

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 08, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, January 08, 2020. Present were: Commissioner Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd K. Adkins.

The first order of business was the election of President for the calendar year 2020. Commissioner Cole expressed his interest in serving in this capacity. Commissioner Adkins proceeded to nominate Commissioner Garrett Cole for President of the Nicholas County Commission for 2020 and within the same motion closed said nominations. Discussion - none

Upon a move by Commissioner Adkins, the Minutes of December of December 19, 2019 were reviewed and approved as presented. Discussion - none.

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

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

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

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

4-20 Commissioner Adkins moved to approve the listing of the holidays for the upcoming year as approved by the State of West Virginia. Discussion -none. A list of the holidays is herein attached to be recorded.

4-20 Upon a move made by Commissioner Adkins, the Commission set February 21, 2020 as the deadline for the submission of department budgets. Discussion - none

4-21 President Cole moved to reappoint Commissioner Lyle Neal to the Nicholas County Extension Service Committee as the agency representative of the Nicholas County Commission for calendar year 2020. Discussion - none

4-22 Commissioner Adkins moved to approve the Order designating payment of salaries and invoices, semimonthly. Discussion - none

Commissioner Adkins moved to appoint Commissioner Cole to sit on the New River Gorge Regional Development Authority as the agency representative of the Nicholas County Commission. Discussion - none

4-22 Commissioner Adkins moved to realign the terms of office of the Board Members to the Fenwick Mountain Public Service District and executed the Order that was prepared. Discussion - none

President Cole expressed for the record that for the Commission's regular meeting dates for calendar year 2020 that he was fine for the Commission to continue to meet on the first and third Wednesday's of each month, however during the month of July, that he would like to meet on the second and fourth Wednesday. The Commission was fine with that.

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 08, 2020

Appearing before the Commission - Region IV Planning and Development Council, Community Project Specialist Cassandra Lawson in reference to the Hinkle Mountain/Little Laurel Broadband Project

Ms. Lawson noted that she had some invoices together with Resolution #6 for the Commission's consideration to be drawn down from the Community Development Block Grant. The invoices included the following - Engineering/Technical Services for Thompson & Litton in the amount of \$14,770; Administration for Region 4 Planning & Development Council in the amount of \$3,193.42; Permits and Fees for WV Division of Natural Resources; and, Reimbursement to Region 4 Planning and Development Council in the amount of \$230.73. The grand total for Resolution #6 was \$18,269.15. Following a brief discussion, upon a move by Commissioner Adkins, the Commission approved Resolution #6. Discussion - none

Appearing before the Commission - Assessor Ernie Dennison

Assessor Dennison appeared to assist the Commission in the scheduling of the dates for the Board of Review and Equalization for February; and, to answer any questions they may have. Following a brief review, upon a move by Commissioner Adkins, the following meeting dates were set for the Commission to meet as a Board of Review and Equalization as follows: January 31 at 9:00 a.m., - Beaver District and Richwood Corporation, February 5 at 1:00 p.m., - Wilderness & Kentucky Districts, February 7 at 10:00 a.m., - Natural Resources & Industrial Properties, February 12 at 9:00 a.m., - Summersville District and Summersville Corporation, February 14 at 9:00 a.m., - Grant, Jefferson & Hamilton Districts, and February 19 @ 1:00 p.m., - any unfinished business and close. Discussion - none. It is being noted for the purpose of this record that said dates will be published in our local paper as a Class II-0 legal notice for two consecutive weeks.

Appearing before the Commission - County Clerk Robert Painter, II

Clerk Painter informed the Commission that he received the Official Ballot from the Nicholas County Board of Education. For the purpose of this record, the Official Ballot as received would authorize additional levies for the fiscal years beginning July 1, 2021, July 1, 2023, July 1, 2014 and July 1, 2025 in the total amount of \$4,083,954 annually. Clerk Painter conveyed to the Commission that they are not approving the levy, but rather giving its approval to go onto the county's ballot for the May 12, 2020 Primary Election. Upon a move by Commissioner Neal, the Commission approved for the Board of Education Ballot to be placed on the county's Primary Ballot of 2020. Discussion - none

PUBLIC COMMENT PERIOD:

It is being noted for the record that no one appeared for public comment.

Documents Attached:

Order Naming Commission President for 2020
Order Appointing Commissioner Neal to Nicholas County Extension Service Committee
2020 Holidays
Order Approving Payment of Salaries, Rents and Utilities Semimonthly
Order Realignment of Board Members' Term of Office to the Fenwick Mountain PSD
Resolution #6 Approval of Invoices relating to Design, Construction and other Services for the Hinkle Mountain/Little Laurel Broadband Pilot Project
The Official Ballot from the Board of Education of the County of Nicholas for Election to Authorize

0047-117

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 08, 2020

Being no further business to come before the Commission, the Commission adjourned its meeting until January 22, 2020.



Garrett Cole, President



Lyle Neal, Commissioner



Dr. Lloyd K. Adkins, Commissioner

Submitted By:

Patty Neff
Administrative Assistant

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, January 22, 2020. Present were: President Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd K. Adkins.

Upon a move by Commissioner Adkins, the Minutes of December of January 8, 2020 were reviewed and approved as presented. Discussion - none.

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

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

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

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

Upon a move by Commissioner Neal, the Commission reappointed Ken Summers to the Nicholas County Historic Landmark Commission. Mr. Summers will be serving a three year term of office expiring February 22, 2023. Discussion - none

Upon a move by Commissioner Neal, the Commission reappointed Thomas King to the Nicholas County Historic Landmark Commission. Mr. King will be serving a one year term of office expiring February 22, 2021 and will be serving as the agency representative of the Nicholas County Historical and Genealogical Society. Discussion - none

437 Upon a move by Commissioner Adkins, the Commission reappointed Haley Sharp to the Fenwick Mountain Public Service District. Ms. Sharp will be serving a six-year term of office expiring February 17, 2026. Discussion - none

Upon a move by Commissioner Adkins, the Commission reappointed Thomas Coleman and James Marsh to the Nicholas County Fire Board. Both gentlemen will be serving a three-year term of office expiring February 6, 2023. It was further noted for the record that this will be the second term on this board by both gentlemen of which afterwards they must go off. Discussion - none

Commissioner Adkins once again reached out to the public if they would like to be considered for a board appointment to please contact our office.

Appearing before the Commission - Deputy County Clerk Lisa Bailes

Mrs. Bailes appeared to present the ballot Commissioner and Alternate for both the Democratic and Republican Party's for the upcoming election. Ballot Commissioner Duane Bragg and Alternate Gary Jarrell were presented by the Democrat Party and Ballot Commissioner Benjean Rapp and Alternate Brenda BJ Gilbert were presented by the Republican Party. Upon a move by Commissioner Adkins, the ballot commissioners along with the alternates were approved as presented. Discussion - none

Appearing before the Commission - Nicholas County DHSEM Administrative Assistant Annette Taylor

At 9:15 a.m., at the request of Commissioner Neal, the Commission was to revisit the issue surrounding the radios which were purchased from grant proceeds. Commissioner

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

Neal stated for the record that due to absence of our DHSEM Director Shawn Wolford having a death in his immediate family, the Commission will lay this matter over to our next meeting to be held February 5. Commissioner Neal further conveyed for the record that his concern over the radios was that the radios were purchased five months ago and that problems occurred from day one upon installation. We have never had a representative from the company to come to work on anything and things go so bad that the Sheriff removed the radios from his fleet and placed back the old ones. Hopefully by our next meeting that he will have answers. Commissioner Adkins stated he felt that the radios should have been fully operational from day 1 while noting that the ball was dropped from the Kenwood company and that we would not be here today - no better off than what we were. President Cole noted that thanks to the efforts of Director Wolford and Aaron Kelly that one more attempt will be made. President Cole noted that one more extension to the grant itself has been made which will end March 31, 2020 before we draw down the monies and figure out what we will be doing with the radios.

Appearing before the Commission - Nicholas County Parks and Recreation Commission President Susan Hillary and Park Manager Emily Stasny

Ms. Stasny appeared to give a brief park update. She noted that the Christmas Lights in the Park went very well and noted they cleared \$1,000 in profit. She noted she was extremely happy for her first year at the park that they did so well.

Concerning the dining hall, Ms. Stasny conveyed that they received the Nicholas County Community Foundation Grant in the amount of \$4,250 which purchased the ice machine for the dining hall. She further noted that all of the equipment she noted last year has been purchased. She noted that before they consider it to be a complete renovation, they would like to purchase an industrial coffee pot, need some gutter on the back side of the building and a few drainage ditches dug and/or redirected. Concerning the fire suppression system, they accepted the quote received by Crest Supply and hopeful that they begin by the end of the month. However, she noted that the plans need to be sent off first to the State Fire Marshal's Office for its approval before Crest can proceed.

Ms. Stasny noted the next big attraction coming to the Park will be June 19, 20 and 21 when they will be hosting a softball or baseball tournament. As the date draws closer, more information will be made available.

The Commission thanked Ms. Stasny for the update.

Appearing before the Commission - Mark and Holly Shaw representing On the Go Mission

Mrs. Shaw noted they are nearing completion on the Day Reporting Center with all remaining is some exterior work. They just ran out of time before it became to cold. She noted that everyone's happy with how it turned out. She stated that a few groups have asked to join in their work as they move forward with other city vision projects and they remain hopeful that the workers at the DRC would be available to them when the time comes as part of their community service. Commissioner Neal noted he could foresee no problems. Turning the subject to the community of Birch River she conveyed just how much the homeless and drug problems have affected that community. Mrs. Shaw conveyed that she has been attending their Community Watch meetings and proceeding to help establish a ministerial alliance as opposed to everyone just trying to do something by their self. Along with Sheriff Nunley, Kim Westfall and some other people who live there, she has been working to help them move forward while noting that the biggest problem seemingly is the lack of police presence and in the same breathe stating that she does get it and why. She wanted the Commission to know that Birch River is being addressed as part of a countywide issue. She stated that both she and Mark have some other things they are working on but are not ready to disclose at this point, but felt it will be exciting when they are ready. Mrs. Shaw noted for the record that she had planned on bringing Pastor Carolyn Mash with Summersville Memorial United Methodist Church and Pastor Stacy was to be joining them today but because they were not quite ready to go there yet, she did not want to waste time. Commissioner Neal thanked Mr. & Mrs. Shaw for all they have done for the DRC as it was a tremendous inspiration to the staff and those individuals who are put there through the

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

courts. As a Chaplin with all kinds of training, she conveyed that she is trying to get on with the 911 operators to be able to go out and be apart of the community with first responders along side of Aaron Evans who is just about the only one doing that at this time that she is aware of, but also with just individuals if we felt there was a need that she could help with. All we need to do is call. On another subject matter she informed the Commission and the public about an event coming up at the police department being referred to as the Citizens Police Academy program. This is something that she is totally excited about and it is her intention to present this to there ministerial alliance. This event would be important for people in communities like Birch River who are taking it upon themselves to protect themselves to do so in a responsible way. President Cole thanked the couple for coming and noted they are always welcome.

At the request of the entire County Commission, the following matter was placed on the agenda for discussion and adoption of a Resolution designating Nicholas County as a 2nd Amendment Sanctuary County with special guests, Prosecuting Attorney Jonathan Sweeney and Sheriff William Nunley II. Sitting in: Deputy Sheriff Jarred Bennett and Deputy Sheriff Jonathan Sweeney and Commission Attorney Clint Bischoff

President Cole offered the floor first to our special guests. Sheriff Nunley went first by reading a letter he personally prepared for this occasion and was addressed to the Commission. He noted that the events that have occurred in surrounding states is disturbing and about a month or so ago he took a look to see what other states were doing and even looked at some Resolutions that were passed in other states. He gathered that which he had found and went to Prosecutor Jonathan Sweeney to see what Nicholas County could do. Prosecuting Sweeney felt that this subject matter had merit and together they worked on a draft Resolution of which they then submitted by email to the three Commissioners. Sheriff Nunley proceeded to read into the record his letter as follows. *Date: Wednesday, January 22, 2020 Reference: 2nd Amendment Sanctuary County, Good Morning Commissioners, I'm here today presenting to you my support for a resolution that will make Nicholas County a 2nd Amendment Sanctuary County. The events that have occurred in surrounding states is disturbing at the very least and I believe the right to keep and bear arms is a vital fundamental right serving to protect the citizens of Nicholas County. I have always stood for what I believe in and I swore to protect and serve the Constitution of the United States and the Constitution of West Virginia. I believe that good will always rises above evil even in the darkest of times. My father always taught me to stand strong for my beliefs or you will stand for nothing at all. I am a proud American Citizen and believe that this Country is the best in the World. However, I will not stand and allow a fundamental right to be infringed upon to the detriment of the Citizens of this County. I have looked evil in the face and with this resolution I am asking you to stand with me against this evil. One thing we as leaders of our great County cannot accept is failure: "Securing our right as law abiding citizens to protect our inherent right of self-defense and our rights given to us under the Constitutions." As your elected Sheriff, I took an oath many years ago, in particular to uphold the 2nd amendment, the constitution of the United States of America and the constitution of the Great State of West Virginia. I refuse to enforce any laws or orders that I deem unconstitutional. I ask and encourage the Nicholas County Commission to adopt this resolution that has been put forth today. "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." "History does not long entrust the care of freedom to the weak or the timid"~President Dwight D. Eisenhower~. Sincerely, Sheriff William F. Nunley, Nicholas County Sheriff* In closing, Sheriff Nunley encouraged the Commission to endorse the Resolution before them. He further recommended for the Commission to take advantage of this for infrastructure through other businesses relating to firearms that may be looking to come to our state to look at Nicholas County. Sheriff Nunley believed this to be a time to entice some businesses which would lead to good working jobs for hard working West Virginian's, Nicholas Countians as we have very hard working citizens in our county.

Prosecutor Jonathan Sweeney noted that they were here asking the County Commission to support them, to unify with he and Sheriff Nunley on behalf of the 2nd Amendment Sanctuary County. In 1776 as we know in Philadelphia, the framers of the Constitution got together and they kind of came up with this idea, this novel ideal of a

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

Constitution. And this has been a living document since then. Those rights, that second amendment right has been in place since then. The second amendment the United States it protects the individuals right to keep and bear arms. In the District of Columbia vs. Heller 2008 the Supreme Court case, affirmed this right. It is the first time that they had affirmed the right to keep and bear arms. And that's why we are here today. We're asking you to adopt this Resolution and that you put the letter of recommendation or letter of support in the record today as presented by the Sheriff. Further, that the Commission votes yes on the Resolution. Prosecutor Sweeney stated that the things going on in the nation at the federal level and the state level in his opinion are infringing upon our right to bear arms as citizens here in Nicholas County. If you would read the second amendment of the United States Constitution it says that a well-regulated militia being necessary to the security of a free state, the right of people to keep and bear arms shall not be infringed in any way. If you look at that text, and you read it as a constitutionalist, nowhere in there does it say that we can't have certain types of weapons. And that's what they are talking about. It says the right to bear arms. If you read in Article 3 Section 22 of the State Constitution it says, a person has the right to keep and bear arms for the defense of self, family, home and state and for lawfully hunting and recreational use. No where in either of those sections of the United States Constitution or the West Virginia Constitution does it talk about specific weapons. It talks about firearms. For that reason we ask that you join both he and the Sheriff in this Resolution and for the Commission to pass it unanimously, to protect the infringement of this second amendment right that has been here and in place in this living document, the Constitution since 1776. Prosecutor Sweeney ended his presentation.

Commissioner Neal noted that he was 100 percent behind both gentlemen and the county as a whole. He believed it shameful that it has come to this as a county. We have a government that supposedly is standing up for us and taking care of us while noting they are losing touch. He was in total support. Prosecutor Sweeney noted that their pledge to the Commission and the citizens of Nicholas County was in this Resolution that the Sheriff would not enforce any laws that come from our state legislators or the federal government that infringe upon what they believe that the second amendment right to be and to mean. Commissioner Neal noted that each and every elected official took an Oath to uphold the Constitution. If that Oath doesn't mean anything then we cannot act like it does. Sheriff Nunley elaborated that not only what the Resolution will instill, obviously, we are not going to enforce anything that's unconstitutional. It will also send a message up the chain. It's going to send it to Charleston and to D.C., that this is where we stand, we stand with our citizens.

Commissioner Adkins conveyed that he did wholeheartedly supports the Resolution. He believed there was a reason that is was number two in the Amendments along with our Freedom of Speech and those things being number one, and that they were rated by importance, to what was important to them then and for us now. He further noted that this Constitution has lived as the Prosecutor stated. In his drive in this morning he did hear on the radio that the NRA should relocate to West Virginia from Virginia since that seems to be where all the issues seem to be. Perhaps they will come to an area that's more welcoming, because certainly we do have that right to defend ourselves. He further commented that our forefathers fought for this and gave their lives that we have this and that's why we are here today, we need to support it.

President Cole stated that he was excited to see a bipartisan effort in support of the second amendment, while noting there to be three democrats and two republicans. He stated he believed this to be a fine example to send up the chain as well that you can actually govern with both parties. He went on to state what he would like to be the county's second amendment almost - a well-regulated militia being necessary to the security of a free county. Not only the state but also the county. I believed that was needed to make a policy here today. The top two legal officers of this county came to us in full support of this. They researched this and we shouldn't have any liabilities of federal or state funding cut, but we are ready to fight if that was to ever come to us. And he appreciated their willingness to protect county resources. The citizens tax dollars don't need to be put into deputies doing illegal things just because the state or federal government tells us to do it. With that being said, he conveyed to both Sheriff Nunley and Prosecutor Sweeney his appreciation for being here and for what they have done over the past three to four weeks. President Cole noted that this has been a long time in coming and was glad that we were finally getting it done. For the record he noted that

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

this was a Resolution and is not required to have a first, second or third reading. He did ask for a motion to waive the reading. Upon a move by Commissioner Adkins, the Commission waived the reading of the Resolution being proposed. Discussion - none Upon a move by Commissioner Neal, the Commission approved the Resolution. Discussion - none. With motion passing unanimously, the Resolution is herein attached to be recorded.

Upon a move by Commissioner Adkins, it was so moved that the Sheriff's letter of support be placed into the record, for official keeping. Discussion - none

The Commission thanked both Prosecutor Sweeney and Sheriff Nunley for coming and everyone else that attended today's proceeding to show their support.

Appearing before the Commission - Sheriff William Nunley

On a separate matter, Sheriff Nunley stated that he has been exploring possibilities to enhance his department's office space as the courthouse has limited space with everyone being at capacity. He further noted that even the Commission's hearing room was small. He noted that within his law office that they were really cramped. He conveyed that our building which houses the DRC, that the top floor was pretty much opened, while noting that the space was very large. Sheriff Nunley noted that he would like for the Commission to take a hard look and explore some options of being able to utilize that space in allowing him to move some offices and use the top floor of that facility in a more efficient manner. Even to use one half of the top floor would probably fit their need. Commissioner Neal even stated the need for a large conference room. Following a brief discussion, President Cole recommended a working committee for instance the Clerk, the Sheriff and himself by putting together a plan and then come back before the Commission for consideration. President Cole noted that as they discuss plans, that any one of the committee can keep the other two commissioners in the loop as they go along.

At the request of President Cole, the next agenda item was consideration of a County Internet Resolution

President Cole noted that he probably should have clarified this better on the agenda. He noted that basically, how the Resolution reads is that Frontier Communications is the large majority provider of Internet service within Nicholas County. He personally has had more complaints about Internet service than roads or water systems. President Cole stated that he wanted to make this very clear that his intentions of writing this Resolution and he hoped it to be the intentions of this Commission should it pass, a statement to be directed to all our legislators, President Carmichael of the Senate and Speaker Hanshaw of the House of Delegates, that Frontier Corporation has failed this county, not the local technicians and representatives who work with what Frontier Corporation of Connecticut is supplying them with, rather than what they actually would like to get done. Frontier received over 120 million dollars in state funds that we can't even account for any progress in our service in this state. He noted there to be a lot of legal issues going on that he is not looking to get the county involved in. But he did want to bring awareness to all our senators and delegates. Nicholas County has several citizens who try to work from home and we have a lot of students and the school system itself who is trying to get more on-line based homework and schooling and things like that, and rightfully so, and these kids need better Internet services to be able to compete one day. Decoding and things online is what we are going to. Its sad that we are going away from coal and timber, but the markets are just deciding that. But we need to be ahead of the game rather than behind the game for these kids and for the people who are already working from home.

Commissioner Adkins conveyed that Frontier is his provider and he does have Internet while noting it is hit and miss. His speed typically is about 1 to 1 ½ . He noted that it has not improved but only has gotten worse. He stated that the federal government as part of the stimulus plan to bring us out of the depression committed 4.7 trillion dollars across America to improve our broadband and believed that West Virginia received around 120 million dollars of that. Frontier won the Contract for this. Currently there is a lawsuit in Federal Court and that CityNet is doing the lawsuit representing the people because of what has gone on. There was suppose to be 1,000 destinations being wired with middle mile which means lets other people who are working with the Internet

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

access and providing competition. Whereas Frontier did according to the lawsuit they did the final mile, which excludes and hurts competition and hurts our state. There was a lot of miles of fibernet that was suppose to have done that didn't get done, and yet they were paid. He noted that some of our representatives are named in that lawsuit also, because those invoices were paid. Then there is a possibility of Frontier filing bankruptcy. Commissioner Adkins further noted that the government taxes those monies go first. They are filled first with the monies that are left. He did hear this morning that Frontier says they are staying while listening to the news as he drove to today's meeting. People in West Virginia including Nicholas County has suffered as a result from what has gone on. Commissioner Adkins stated that it was time that they make things right. And we should ask that they make things right as they should have.

Commissioner Neal stated that he lays in part the blame on several other people other than Frontier. If other people would have done their job and held them to their standards like their suppose to, that Frontier has gotten by with this for so long, all they know is raises. He knows hundreds and hundreds of people that gripes and moans, but we all should be calling and raising cane to our elected officials. He noted that we have the best connection to the moon but not here in Nicholas County and that's just how it is.

President Cole noted that to those who will be receiving this Resolution being proposed here today we are asking for them to take whatever actions as deemed necessary to pressure Frontier to improve their level of service and ability to Nicholas County citizens and/or continue to create a more level playing field through legislation in 2020. We shouldn't be picking winners or losers. The federal, state and county governments have all shown that we are not economists. We do not know how to pick winners or losers and so they need to let other competitions come in and let the market decide.

President Cole asked for a motion to waive the reading of the Resolution. Upon a move by Commissioner Adkins, the Commission waived the reading of the Resolution. Discussion - none

Upon a move by Commissioner Adkins, the Commission approved a Resolution as it pertained to Frontier Communications. Discussion - none

It is being noted that the Resolution is herein attached to be recorded.

Appearing before the Commission - Director Tammy O'Dell, Retired Senior Volunteer Program

Ms. Barr thanked the Commission for affording her the opportunity to come before them and proceeded to introduce herself to the newer Commissioners as it has been a few years since she last approached the Commission for funding. Ms. O'Dell conveyed she is now over six counties serving Nicholas, Braxton, Fayette, Greenbrier, Pocahontas and Webster Counties. She noted that in Nicholas County she has over 107 volunteers who serve in places such as nursing homes, school programs, they work with nutrition sites, the pantry, just to name a few. The RSVP is nonprofit organization. Ms. O'Dell conveyed that she is going to every commission promoting the File of Life project and requesting \$1,000 from each of her counties to keep this important project continuing within each respective county. This project is a card which contains vital personal medical information and is kept on the outside of the resident's refrigerator in a bright red magnetic pocket, readily and assessable to EMT's when they arrive on an emergency call. The medical card lists the patients emergency medical contacts, health problems, medications taken, allergies, recent surgeries and more. A door decal is placed on the outside door to notify arriving EMT's. Ms. O'Dell noted that she actually goes around to non-profit organizations to hand these out. The File of Life is also handed out to seniors and anyone with a disability. She noted that this has been proven to save several lives and conveyed that emergency rescue teams know what to look for and where to go to view this information. Local contributions stay within the donating county. She conveyed that the Commission has contributed in the past years and she would ask to be given their utmost consideration when working on their budget. She noted that her senior volunteers are active and involved and they do help distribute the Files of Life here in our county. In closing, the Commission thanked Ms. O'Dell for all she is doing for Nicholas County and will keep her organization in mind when they begin working on the budget. They extended their appreciation for coming by today.

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

PUBLIC COMMENT PERIOD:

It is being noted for the record that no one appeared for public comment.

Documents Attached:

Order appointing Haley Sharp to Fenwick Mountain Public Service District
Letter of Sheriff Nunley re: 2nd Amendment Sanctuary County
Resolution re: 2nd Amendment Sanctuary County
Resolution re: Frontier Communications

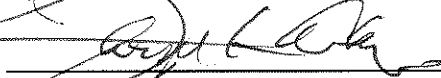
Being no further business to come before the Commission, the Commission adjourned its meeting until February 5, 2020.



Garrett Cole, President



Lyle Neal, Commissioner



Dr. Lloyd K. Adkins, Commissioner

Submitted By:

Patty Neff
Administrative Assistant

MINUTES OF THE NICHOLAS COUNTY COMMISSION - FEBRUARY 5, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, February 5, 2020. Present were: President Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd K. Adkins.

Upon a move by Commissioner Adkins, the Minutes of January 22, 2020 were reviewed and approved as presented. Discussion - none.

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

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

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

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

Before getting too far into the agenda, President Cole requested to amend the agenda to allow for Director of New River Gorge Regional Development Authority Joe Brouse to talk about the subject matter of medical marijuana. He noted that the Commission would be meeting on this topic during a special session on Friday, but Mr. Brouse had a previous engagement and would be unable to attend. The Commission voiced no objection and Mr. Brouse thanked the Commission for this opportunity to speak.

Mr. Brouse conveyed that on Friday, Lisa Gale from his office will be on hand along with the Administrator of Raleigh County whose county voted to move forward with this venture and who can explain better in detail procedures and compliance with the code books should Nicholas County decide to move forward under the Medical Cannabis Act. Mr. Brouse touched upon the economic aspect with the window of opportunity to make application soon expiring, his office began to receive a few calls from companies. Different companies were shown properties available here in Nicholas County particularly for the dispensary end of it. He noted that the dispensary will typically look like a pharmacy and the size having more or less 4,000 square feet. He noted the employment there would be 15 to 25 jobs. There would need to be elaborate security systems. The companies he has been working with have struggled to find properties to suit their needs, however there are other companies that he is not working with, who have been looking as well. Should the companies find themselves competing for a license, it will be necessary for this Commission to formulate a letter saying that it is allowed. Subsequently, approval from the Health Department is likewise needed. Mr. Brouse stated to the Commission that he was hopeful to be able to land some retail space here in Nicholas County. He went on to say that the grow processing facilities seem to have more jobs which will require bigger buildings and more acreage which is a challenge all across the region. Mr. Brouse conveyed to the Commission that the other three counties within his Region has acted upon this positively. He did not want to over sell this noting that only 10 of these entities are going to get licensed while noting it to be a highly competitive application process. It was stated for the record there will be 100 dispensaries, ten grow/processing facilities and believed that the ten grow/processing facilities can have up to two locations. Mr. Brouse conveyed that Jeff Miller will be appearing at the Commission's Special Meeting on Friday who will be providing a better understanding in respect to what is being asked of the Commission. President Cole noted it to be his understanding that when a company comes before us we must take action in writing either yea or nay to allowing them to come into Nicholas County and Mr. Brouse responded that was correct. West Virginia Code does not permit a county to tie themselves to one particular company. Mr. Brouse noted that the Application with the

February 5th PAB

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

State alone is \$50,000 and that a company must show that they have a couple of million dollars in capital and demonstrate that companies have locations lined up. On a different note, Mr. Brouse stated that New River Gorge Regional Development Authority will be bringing its Outdoor Economy Initiative meeting to Summersville in March. Details of this meeting will be forthcoming. Mr. Brouse thanked the Commission of their time, and the Commission thanked him for coming by.

Concerning the vacancy on the Nicholas County Board of Health, President Cole noted that he had been contacted by Shauna Shafer and that she was interested in filling that vacancy. Upon a move by President Cole, the Commission appointed Shauna Shafer to the Nicholas County Board of Health with term of office to expire on June 30, 2024. Discussion - none. It is being noted for the record that Mrs. Shafer will be filling the expired term of Joseph Hoffman.

It is being noted for the record that previously, Executive Director Joe Brouse with New River Gorge Regional Development Authority telephoned into our office to remind us that the Commission needed to appoint a person to the newly established New River Gorge Trail Authority Steering Committee. President Cole noted that he was contacted by Michael Moore from Richwood who was interested in serving as the Commission's agency representative on this Commission. Upon a move by Commissioner Adkins, the Commission moved to appoint Michael Moore as its agency representative to the New River Gorge Trail Authority Steering Committee. Discussion - none

Appearing before the Commission - County Clerk Robert Painter II
Clerk Painter appeared to get the Commission's approval to increase the pay going forward for poll workers an additional \$35.00 with a little more going to those individuals pickup and the return of supplies the day of an election. In addition, Mr. Painter asked for a \$1.00 raise for the early voting workers. He noted the cost per election would average around \$4,000. Clerk Painter noted it was a modest rate but keeps us comparable to other counties. Upon a move made by Commissioner Adkins, the Commission granted the increase in pay for poll workers. Discussion - none

At the request of the Commission they revisited the radios. Appearing was Nicholas County Homeland Security and Emergency Management Director Shaun Wolford. Mr. Wolford gave a quick update on the Kenwood radios in which he stated, long story short that the firmware fix seems to have solved the most glaring issues - the scanning issue back and forth from conventional and digital channels. Both he and Aaron Kelly has found no issues whatsoever. As it currently stands the radios are in a software tweaking mode. While everything seems to be functioning as it should be. He noted that by the end of this week or next week, they plan to do the roll out to the city's police departments of Summersville and Richwood who still have the radios installed in the vehicles. Since the Sheriff's department removed its radios and reinstalled the Motorola's it may be a different schedule for them. He noted he did not want to speak for anyone else, but noted that Mr. Kelly is the Sheriff's IT person and he feels solid and good that everything is fine. It is hopeful in the coming weeks that the Sheriff's Department will give its permission to proceed in placing the Kenwood's back into the cruisers and be good to go. The Commission thanked Director Wolford for coming in.

At the request of President Cole, the Commission was asked to consider a Resolution concerning the Business & Inventory Tax and the legislative push to do away with said tax. President Cole noted that it was a legislative push to do away with this tax. The Resolution being proposed was sent tot he County Commissioner's of WV Association after review in house and to our counsel and they were very favorable for us in taking this measure to help put pressure on our legislatures to really step back and think about what they were doing with repealing this. He went on to say that his fear is that they will do this one year and then we will be looking at property tax reform and that every citizen in Nicholas County will pay what industries are already paying. He noted there to be a better way to handle this than to completely wipe it out.

February 5 ^{Page}

MINUTES OF THE NICHOLAS COUNTY COMMISSION - JANUARY 22, 2020

Commissioner Adkins expressed his thoughts in saying that most of our county corporations, the large ones are mostly out of state or multi-national corporations that are much more able to pay the tax than the local tax papers that it would be shifted to, and we do not feel this is correct in putting additional burden on our local taxpayers.

Commissioner Neal stated that he hates to pay taxes and has been in business for forty-six years. But nevertheless, he would rather pay this business and occupation tax rather than to see it taken away from the citizens of the county. We already know that our land taxes in the county are going to double, while some will triple and higher, and he likewise is not in favor of taking care of out-of-state people. He noted he supports the Resolution 100% to keep the taxes off of the people in West Virginia.

Following discussion, President Cole read into the record the Resolution, with said Resolution being attached to be recorded to be made apart of this record.

Upon a move by Commissioner Adkins, the Commission adopted the Business & Inventory Tax Resolution, that the West Virginia Legislature pass no legislation that would cause the hard working citizens of Nicholas County, West Virginia, and each and every other citizen of the State of West Virginia, to be forced to pay increased property and other taxes, and that the said legislature take no vote to remove, rescind or otherwise reduce the business and inventory tax without feasible and adequate funding alternative to compensate the loss of the public funds needed by Nicholas County, West Virginia, to adequately fund its law enforcement, social services, and education budgets.

Upon a move by Commissioner Neal, at 9:45 a.m., the Commission recessed its meeting to attend a meeting with the Nicholas County Building Commission. Discussion - none

Upon a move by Commissioner Adkins, at 11:10 a.m., the Commission reconvened its meeting. Discussion - none

PUBLIC COMMENT PERIOD:

It is being noted for the record that no one appeared for public comment.

Documents Attached:

- Resolution concerning the Business & Inventory Tax
- Order of credit issued to Beatrice A. Hawkins
- Order of credit issued to Ralph E. & Mary Lou Meadows


Being no further business to come before the Commission, the Commission adjourned its meeting until February 19, 2020.



Garrett Cole, President



Lyle Neal, Commissioner



Dr. Lloyd K. Adkins, Commissioner

Submitted By:
Patty Neff
Administrative Assistant

MINUTES OF THE NICHOLAS COUNTY COMMISSION - FEBRUARY 19, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, February 19, 2020. Present were: President Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd K. Adkins.

Upon a move by Commissioner Adkins, the Minutes of February 5, 2020 were reviewed and approved as presented. Discussion - none.

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

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

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

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

Appearing before the Commission - Summersville Public Library Interim Director Cynthia Hagan and Craigsville Public Library Director Jo Ann Flynn. Absent was Richwood Public Library Director Robin Bartlett

The ladies appeared to request budgetary consideration for the libraries as a whole. Ms. Hagan reminded the Commission how the West Virginia Library Commission funding works. Ms. Flynn noted that their services are used more today than ever but their funding keeps dropping with tax-based money. Speaking on behalf of Richwood Public Library, she did not believe that they will be able to meet their local match, nor will she be able to meet her match for Craigsville. Ms. Hagen noted there to be three benchmarks they must meet - expenditures meaning they are required to spend the same this year as they have spent over the past three years. They are required to get one half of what the state donates to them in tax-based money. The rest they can fund-raise. They must also provide certain services such as open certain hours during the week, certain things available to the public such as copies, faxes, etc. While Ms. Flynn noted it would be great if the Commission could see its way clear in giving each Library \$5,000, she alone needs \$3,684 in order to meet her tax base match. She went on to say that she did not have a municipality to help her out like that of Summersville and Richwood. She also wanted the Commission to know that they will be instrumental in helping out with the Census by providing space for census recruiters and space for training. Ms. Hagen conveyed to the Commission that Summersville Public Library does meet its match and if they are unable to receive funding from the Commission, that their state funding is secured. She asked that special consideration be given to both Craigsville and Richwood Public Libraries. Commissioner Adkins noted that he had thought at one time that the Richwood Public Library was included within the city's levy and that he would touch base with Ms. Bartlett for a better understanding. Commissioner Adkins noted that we are coming into our budget season and that the Commission will give the libraries its utmost consideration. The Commission thanked the ladies for coming in.

PUBLIC COMMENT PERIOD:

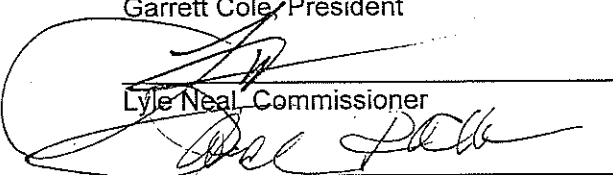
Eldon Collins came before the Commission to comment on the Proposed Fire Fee. He noted that he is 100% for the fire fee and thought it would be \$35.00 for everyone. The only thing that does bother him is on the commercial rates. He could recall back when he was self employed and had four employees working for him which in turn brought

MINUTES OF THE NICHOLAS COUNTY COMMISSION - FEBRUARY 19, 2020

money into the county and his employees paid taxes and so on. He believed that their fire fee should fall under the same rate as everyone else. In addition, he wondered how the collection process would go for people who did not pay their fee. President Cole broke protocol and responded to Mr. Collins inquiry that per State Code, they cannot place liens on individual properties. So with that being said, should a person not pay their fee, and have a car wreck, fire or a billable incident, then they are liable for said bill from the fire service provider which could be upwards of \$1,500 that is currently in existence and is authorized by West Virginia Code §7-1 3d So if a person pays their fee, fire departments cannot bill. Otherwise, fire departments have the authority to recoup their costs per incident. Mr. Collins inquired how will the proposed fee be invoiced. President Cole conveyed that every three years the Assessor must reassess structures. When it comes to the part about register voters in determining if the fee will go into affect, that they have the option of signing a Petition whether for or against the fire fee. The fee will be levied on residential structures and commercial buildings. Farm buildings, barns, garages and the like are all exempt. Mr. Collins inquired who would be preparing the Petitions and President Cole responded by saying that he was certain that the fire departments would be taking around the Petitions For the Fee and while he could not say who on Petitions Against the Fire Fee, he felt certain that there will be a few people generating those to sign as well. Commissioner Neal noted that last evening, at Craigsville Fire Department, Petitions for the Fire Fee were handed out to the Firemen to take around in their community for signature. In order for the Fire Fee to pass, they needed 1,604 signatures. If people were against the fee, they just would not be signing that particular petition. Mr. Collins reiterated that he would like to see all commercial properties to be treated with the same fee as residential. President Cole conveyed back to him that he could respected his opinion. He went on to state that while the fee will not affect that which the City of Summersville bills and collects for within the boundaries of its municipality, the county will bill and collect the fee on Summersville's run area outside of its municipality and the monies collected will be directed back to the City of Summersville in its entirety. Commissioner Adkins conveyed that there are all sorts of ways small businesses are affected by different types of taxes as he himself is a small businessman while noting things you must pay such as unemployment and workers compensation. President Cole noted in a conversation he had with the Fire Chief of Craigsville, they have concessions, they play Bingo weekly and they have two to three evenings of preparation for the Bingo and they can still only bring in around \$200.00 and that is workers compensation for one run. So for all that work for one week they can go on one run while noting that the Craigsville Fire Department responds to more than 250 calls annually. The Commission did thank Mr. Collins for coming in and for his concerns. President Cole stated to Mr. Collins that his concerns would be taken into consideration.

Being no further business to come before the Commission, the Commission adjourned its meeting until March 04, 2020.


Garrett Cole, President


Lyle Neal, Commissioner


Dr. Lloyd K. Adkins, Commissioner

Submitted By:
Patty Neff
Administrative Assistant

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 04, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, March 4, 2020. Present were: President Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd K. Adkins.

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

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

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

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

Appearing before the Commission - County Clerk Chief Betty Griffin representing the courthouse non-civil service employees on the Nicholas County Wage and Benefit Review Board. Chief Griffin appeared to revisit consideration for an employee salary increase. At the end of 2018 she informed the Commission that she was asking on behalf of the employees for a \$100 increase. Since the Commission will soon be working on the upcoming budget, she was hopeful that this will be taken into consideration. This would mean an overall increase to the General Fund of \$66,000. Under the 911 Fund it would be an increase of \$19,700 and from the Assessor's Two-Percent Fund the increase would be \$5,647. Commissioner Neal noted that in 2018 the county did not have the money, while noting that currently he felt that we could see our way clear. He noted that many people fail to realize that these are the employees who have ten percent of their salary to keep this courthouse opened and they are the only ones who never received their money back and they are so deserving. Commissioner Adkins stated he still would like the opportunity to review the budget. President Cole noted he was in favor of the raise while noting that the county has been watchful for the past three years and the revenue as was mentioned by Commissioner Neal will be there while noting its not just the tax on the pipeline which is just temporary. Commissioner Neal went on to thank Clerk Painter and Assessor Dennison for taking due diligence in finding the path to make this work. In addition, for anyone else who assisted as he did not wish to slight anyone. It is being noted for the record that no official action was taken at this time.

Appearing before the Commission - Sheriff William Nunley II
 Sheriff Nunley appeared to discuss two grant applications with the Commission with the first being from the Saint Patrick's Day Parade. He noted that last year the Saint Patrick's Day Parade offered a mini grant of \$5,000 of which he applied for and received toward the purchase of a side by side for his department. He noted the money was deposited in the General Fund where it remains today. What he was interested in doing was to apply for this grant this year asking for another \$5,000 and should they be fortunate enough to secure said funding he believed it to be enough money secured to make the purchase. He noted having an addition to his fleet of a side by side would be very beneficial for community events and emergency's. He noted that the deadline for applying to be April 15 and he would like to be able to proceed in filing the grant application. Upon a move by Commissioner Adkins, the Commission authorized the Sheriff of Nicholas County to proceed with the submission of the grant application with the Saint Patrick's Day Parade in the amount of \$5,000 toward the purchase of a side by side. Discussion - none

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 04, 2020

Concerning the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG), Nicholas County was awarded \$21,974.00 for body cameras. However, since the award was made, one of the in car cameras went out and he would like for the county to see its way clear in purchasing a new in car camera in the amount of \$6,186. Sheriff Nunley noted that both the in car cameras and body camera's work together and both are top of the line. It is being noted that the Commission was in agreement and that the purchase of the in car camera would come from the county's Coal Severance Fund. Upon a move by Commissioner Adkins, the Commission approved funding one In Car Camera in addition to one Transfer Station for an overall total of \$6,186.00 to replace the loss. Discussion - none

Appearing before the Commission - County Clerk Robert Painter II
Clerk Painter noted that a couple of weeks ago he made a request to raise the pay for poll workers of which the Commission so Ordered. In doing so, Clerk Painter stated that he had overlooked the ballot commissioners' pay. It has since been brought to his attention that in 2016 when the county was having its financial trouble, the ballot commissioners at that time took a pay decrease. He noted he would like to raise their pay from \$35.00 per day to \$50.00 per day. Upon a move by Commissioner Neal, the Commission agreed to raise the pay of the ballot commissioners from \$35.00 per day to \$50.00 per day. Discussion - none.

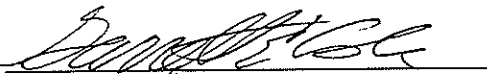
PUBLIC COMMENT:

It is being noted that no one appeared to offer public comment.

Before closing, President Cole wanted to thank New Beginnings Church of Summersville, Pastor Stacy and other congregation for the breakfast that was provided to the Commission, our staff and some other folks who were here this morning.

President Cole further wanted to remind everyone that on Friday, March 6 will be the anniversary of the Hominy Falls Mine Disaster. Mainly Nicholas County residents, 21 miners survived and four did not. He urged Nicholas County residents to take a moment to remember miners both past and present.

Being no further business to come before the Commission, the Commission adjourned its meeting until March 18, 2020.


Garrett Cole, President


Lyle Neal, Commissioner


Dr. Lloyd K. Adkins, Commissioner

Submitted by:
Patty Neff
Administrative Assistant

0047-467

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 18, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, March 18, 2020. Present were: President Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd Adkins Sitting in: County Commission Attorney Clint Bischoff

Commissioner Adkins moved to approve the Commission minutes of February 19, 2020, Special Meeting of February 7 and March 04, 2020. Discussion - none

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

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

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

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

President Cole noted for the record that the Commission is still looking for three members of our Nicholas County E-911 Advisory Board. He noted that you must be a citizen that is not connected to any immediate form of emergency services. Interested parties may call the office here or contact our OES Director Shawn Wolford.

President Cole went on to say that the first case of the Coronavirus has been found in West Virginia. The Nicholas County Commission does not intend to close the courthouse at this time, but has offered temporary relief packages to employees who have been designated as being at greater risk of further medical complications from contracting COVID-19, such as those with respiratory or other preexisting conditions. He added that last week a notice was sent out, although he is not sure it will hit the paper or not, explaining how county business may be carried out on line rather than coming in person. With this in mind, the hope will be to limit foot traffic, in order to be able to keep the courthouse open so that vital county services will not be hindered. He noted that if you have any business with the County Commission to call 304 872 7830; County Clerk 304 872 7820; Assessor 304 872 7800; Sheriff's Law Enforcement 304 872 7880; Sheriff's Tax Office 304 872 7842; Circuit Clerk 304 872 7810; Prosecuting Attorney 304 872 7870 and Emergency Management at 304 872 7892. He conveyed that we are going to try to keep moving forward as a county and give a little bit of normalcy to people as time goes on here. At the present time, paying taxes, fees or handling documents by phone, mail or internet would be preferable. He went on to say that the Commission will be having an emergency meeting today, at noon. Pending the decision of the County Commission, there will be discussion to address the online tax payment that the citizens have the option of already doing, and the fee associated with paying on line. He concluded by saying none of the decisions being made by this Commission, at this time, are permanent, and many of them are being made as time evolves and more information comes out. President Cole also addressed the questions being asked as to where the citizens are able to sign the petition concerning the fire fee. He noted that the Chiefs of every Fire Department have the petitions, as well as the County Commission office.

At the request of Commissioner Neal - revisit employee pay raises from previous meeting
Present for this meeting: County Clerk Robert Painter, Chief Deputy Clerk Betty Griffin and Sheriff William Nunley

Commissioner Neal conveyed that the only thing he wanted to do was make sure the ball was not dropped concerning this issue. He added that he had promised this raise to the people of this courthouse. He noted, that as far as having the money available to cover this payroll increase, the money is here. He conveyed that there is another tax that is coming in and we do have the money for this raise. Commissioner Adkins noted that he does support this raise and his only thoughts are that we are in the middle of unknown times right now and the word "depression" is coming up out

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 18, 2020

there. And, if we get into a depression, we may not know what we will have to deal with next year. He added he thought this year we are alright, but there are just a lot of unknowns that are hanging over us right now. He went on to say that he does support the raise and, hopefully, we will be able to carry on. President Cole interjected that he understood that in 2015 the employees were asked to give up quite a bit, just to keep the doors open. He added we lost two million dollars in one budget year. He noted that he just wanted to reiterate the numbers just so everyone is on the same page. He conveyed that should they increase payroll to cover the raises there will be an increase of the General Fund in the amount of sixty six thousand dollars, E911 fund - nineteen thousand seven hundred dollars, and the Assessor's 2% - fifty six hundred forty seven dollars, per year. Commissioner Neal added that the nineteen thousand seven hundred dollars from the E911 fund does not come out of our budget, and the 2% of the Assessor's money does not come out of the General Fund. Therefore, no money will be taken away from our citizens and other places. Commissioner Neal noted that if everybody was on board, because he did not want to do this unless it was unanimous among the Commission, he would move to give the employees a one hundred dollar raise. The motion to give the employees a one hundred dollar raise was unanimous. County Clerk Painter inquired as to if the raise could be made effective April 1, 2020, and that decision was also unanimous.

Appearing before the Commission: Matt Freier Senior Software Engineer with Global Science & Technology

Mr. Freier came before the Commission to discuss pricing for Fire Fee Billing for Nicholas County. Mr. Freier presented the Commission with a breakdown of their Fire Fee Software Quote. Mr. Freier thanked the Commission for this opportunity to be here today. He gave an update concerning their association with county government throughout Nicholas County and other counties. In house, they have done network and security, working with E911 and the Assessor's office for about twenty years. He explained that they have been involved in this kind of work for over the last six years or so. Monongalia County found themselves with the need to implement ambulance or fire fees to supplement the money those agencies were able to raise or that they were able to bill. With that being said, he explained that they have already worked with several counties needing the same the types of billings our county is looking into and they feel they are in a good position to pull the data that we need in order to generate the bills necessary.

Global Science & Technology Fire Fee Software quote as follows:

- | | |
|---|-------------------|
| 1 - GST County Fee Management System (initial cost) | Price: \$4,800.00 |
| <ul style="list-style-type: none">• Creation of billing file from assessment data• Customization of Invoices for printing• Customization of Receipt• Initial Setup/Installation/Training• First year's support included | |
| 2 - Windows Server - Dell PowerEdge T340 | Price: \$4,500.00 |
| 3 - Annual Maintenance | Price: \$2,000.00 |
| <ul style="list-style-type: none">• Unlimited Phone/Email/Remote Access support (per year beginning July 1, 2021) | |

Options

- | | |
|---|-------------------|
| 1- Web Fire Fee Inquiry - setup of website | Price: \$500.00 |
| 2 - Web Fire Fee Payments - integration of inquiry website | Price: \$1,200.00 |
| With 3 rd party payment provider such as Point & Pay, WV Interactive, Certified Payments, Elavon, etc. | |

After going over this breakdown, Mr. Freier expressed, to the Commissioners, that he would be happy to provide them with references of counties and the individuals that are using this process in their counties that they have worked with regarding this process. He also had available with him today examples of the process, on his lap top, for anyone interested to view, as well. He explained that they always try to be very easy to work with, try to always be available and the support that we would get with the system is an unlimited support, explaining that the price is not going to change

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 18, 2020

if we call them once a month or five times a day. At this point, Mr. Freier conveyed that he would be happy to answer any questions that anyone might have. President Cole inquired as to if the above fee included the cost of printing and postage of the actual bills. Mr. Freier explained that they do not have a postage machine or an industrial type printer on site. He answered that they would work with a third party. If there is a local printing company that the county works with typically for mailings here, they would be happy to work with them and send them a file for them to run and mail. He also noted that they have a few printing companies that they have worked within different areas of the state, so they would just work with them to make it happen. He, then, proceeded to inquire of the Commission as to how they envisioned the mechanics of collections in this county. He wanted to know if we plan to have the tax office planning to collect the money, or is it going to be a fee collector that the Commission would hire or appoint. President Cole answered that what the Fire Board proposed and what they have looked at so far, noting that we have not run our ordinance yet, the process would go through whomever we decided to go with and the payment would go to the tax office. Commissioner Cole gave an example to Mr. Freier stating suppose Commissioner Neal pays, Commissioner Adkins pays, but he does not pay. He asked Mr. Freier if they have a data base that is already built in, or could be built into it, that would identify that Commissioner Cole did not pay, so that the Fire Department would know who to bill? He said, yes, they could make it very easy to type in the name of the person to see if they have already paid or not, using on line inquiry capability. President Cole also expressed concerns regarding data processing of the individual information needed to be input into their system. He wanted to know if this company could be able to get the information from the state or did they know a way for us to get it through the state electronically. Mr. Freier said yes. He explained that Wood County handles their billing in the same manner and it would not be a problem to get the information needed. He explained that there are actually two district fields in their data base, one being tax district and the other district field that is created specifically for dealing with fire. President Cole inquired of Sheriff William Nunley, Chief Tax Deputy Clerk Angela Evans, Nicholas County Division of Homeland Security and Emergency Management Director Shawn and Administrative Assistant Annette Taylor if anyone had a question for Mr. Freier. There were no questions at this time from these individuals. However, County Commission Attorney Clint Bischoff inquired of Mr. Freier, in reference to his handout, if the fees set forth in Item one and option two were one time fees or annual fees. Mr. Freier answered that they were one time fees and after that we would only pay the annual support fee and that covers everything in regard to the system. His second question was regarding under Options 1- web fire inquiry - set of website. He asked if this would be setting up of a web site that would be accessible to the Nicholas County Fire Board, or the Sheriff's office, or E911, or the Nicholas County Commission? Or would it be a website that would be accessible for any citizen of this county or anybody else could enquire as to if a certain person had paid their fire fee? Mr. Freier answered that it can be set up whichever way the Commission, the Fire Board, and everybody here decides to set it up. He went on to say they can password protect it, user name, or by account if they want to, or they can make it completely public whereby anybody can see any ones fire fees. With no further questions for Mr. Freier, the Commission thanked him for coming in today.

Appearing before the Commission - Kelly Amick, RN, Administrator of Nicholas County Health Department

Ms. Amick came before the Commission to give an update regarding CoVid-19. She presented handouts to the Commission. She noted that CoVid-19 has now reached a point of a global pandemic and our State has been declared in a State of Emergency. Ms. Amick explained that everything that she had prepared to talk about yesterday had probably changed, and she has not had the time this morning to check on new guidelines. She noted that the most important point that she wanted to make this morning, and she hopes to leave with everyone, is this "we cannot panic." The definition of panic is a certain strong feeling of fear that prevents reasonable thought and actions. She went on to say our State and our Country are preparing for what could be the most devastating occurrence that has ever affected our Country, our State and individual counties. It is of utmost importance that we work together, that we stay focused, that we have the same voice and that we maintain reasonable thoughts and actions. She noted that information triumphs fear. However it is very important for all the information that we send out to be Number 1: accurate, Number 2: For the information to be the same. She went on to say that part of the confusion and the fear is the result of different information given by the media platform, and when you add that to each individual opinion, your result is terror. She added our message needs to be simple: stay home;

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 18, 2020

..wash your hands; eat lots of fruit and vegetables; drink lots of water; get as much fresh air and sunshine as possible. She had an article with her, which she came across the other day, that she said discusses a pandemic that hit our nation in 1918. It was a pandemic flu. She added that they found that treating patients with fresh air and sunlight did more than anything else that they had attempted. She noted that fresh air has the ability to kill viruses, as does sunlight, so the people need to be instructed to spend as much time outside as possible, but away from others as much as possible. She explained that as far as testing goes, it is nowhere where they would like for it to be or need for it to be. She noted that everything the CBC and FDA are doing is having to be developed from scratch. It takes time, with a lot of the healthcare supplies that we were receiving coming from China, which is now an issue. The Center of Preparedness is requesting supplies from the National Stockpile, for which we will be receiving a small amount of what was requested later this week. Each individual local Health Department will receive two boxes, two whole boxes. She added one box will be provided to our local hospital and one to keep in house. Inside each box is fifteen N-95 masks. There will also be a supply of gowns and gloves. She is sure that they will be receiving more personal equipment later on. She gave the criteria for testing as follows: Patient must present with symptoms, symptoms may include fever of 100.4 or higher, cough, and shortness of breath. Also the patient has to have had close contact with a lab confirmed COVID- 19 patient within fourteen days of symptom onset or the patient has required hospitalization and has a history of traveling from a geographic effected area within fourteen days of symptom onset. These criteria update changes daily. When and if it becomes necessary to set up a testing site in our county, Ms. Amick expressed that she will need for help from the Board of Education, law enforcement, any helping hand that can help her regarding setting up and protection regarding a testing site. She noted that she most likely will use the Nazarene Camp Ground for her set up point. Ms. Amick expressed that things are really going to get ugly. She said people are already calling her department, and they are really upset with her, and with the whole system, because they want to be tested and she will not test them, because they do not meet the criteria. Ms. Amick thanked the Commission for allowing her to come in today and she wanted to leave everyone with two thoughts and the first one is a promise given to us in Second Timothy Chapter 1 vs. 7: For God has not given us the spirit of fear; but of power, love and a sound mind (so do not panic). The second one is: We pride ourselves in being resilient and practicable West Virginians, so we need to turn our anxiety into creative thinking. Commissioner Adkins added that there was information in the news today, being stressed, that people in line must have a slip from the doctor authorizing them to be tested. If they do not have the doctor's authorization, they will not be tested. Commissioner Neal stressed for people to just use common sense. After further discussion, the Commission thanked Ms. Amick for coming in today to give the people of Nicholas County a current update concerning the COVID-19.

Appearing before the Commission - Michael C. Manley and Mike Manley with Software Systems Incorporated Sitting in: Sheriff William Nunley, Chief Tax Deputy Angela Evans, Nicholas County Homeland Security & Emergency Management Director Shawn Wolford and Administrative Assistant Annette Taylor

Mr. Manley came before the Commission to discuss pricing for Fire Fee Billing for Nicholas County. Mr. Manley presented the Commission with a breakdown of their charges for providing service to initiate a billing process. He explained that the Software Systems Fire Fee Program is broken down into three different levels. The base program is The Fire Fee Software. This software includes implementing a fire fee program for accounting for all desired fire fees that Nicholas County will be collecting. It will allow Nicholas County to accept payments in the office of our choice as well as keep track of all fee payments and fees yet to be collected. He went on to say various other features are offered by the software that can be shown in more detail with an onsite demo of the software. He went on to say the next level includes all of the above plus the ability of anyone who owes fire fees in Nicholas County to look up and view their fee's online. This level is called Fire Fee with Online inquiry. The final level includes everything in the above mentioned features plus it will allow anyone needing to pay their fire fees the ability to pay them online. With this option they can access the fire fee system and search for the fees they owe and then pay them all in the same step. This seems to be the customers most preferred option. Mr. Manley pointed out that Nicholas County already accepts tax payments online through Point & Pay. Therefore, this means that all the legwork for setting up the payment mechanism is already completed. He added that if a resident wants to pay both their tax and fire fees online, they can do all at the same time. The license cost for the levels are as follows: Fire fee Program \$12,500; Fire fee Online Inquiry \$15,000

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 18, 2020

(Public); Fire Fee with Online Payments \$20,000. He noted that the licenses fee is a singular up front payment for the software. The only additional costs for the software will be installation and training. This will vary based on the software level selected as well as the desired amount of training requested. He added this price is commonly in the \$2,000.00 range. He conveyed that if we choose to purchase only the Fire Fee program we can always upgrade to the other levels later on if we so desire. There is a maintenance fee associated with all their software and it is calculated at 1% of the original licenses fee billed monthly. Mr. Manley provided the Commission with the names and phone numbers of those counties that would be able to give reference to their product and their experience with their software. President Cole inquired of Mr. Manley if the above fees were a one time payment only. Mr. Manley answered yes. President Cole also asked him if this was a tiered system, not a separate fee, and he responded yes. He further asked Mr. Manley if they do the printing or mailing or do they use a third party. Mr. Manley said that they can do this service themselves. One of the most recent Counties they are providing this service to is Randolph. He added they are partnering with a printing company in Morgantown to make sure that everything gets done and they get everything out. Commissioner Adkins inquired of Mr. Manley as to how support would be handled. Mr. Manley explained that, in his handout, installation and support training is commonly around \$2,000.00 but it really just depends on whatever is needed. President Cole further inquired of Mr. Manley if the program runs off of a server that would be housed here. Mr. Manley said that it would run with the AS1 server that we already have in house, so it would not require any additional hardware to run this. This program form will just be added to the server we already have. Commissioner Neal asked Mr. Manley if their initial cost at the highest level would be \$20,000.00? Mr. Manley said yes, with the 1% of the original licenses fee billed monthly. President Cole also inquired of Mr. Manley if their company had a way of acquiring the necessary information from the State or whomever. He conveyed that, in some of the other counties, using Randolph County as an example, they have the Assessors request the information from the State, giving them the parameters that they would want to include, depending on how the ordinance would read. After further discussion, the Commission thanked Mr. Manley for coming in today.

At the request of President Cole, Special Guests: County Clerk Robert Painter and Sheriff William Nunley Sitting in: Chief Tax Deputy Angela Evans

This meeting came about in order to get a status report regarding restructuring floor plans of Courthouse Facilities

President Cole suggested that Sheriff Nunley take the lead in this discussion. Sheriff Nunley noted that they have been looking at the Day Reporting Center for an answer to a space problem they are having. The Day Reporting Center utilizes the bottom floor and the top floor of the building has not been occupied, since the building has been taken over by the county. He conveyed that he has looked throughout the courthouse and everybody is pressed for room, in the courthouse. He said he definitely knows that they are pressed for room in the Sheriff's office. They have deputies, two and three at a desk, which makes it very hard for them to preform their work flow. With that in mind, he said his solution to this problem is to move the deputies and their Law secretaries offices down to the top floor of the Day Reporting Building, which will accommodate the room for the necessary desks. Also, this move would allow for storage space, which is almost non existent at the present time, with their records being stored in the old jail. He went on to say that he has talked with County Clerk Bobby Painter and they discussed the fact that the Commission room is small, especially while voting is going on, and Mr. Painter wishes to try to extend the Commission room back, after the officer's area would be renovated. Sheriff Nunley noted that, with limited seating in the Commission room, he felt this would be a positive move that can be done for the county, citizens and the employees to have a better working area during these elections. He added that he did not expect this to happen tomorrow, but they need to take a look at this and see what the best way would be to approach this move. Clerk Painter conveyed that he felt the Sheriff had covered the plan very well. He stated that their goal was to get a better place to hold early voting. He noted the quicker they can get people in and out, and encourage early voting, then they will have fewer problems on election day at the polls. President Cole conveyed that what he would like to do is establish an agenda item for the next Commission meeting for the three of them to think about this proposal and once they can come to an agreement, they could move forward, if that is acceptable.

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 18, 2020

PUBLIC COMMENT PERIOD:

Mr. Gus Penix, with the Nicholas County Board of Education, came before the Commission thanking the Commission for giving them the opportunity to appear before them today. He noted that over the years that they have enjoyed a respectful relationship between the two organizations and they desire for that to continue. But, he is here today to discuss some events over the past few weeks that have caused them some concern. He went on to say that a couple of weeks ago they were meeting with the building commission out at RESA 4, in the Region 4 building, and Dr. Adkins asked one of our employees, to relay to the Superintendent, that he would like to have a meeting with her and for her to call him. And, then last week the Superintendent received a message from Mr. Adkins, through the Administrative Assistant, which went to the Executive Secretary, at the Nicholas County Board office, and he requested a meeting, again, with Superintendent Tetrick, and he stated that the Commission's Legal Counsel would be in attendance at that meeting. He noted that Superintendent Tetrick responded back that she did not meet without having an agenda. They did not hear back again until just the other day. He believed it was Monday that Commissioner Adkins sent a message through the Commission's Administrative Assistant he would like to set up a meeting, with the Commission's legal counsel being present and he called it, quote: "a fact finding discussion" and about the plans for the schools and student enrollment, school levy and basic things about the schools. He noted that he felt the fact that the communication was made through the Administrative Assistant and then the fact that the Commission's legal counsel was going to be present for the meeting gave the distinct impression that Mr. Adkins was acting in the official capacity on behalf of the County Commission. And, upon receiving that communication, we felt that the County Commission had dispatched him in a fact finding mission regarding issues that are clearly not under per view of the Commission, but are in the per view of the Board of Education. He added they learned, at that time, this was not the case and he was not acting in the capacity of coming on behalf of the County Commission, on a fact finding mission to the Board of Education. Mr. Penix went on to say, what they do not want to have happen, and they feel the Commission would agree, is a blurring of the lines of authority between our two organizations, the County Commission and the Board of Education, and they feel that this has occurred in this instance. So they are requesting that in the future should the County Commission want to have a fact finding discussion with the Board that they formalize that by action of the Commission and then we pass it through the President and send it to the Superintendent. Mr. Penix concluded by saying that is why they were here today. They were just confused about it and a little concerned about the legal counsel being present, in this meeting, about board matters. He added they are not going to meet with Mr. Adkins, and he could tell us that right now. And, as to the questions that he seems to be posing about the things for the schools, school levies and other things about the schools, he noted that they have answered these questions extensively over the last two years, since they reached the mediated agreement with the State Board of Education, in 2018, and that was approved by the State Board, The Nicholas County Board, The West Virginia School Building Authority. They have done extensive presentations and the most resent one was done of SCTV, on February 17, 2020. He noted that, at that time, they went into extensive detail about what they are going to do, where they are going to build the schools and that is all complete. It is done. Those decisions have been made and they are moving forward. They were just concerned that he was indicating that legal counsel would be present and he does not think that is an action that this Commission had ordained or sanctioned. He ended with saying that they want to have a good relationship with everybody and they want to be able to get along and he just wanted to clear up some things with this Commission today.

Dr. Donna Burge - Tetrick, Superintendent of Nicholas County Schools, came before the Commission. She expressed that she also wanted to work with everyone, but she does require an agenda. And, she thinks it is important that we do not blur the lines. She said that she knows that Mr. Adkins has been on the Board before she was ever hired and she knew that he had previously depressed his desires publically in Board Meetings about his relationship and his desires for the schools in Richwood, not so much the schools on the Summersville side, but she just thinks that if it is something regarding the County Commission actions, she asks that they do things properly. She stated that she is not a behind the scenes kind of person. She would rather have things open and forthright and have discussion. She noted that if it is something that the Commission board feels it important for them to discuss, just please do it in the proper venue.

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MARCH 18, 2020

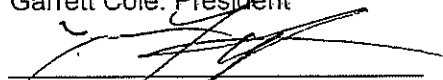
President Cole acknowledged that he failed to mention, at the beginning of this portion of the meeting, that these two individuals were both under the time frame and of course the Commission does not accept personal attacks on the Commissioners and he expressed to them that he appreciated that they did not even have to be reminded of this. He also stated that he appreciated them coming in and sharing their concerns and the Commission will take note. Mr. Penis and Dr. Tetrick thanked the Commission for their time.

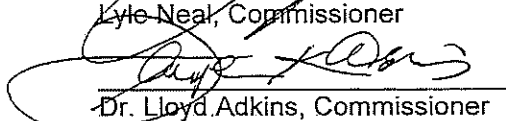
President Cole noted that with nothing else being on the agenda, he did want to say that during this time, while the restaurants are closed and everything else, that they are still doing curbside. Please, Please, Please, for the sake of small businesses, in any community you can imagine in Nicholas County, shop locally. Support the small restaurants, support the small vegetable shops or whatever you are looking at, because Wal Mart will survive, McDonalds will survive, but Dock's Barbecue to The Fresh Start Market are going to struggle. He added that there are businesses that just opened Monday and there are businesses that were planning to open tomorrow, but cannot open now or have to close, after just opening. He, again, emphasized to please consider shopping local. He added that social distancing does not mean "live under a rock". He noted, as Commissioner Neal said, "be smart and consider your own circumstances and remain calm."

Commissioner Adkins noted that he had a comment concerning the previous public comment period. He said that he was just following up on a previous invitation to sit down and talk with the parties present.

Being no further business to come before the Commission, the Commission recessed until Friday, March 20, 2020 to approve the budget.


Garrett Cole, President


Lyle Neal, Commissioner


Dr. Lloyd Adkins, Commissioner

Submitted by:
Mary O'Dell
Office Assistant

MINUTES OF THE NICHOLAS COUNTY COMMISSION - APRIL 15, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, April 15, 2020. Present were: President Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd Adkins. Sitting in via telephone: County Commission Attorney Clint Bischoff

Commissioner Adkins moved to approve the Commission special meeting minutes of April 03, 2020, Budgetary-FY 2020/2021 minutes, Special Meeting minutes of March 24, 2020, Emergency Meeting minutes of March 20, 2020, Emergency Meeting minutes of March 18, 2020 and March 18, 2020 meeting minutes. Discussion - none

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

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

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

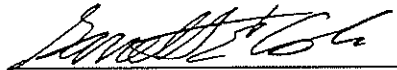
Upon review of Invoices as submitted by various departmental offices, the Commission will take the appropriate action as deemed necessary. Commissioner Adkins moved to approve accordingly. Discussion - none

President Cole noted, as a reminder to the general public, that there are still three positions remaining on the Nicholas County E-911 Advisory Board, and all interested parties may call the Commission office to see about being placed on any of those vacant seats.

PUBLIC COMMENT PERIOD:

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

Being no further business to come before the Commission, the Commission adjourned its meeting until May 06, 2020


Garrett Cole, President


Lyle Neal, Commissioner


Dr. Lloyd Adkins, Commissioner

Submitted by:
Mary O'Dell
Office Assistant

0047-493

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 6, 2020

The Nicholas County Commission met in a regular session at the Nicholas County Courthouse on Wednesday, May 6, 2020. Present were: President Garrett Cole, Commissioner Lyle Neal and Commissioner Dr. Lloyd Adkins Attending the meeting via the telephone: County Commission Attorney Clint Bischoff

Commissioner Adkins moved to approve the Commission minutes of April 15, 2020 and Special Meeting of April 15, 2020. Discussion - none

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

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

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

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

Upon a move by Commissioner Adkins, the Commission approved an Order designating incorporated banks within the county to act as county depositories of public monies as follows - BB&T, Community Trust, First Community and United National. Discussion - none.

President Cole conveyed for the record that a number of items were placed on the agenda for further consideration and were discussed one by one as follows -

- ▶ The courthouse shut down due to the corona virus pandemic currently stands through May 8. Discussion turned to the courts' system of which the State Supreme Court currently has the courts opening back up on May 18. It was agreed to by the Commission to extend the courthouse reopening to the public to May 18, 2020 upon a move by Commissioner Adkins, with motion passing unanimously. In addition, it was mentioned that the county will have ample time in preparation of early voting for the testing of voting equipment, barring any unforeseen changes being made by the State Supreme Court.
- ▶ Because of early voting extending past the Commission's first meeting date in June, and given that the Commission's first meeting in July is generally perceived as a vacation week, upon a move by Commissioner Adkins, with motion passing unanimously, it was decided that the Commission would conduct its regular scheduled meetings on the second and fourth Wednesdays during the months of June and July 2020.
- ▶ Concerning the Rental Agreement the Commission received from Red Cross, it was noted for the record that the county has provided them with an office space for years without a formal agreement and without charge, but it is the corporate office wanting to have something in writing. Mr. Bischoff, having reviewed the Agreement prior to today's meeting noted that with the exception of adding "a statutory corporation" out from the Nicholas County Commission while noting since we do not charge rent, nor was his concern over the 60-day termination clause not being a deal breaker. Upon a move by Commissioner Adkins, with motion passing unanimously, the Commission approved the Standard Form of Space License Agreement for the Temporary Use of Facilities with the Commission and the American Red Cross, a nonprofit corporation, together with the amendment. President Cole noted that we do appreciate them taking an active role within our county and that we are glad to be able to help them out.
- ▶ In regard to an estimate we received from Alpha Construction for an HVAC unit for the McClung Annex, it was noted that originally the Commission had hoped it could go on the ground and therefore cost less. However, because Attorney Sproles has his property up for sale, the Commission felt it would be better to proceed with the install being in its original location, that being on the roof. The Commission will be asking Alpha Construction to submit a revised quote.

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 6, 2020

- One last item pending was if the Commission would be making a decision concerning the Fire Fee Software anytime soon. Immediately, President Cole moved to table because he did not know of any way for us safely to be any more able to do a petition drive with everything considered surrounding the pandemic. He noted that this matter, in all likelihood will be a 2021 project. In addition, this would also alleviate the need in renegotiating a contract at a later date. President Cole went on to say that we could always pick this up even later this year if deemed necessary. Discussion - no further discussion was noted.

Appearing before the Commission by telephone conference call were: Nicholas County Parks and Recreation Commission Park Manager Emily Stasny and Board President Susan Hilleary. At the request of the Parks and Recreation Commission, the ladies were before the Commission today, seeking its approval to apply for a loan through the Small Business Administration Payroll Protection Program (SBAPPP) in the amount of \$40,467.63. If successful the loan would breakdown as follows - \$17,400.55 for payroll expenses and \$23,067.08 for utility expenses for an estimated eight week period. Ms. Stasny noted that the application would be going in showing the park as a nonprofit organization and are eligible for full forgiveness for the loan. If it is later determined that they would be required to give back 25% of the amount borrowed, both the park and the pool would share that expense. She noted that by applying for this loan would not negatively affect any efforts by the Nicholas County Commission to receive reimbursement funding from future sources. Mr. Bischoff noted that he would ask for Ms. Stasny to file a copy of the application with our office upon submission. Ms. Hilleary stated for the record that Ms. Stasny knows the protocol in making sure that our office always has a copy along with any supporting documentation and will follow it to the letter. Commissioner Neal noted that we have not had a problem with Ms. Stasny providing us with copies of various applications when seeking grant funding, however, she was presented with a personnel matter of which she knew nothing about what was going on, and in turn it escalated into getting several people upset. In his opinion, if anyone has a problem to feel free to contact him and he will in turn look Ms. Stasny straight in the face and talk to her, without sending her an email and/or telephoning her. Following a brief discussion, upon a move by Commissioner Adkins, the Commission authorized the NCPRC to submit the application for funding consideration. Discussion - none

At 9:30 a.m., Commissioner Adkins addressed the Commission on behalf of and as a member of the Nicholas County Airport Authority. He conveyed to the Commission that the Airport Authority would appreciate the Commission's approval to apply for the CARES Act Grant through the FAA in the amount of \$20,000 that will be used for the employment there as well as some maintenance issues. On an Entitlement matter, Commissioner Adkins noted that there is \$150,000 from fiscal year 2017 money and that upon speaking with consultant engineers it was conveyed that they were able to see certain projects through completion given a three-week time frame. It is the belief that the Airport Authority can utilize this money rather than the FAA disbursing the money to other airports in West Virginia. Commissioner Adkins noted that he should know more about this money in a week or so. He went on to say that within the last two to three years, the Airport Authority released the money because they did not have enough money to do any projects. Now, they have some items that are in desperate need of repair, while noting that just within the past couple of weeks it was necessary to repair around the skylight of the office because of water damage causing it to fall. The Commission appreciated the update. Upon a move by Commissioner Neal, the Commission proceeded to offer its approval for the Nicholas County Airport Authority to apply for \$20,000 under the CARES Act Grant. Discussion - none

President Cole stated for the record that concerning the courthouse infrastructure going forward and considering that we plan to open back up to the public come May 18 that we need to consider the concerns and course of action from other elected officials. For instance, Circuit Clerk has requested a shield across her counter, the Probation Office requested a glass panel window with opening and the Magistrate Clerk is requesting plexiglass on their counter. Pursuant to the local state of emergency status that Nicholas County is in at this time and pursuant to the Governor of the State of West Virginia Emergency Orders, that the purchase of materials and labor as needed be approved for the infrastructure of the courthouse to protect both the citizens and employees as we seek to reopen our facilities to the public following the corona virus pandemic, upon a move by Commissioner Adkins, with motion passing unanimously. For the record, President Cole reiterated that any expenses incurred that is virus related be given to Patty or Mary in our office. He stressed

MINUTES OF THE NICHOLAS COUNTY COMMISSION - MAY 6, 2020

that while we are not seeking out money, but if available, we do want to be ready and that it is only prudent of this Commission to be prepared.

4/4
Appearing before the Commission - Eric Price and Craig Murphy representing Thompson & Litton and Cassandra Lawson, Senior Project Specialist with Region 4 Planning and Development Council concerning the Hinkle Mountain / Little Laurel Broadband Expansion and Resolution #7.

The first item was to present Resolution No: 7 approving invoices relating to design, construction and other services for the Hinkle Mountain / Little Laurel Broadband Pilot Project. Three invoices were submitted by Thompson & Litton, Inc., totaling \$11,830.00 and three invoices submitted by Region 4 Planning and Development Council for project administration totaling \$1,920.68 for an overall total of \$13,750.68. Upon a move by Commissioner Neal, the Commissioner adopted Resolution No: 7 for the payment of Invoices under this particular draw down. Discussion - none
The next item on the agenda was a Pole Attachment Agreement between Monongahela Power Company and the Nicholas County Commission in hanging the fiber distribution lines to existing power poles. Mr. Murphy noted that basically the Agreement outlines operation, maintenance and what rights First Energy has in doing maintenance and work to the poles. Upon his review he noted that the language appeared to be standard and he did not see anything out of the ordinary. Mr. Murphy noted that they do require a thousand-dollar fee per the agreement of which they are trying to get them to waive. It sounds like the chances of this is unlikely, but we could always redline the Agreement if that is the route we wish to take, and to check with them through their legal counsel. Mr. Price spoke next by saying the County Commission would be the owner of the infrastructure (the fiber that is actually hung on the poles). Internet Service Provider has to have rights to be on the poles. Once this agreement is in place, then they will submit to each Pole to First Energy for their approval and if any work needs to be done as far as moving existing utilities around, they will make sure that everything is in compliance and done. Mr. Price noted this Agreement was just standard operating procedure. Ms. Lawson conveyed that the Nicholas County Commission is technically the owner of this infrastructure. Once the Internet service provider is brought on board, the operation and maintenance type of Agreement as previously talked about between the Commission and the ISP, the actual responsibility related to that infrastructure will be passed on to the Internet Service Provider through the Operation and Maintenance Agreement. She went on to say that on the Resolution they did not add the payment toward the permit in hopes that they would come back to say they are waiving that fee. However, if it does not seem likely, and if necessary the fee can be paid from project funds. Commissioner Adkins inquired if that was a one time fee. Mr. Price conveyed that it was, and mentioned one everything is in place based on the number of poles, there will be a recurring small fee per pole and he believed it to be something that could easily be worked out in the Operation Agreement with the ISP for them to cover that fee, seeing how the ISP would be receiving all of the revenue from the project. Commissioner Adkins inquired that he had spoken to Mr. Price about making a couple of changes to where the fiber was being ran and wanted to know if he had an opportunity to send out some people to take a look at the utility poles. Mr. Price stated that they did extend the fiber and was looking at how the dollars come in on a particular house that's like a temporary residence. Mr. Bischoff questioned was there an Agreement in place before an Agreement between the County Commission and an ISP and then an Agreement post County Commission and ISP Agreement with regard to indemnifying the County Commission and holding the County Commission harmless. Would that be in place before there is an Agreement with an Internet Provider and then afterwards? Mr. Price noted that to be an excellent question and that he may need to follow up on. In regards to First Energy and the procedures with applications there, the first thing they would need to do would be to get joint use agreement in place and that basically allows the county the provisions to attach to any First Energy pole in the county for all practical purposes. Then, once the make applications to each of the poles, not knowing what language First Energy would use, for lack of a better term Mr. Price is referring to a Memorandum of Understanding, for this particular project and those particular poles. Regarding the Operation of Maintenance, he will need to follow up with the Commission on that after he determines how they will handle that. If all Operation of Maintenance is turned over to the ISP, the Agreement with the county and First Energy would still be intact without a third party. He conveyed to Mr. Bischoff that he sees now that which he was referring to and will follow up to ensure everything is proper. Mr. Bischoff in speaking with Mr. Price conveyed that he believed that we all could assume that First Energy already has an Agreement or language in place where they're held harmless and they're indemnified from anything that would occur from the county, an ISP or from anyone using their pole. Mr. Bischoff then directed to Mrs. Lawson if she would pass along his email to Mr. Price and