THE NICHOLAS COUNTY COMMISSION –December 4, 2024

the money that the Commission had advanced the Five River Cooperative to purchase a tractor. He asked to repay the money in two installments and agreed to sign an agreement to that effect which is hereto attached.

## James Gerwig - Sneeze Guard Purchase -

The County Commission had requested the appearance of James Gerwig concerning a sneeze guard he was constructing for the Circuit Clerk's office. Mr. Gerwig did not appear. Attorney Greg Tucker stated that he had sent Mr. Gerwig a letter and the letter did not come back. Commissioner Robert made a motion to serve a letter to Mr. Gerwig and place the item on the next meeting agenda. Discussion-None. Motion passed.

## **Bid Opening - Courthouse Plumbing Project**

President Cole started by saying that there were no bids received on this bid. He inquired of legal counsel what their options were since they received no bids. Attorney Greg Tucker replied that they could pursue the original bids that were received when the grant was in the application process.

## Amy Walker EPA Thriving Communities Grant -

Amy Walker appeared before the Commission to request that the County Commission serve as fiscal agent on an EPA Thriving Communities Grant for which she is applying. There would be no financial commitment on behalf of the County Commission. Commissioner Chapman made a motion to serve as fiscal agent for the EPA Thriving Communities Grant if awarded. Discussion – None. Motion passed.

## NCHSEM Director John McGinnis Application to FEMA for AFG Grant Consideration-

Nicholas County Homeland Security and Emergency Management Direction John McGinnis appeared before the Commission to discuss applying for a FEMA AFG grant to purchase an Air and Light Specialty Truck in the amount of \$690,000. Mr. McGinnis explained the truck could refill air tanks and would have high intensity lights and that the grant would require a 10% match. President Cole asked if Mr. McGinnis had the matching funds in his budget to which he replied affirmatively. The plan would be to sell the current support truck as well. Commissioner Chapman made a motion to approve Director McGinnis to apply for the FEMA AFG Grant. Discussion — None. Motion passed.

### 2<sup>nd</sup> Reading of Safe Structure Ordinance -

President Cole presented the Commission with the Safe Structure Ordinance and read selected portions from the ordinance which is hereto attached. There was general discussion regarding the ordinance. Commissioner Roberts stated that he felt this safe structure ordinance was a better alternative than any zoning ordinances. Commissioner Roberts made a motion to waive the reading and approve the 2<sup>nd</sup> reading of the Safe Structure Ordinance. Discussion – None. Motion passed. President Cole announced that there is a need to establish a public comment period and he directed for the public comment period to be on at the next regularly scheduled Commission meeting on December 18<sup>th</sup> at 10:30a.m.

### 2<sup>nd</sup> Reading of Land Reuse Ordinance -

President Cole again presented the Commission with the Land Reuse Ordinance. He read from selected portions of the ordinance which is hereto attached. President Cole stated he would like to amend section 3 of the ordinance to only pertain to county employees rather than county/municipal employees. No objections to the revision were made. Commissioner Chapman made a motion to waive the 2<sup>nd</sup> reading and approve the ordinance as amended. Discussion – None. Motion – passed. President Cole established the public comment period to be at the next regularly scheduled County Commission meeting on December 18<sup>th</sup> at 11a.m. He further requested the 3<sup>rd</sup> reading and final vote for both ordinances to be placed on the January 8: 2025 meeting agenda.

## <u>Discussion regarding West Virginia Courthouse Facilities Improvement Authority Grant Award –</u>

President Cole stated that the Commission had been awarded \$100,000 with a 20% match for the removal and replacing of old cabling for phones and internet. He said the Commission just needed to acknowledge application and contract for this project. Commissioner Chapman made a motion to acknowledge receipt of application and contract. Discussion – None. Motion – passed.

## MINUTES OF THE NICHOLAS COUNTY COMMISSION –December 4, 2024

### **Commissioners Comments**

Commissioner Roberts reminded the public about the lights in the park displays and encouraged them to vote for their favorite.

President Cole stated that all Commissioners had recently attended the WV Commissioners Leadership Academy.

### Adjournment-

Motion to Adjourn was made by Commissioner Roberts. Discussion – none. Motion passed and the meeting was adjourned at 11:01 a.m.

Garrett Cole, President

D. Craig Chapman

Gary Roberts, Jr.

- Agreement with Five Rivers Cooperative, Inc
- Safe Structure Ordinance
- Land Reuse Ordinance