

WEST VIRGINIA:

At a regular meeting of the Raleigh County Commission held on the 19th day of September, 2023 in the Commission Courtroom thereof:

CALL TO ORDER

President Tolliver called the meeting to Order.

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ROLL CALL

Present: David Tolliver, President
Linda K. Epling, Commissioner
Greg Duckworth, Commissioner
Carl Roop, County Attorney - absent
Jay Quesenberry, County Administrator
Billy Michael, Assistant County Administrator – absent

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INVOCATION AND PLEDGE OF ALLEGIANCE

Meeting was opened with the invocation by Pastor Sharon Waters of 1st Christian Church of Beckley, and the recitation of the Pledge of Allegiance.

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EXONERATIONS

Commissioner Epling moved to approve 6 exonerations, 3 cancellations and 1 refund for personal property; and 0 exonerations, 0 cancellations and 0 letters of correction for real property as presented today. Motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT A)

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BUDGET REVISIONS

None

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NEW EMPLOYEE – JASON WHITING – RALEIGH COUNTY FIRE COORDINATOR

A motion was made by Commissioner Epling to approve the hiring of Jason Whiting as the Raleigh County Fire Coordinator. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT B)

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CONSIDERATION OF A \$1080 GRANT TO THE BECKLEY RALEIGH COUNTY CHAMBER OF COMMERCE FOUNDATION FOR STREET LIGHTING ON US 19 IN GLEN MORGAN, WV

Commissioner Epling moved to approve a Grant in the amount of \$1,080.00 to the Beckley Raleigh County Chamber of Commerce Foundation for street lighting on US 19 in Glen Morgan. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT C)

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CONSIDERATION OF A \$32,000 GRANT TO PINEY CREEK WATERSHED FOR SEPTIC SYSTEM REPAIR AND REPLACEMENT

A motion was made by Commissioner Epling to approve a \$32,000.00 grant to the Piney Creek Watershed Association for the repair or replacement of septic systems as presented by Jim Fetters, Associate Director for the Piney Creek Watershed Association. This Grant is for homeowners in Sullivan, Jonben, Abney, Fireco, Whitby and Pemberton. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT D)

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CONSIDERATION OF A PRO SOURCE COPIER AGREEMENT FOR THE COUNTY CLERK FOR \$325 PER MONTH

Commissioner Epling moved to approve the Agreement with ProSource in the amount of \$325.00 per month for the County Clerk. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT E)

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CONSIDERATION OF ELECTION HARDWARE MAINTENANCE AND SOFTWARE LICENSE AGREEMENT FOR \$171,900.00

Commissioner Epling moved to approve the Hardware Maintenance and Software License, Maintenance and Support Services Agreement with Election Systems & Software LLC in the amount of \$171,900.00. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT F)

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CONSIDERATION OF DRAWDOWN #7 FOR AIRPORT BROADBAND PROJECT FOR \$140.00

A motion was made by Commissioner Epling to approve Drawdown #7 in the amount of \$140.00 for the Memorial Airport Industrial Park Broadband Expansion Project for legal services. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT G)

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CONSIDERATION OF RESOLUTION -NEW RIVER GORGE REGIONAL DEVELOPMENT AUTHORITY

A motion was made by Commissioner Epling to approve the Resolution approving the issuance of not to exceed \$19,000,000.00 principal par amount of Lease Revenue Bonds by the New Rive Gorge Regional Development Authority for the acquisition, construction, improvement, development, equipping, renovating, expanding and leasing of a plastics manufacturing facility for use by Klockner Pentaplast of America Inc., and to pay other costs in connection therewith; authorizing the execution and delivery of a Lease Agreement between the Authority, as Lessor, and the County Commission, as Lessee, and a Sublease Agreement between the County Commission, as Sublessee, and Klockner, as Sublessee; and authorizing the taking (or omitting to take) all such other actions, and the execution, delivery and performance of such other actions or documents, as may be reasonably necessary or advisable upon the advice of Bond Counsel, in connection with the carrying out of the transactions contemplated by this Resolution and/or any of the document authorized hereunder. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT GG)

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CONSIDERATION OF PILOT FOR KLOCKNER PENTAPLAST

Commissioner Epling moved to approve the Pilot Agreement with Klockner Pentaplast. The motion was seconded by Commissioner Duckworth and motion carried unanimously.

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CONSIDERATION OF DRAWDOWN #8 FOR AIRPORT BROADBAND PROJECT FOR \$4,471.96

Commissioner Epling moved to approve Drawdown #8 in the amount of \$4,471.96 for the Memorial Airport Industrial Park Broadband Expansion Project for Legal and Administrative Services. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT H)

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HALLOWEEN DATE AND TIME FOR RALEIGH COUNTY – TUESDAY, OCTOBER 31, 2023 – 5 PM – 7 PM

A motion was made by Commissioner Epling to approve setting the Halloween hours in Raleigh County on Tuesday, October 31, 2023 from 5:00 p.m. to 7:00 p.m. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT I)

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CONSIDERATION AND APPROVAL OF SECURITY GRANT FOR THE JUDICIAL ANNEX FROM THE WV DEPARTMENT OF HOMELAND SECURITY FOR \$64,000.00

Commissioner Epling moved to approve the Security Grant for the Judicial Annex in the amount of \$64,000.00 from the West Virginia Division of Administrative Services. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT J)

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APPROVAL OF RESOLUTION AUTHORIZING DAVID L. TOLLIVER TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE WV DEPARTMENT OF HOMELAND SECURITY GRANT

A motion was made by Commissioner Epling to approve the Resolution authorizing David Tolliver, Raleigh County Commission President, to act on its behalf to enter into a contractual agreement with the Division of Administrative Services, Justice and Community Services to receive and administer grant funds of the Court Security Grant Program. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT K)

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MONTHLY COSAP REPORT FROM THE DAY REPORT CENTER

Commissioner Epling moved to approve the Report of the Division of Administrative Services, Justice and Community Services for August 2023 in the amount of \$4,796.02. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT L)

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ESTATE OF JANEY LYNN ADKINS

Continued until the October 3, 2023 regular meeting of this Commission

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CONSIDERATION OF A GRANT FOR \$3000 TO THE CARPENTER'S CORNER

A motion was made by Commissioner Epling to award a grant in the amount of \$3,000.00 to the Carpenters Corner in Beckley to feed the hungry. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT M)

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CONSIDERATION OF A GRANT TO THE KID'S CLASSIC FESTIVAL FOR \$500

A motion was made by Commissioner Epling to award a grant in the amount of \$500.00 to the Kid's Classis Event. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT N)

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CONSIDERATION OF SHERIFF'S DEPARTMENT GARAGE HEATING SYSTEM

County Administrator Jay Quesenberry informed the Commission three bids were received for installing radiant heat at the Sheriff's Department Garage. Childer's Enterprises had the lowest bid. Commissioner Epling moved to accept the bid of Childer's Enterprises in the amount of \$21,452.00. Seconded by Commissioner Duckworth and motion carried unanimously.
(SEE EXHIBIT O)

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CONSIDERATION OF DRAWDOWN #3 FOR BRADLEY PSD WEST RALEIGH SEWER EXTENSION PHASE 1 IN THE AMOUNT OF \$13,350.00

A motion was made by Commissioner Epling to approve Grant Requisition #3 in the amount of \$13,350.00 to Allstar Ecology LLC for the West Raleigh Sewer Extension Project – Phase 1. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT P)

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CONSIDERATION OF APPLICATION OF SPRAY INSULATION IN THE MAINTENANCE GARAGE AT LAKE STEPHENS

County Administrator Jay Quesenberry informed the Commission three bids were received for applying spray insulation at the Maintenance Garage at Lake Stephens. Apex Insulation had the lowest bid. Commissioner Epling moved to accept the bid of Apex Insulation in the amount of \$20,674.00. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT Q)

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CONSIDERATION OF COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY GRANT APPLICATION & RESOLUTION

A motion was made by Commissioner Epling to authorize David Tolliver, Commission President, to act on its behalf to enter into a contractual agreement with WV Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provision of the WV Courthouse Facilities Improvement Fund Program. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT R)

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CONSIDERATION OF AML DRAWDOWN #14 FOR THE CLEAR FORK RAIL TRAIL IN THE AMOUNT OF \$212,272.50

Commissioner Epling moved to approve Drawdown #14 in the amount of \$212,272.50 for the Clear Fork Rail Trail Project. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT S)

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OLD BUSINESS

Case No. AB290, Cody Lee Ellison (432 Bailey Avenue, Beckley)

A motion was made by Commissioner Epling to approve the Order directing Cody Lee Ellison to demolish the structure(s), cut overgrown vegetation and lawfully dispose of all the debris and other trash/junk within Fifteen (15) days of entry of the Order. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT T)

Case No. AB677, Darla Fritz (139 Hankwood Drive, Beckley)

A motion was made by Commissioner Epling to approve the Order directing Darla D. Fritz to demolish the structure(s), cut overgrown vegetation and lawfully dispose of all the debris and other trash/junk within Fifteen (15) days of entry of the Order. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT U)

Case No. AB678, Billie Jo Ann Summerville, AKA Billie Jo Ann Green
(409 Burmeister Avenue, Raleigh)

A motion was made by Commissioner Epling to approve the Order directing Billie Jo Ann Summerville (AKA Billie Jo Ann Green) to demolish the structure(s), cut overgrown vegetation and lawfully dispose of all the debris and other trash/junk within Fifteen (15) days of entry of the Order. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT V)

Case Number AB681(b), William Pugh II (435 Bailey Avenue, Beckley)

A motion was made by Commissioner Epling to approve the Order directing William Pugh II to demolish the structure(s), cut overgrown vegetation and lawfully dispose of all the debris and other trash/junk within Fifteen (15) days of entry of the Order. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT W)

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PUBLIC PARTICIPATION

Sandra Toney, a resident of 2nd Street in Shady Spring, voiced her complaints regarding The Watering Hole, a bar at 2553 Ritter Drive. Part of the building is burned out and there are rats on the property. She also complained of the loud noise. President Tolliver will ask the Sheriff to consult with the owners. He also asked Detlef Ulfers to meet with Bill Vest of Code Enforcement regarding the property condition and whether or not the business has a liquor license.

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APPROVAL OF MINUTES

A motion was made by Commissioner Epling to approve the minutes of the July 18, 2023 Regular Meeting of this Commission. Seconded by Commissioner Duckworth and motion carried unanimously.

A motion was made by Commissioner Epling to approve the minutes of the August 1, 2023 Regular Meeting of this Commission. Seconded by Commissioner Duckworth and motion carried unanimously

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VACATION ORDERS

Commissioner Epling moved to approve the Vacation Orders from September 5, 2023 to September 18, 2023, inclusive. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT X)

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FINAL ACCOUNTINGS AND WAIVERS OF FINAL SETTLEMENT

The following Final Accountings and Waivers of Final Settlement (SEE EXHIBIT Y) and the Reclose of the Estates of Alma Calloway and Edna Leola Helems (SEE EXHIBIT Z) of the Fiduciary Supervisor were read into the minutes.

A motion was made by Commissioner Epling to enter the Order permitting Amber Thomas, Administratrix of the Estate of Richard Wayne Thomas, to sale the real estate of said estate and satisfy the estate claims. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE BOOK 5081 PAGE 2069)

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BILLS, COMMUNICATIONS AND APPOINTMENTS

None

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ADJOURNMENT

Commissioner Epling moved to adjourn this meeting until the next regular scheduled meeting of this Commission on October 3, 2023 at 10:00 a.m. The motion was seconded by Commissioner Duckworth and motion carried unanimously.

s/s 
David Tolliver
President

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