

COUNTY COMMISSION OF LEWIS COUNTY

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COMMISSIONERS:
Patrick D. Boyle, President
Agnes Queen, Commissioner
Rod Wyman, Commissioner

**LEWIS COUNTY COMMISSION
110 CENTER AVENUE, 2ND FLOOR**

**WESTON, WV 26452
MEETING AGENDA**

Monday , September 3, 2018

Lewis County Offices

will be closed in observance

of Labor Day

TUESDAY, September 4, 2018

10:00 AM

SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

- 1. 10:00 AM Call Meeting to Order**
- 2. 10:05 AM John Breen, Lewis County Assessor**
RE: Exonerations, Consolidations, Apportionments

Draft copies will be available for review Thursday, August 30, 2018.
(action required)

APPOINTMENTS

- 3. None**

CORRESPONDENCE

- 4. Upshur County Commission Meeting Agenda:** Upshur County Commission Meeting Agenda for Thursday, August 30, 2018. *(information only)*
- 5. Lewis County Parks and Recreation Board Meeting Agenda and Minutes:** Agenda for Monday, August 27, 2018 Lewis County Parks and Recreation Board Meeting and Minutes of the of July 23, 2018 Meeting. *(information only)*

BUSINESS

- 6. Boards and Committee Report(s):** Reports by Commissioners on any board(s) or committee(s) attended including: West Virginia Department of Highways County update meeting; Lewis County Park Board.

- 7. Discussion of Senate Bill 625 and The Impact on the County's Motor Vehicle Ordinance:**
 Senate Bill 625 passed the 2018 Legislative Session on March 10, 2018 and become effective 90 days from passage. This allows volunteer fire departments to increase fees charged for services. The present Lewis County Motor Vehicle Ordinance allows volunteer fire to department to charge insurance companies for services. Senate Bill 625 would allow these fees to be increased up to \$1,500.00 for incident (excluding hazardous material incidents). The County Commission is asked to consider working with the volunteer fire departments to update the county ordinance. Before any changes to the ordinance can be effective it will require notification and public hearing. (*action required*)
- 8. Time Sheets and Leave Requests:**
 a) Lucinda A. Whetsell August Monthly Time Sheet

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

- 9. Actions of the Clerk:** County Clerk Cynthia S. Rowan presents actions of the clerk in recess of the county commission for approval. Draft copies will be available for review upon request Thursday, August 30, 2018. (*action required*)
- 10. Approval of Estates:** County Clerk Cynthia S. Rowan presents the estates ready for settlement to the Lewis County Commission for approval. Draft copies will be available for review upon request Thursday, August 30, 2018. (*action required*)
- 11. Presentation by the County Clerk of the Orders of Prior Meeting(s):** The Lewis County Clerk presents the Orders (minutes) of previous Lewis County Commission meeting(s) for approval. Draft copies will be available for review upon request Thursday, August 30, 2018. (*action required*)
- 12. Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Thursday, August 30, 2018. (*action required*)

ADJOURNMENT:

- 13. With no further action being required by the Lewis County Commission the meeting will be adjourned.** (*action required*)

LEWIS COUNTY COMMISSION MEETING MANAGEMENT

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.

**Roberts Rules of Order is utilized as a guide only.
 The Commission controls meeting management, discussion and input.**

Upshur County Commission Agenda

Agenda packets are available electronically at http://www.upshurcounty.org/agenda_and_minutes/index.php or by request to the Upshur County Commission Office at 304-472-0535

Location of Meeting: Upshur County Courthouse Annex
Date of Meeting: August 30, 2018

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• August 23, 2018

9:05 a.m. Samantha Atchinson, Vice President of the Animal Outreach Project – Request for funds from the spay/neuter account to serve as a match for their grant award

11:00 a.m. Doyle Cutright, E-911 Communication Center Director and Eric Fecat of Staley Communication, Inc. – Presentation of E-911 Center upgrade quote at the Emergency Operations Center

Items for Discussion / Action / Approval:

1. Correspondence from Tim Shaw requesting the closure of an unused paper alley located between parcels of land owned by High Point Construction in Buckhannon District. This application has been submitted per WV Code §7-1-3h.*
2. Consider making a pool pass donation to the Stockert Youth Drill Team for an upcoming fundraiser.*
3. Request from Pastor J. Edward McDaniels to use the Courthouse plaza for a county wide worship service and walk on Sunday, September 9, 2018 from approximately 3:00 pm until 5:00 pm. A certificate of Liability Insurance has been provided.*
4. Consider request from Eric's Towing and Recovery LLC to be reinstated to the E911 Communications Center rotation list, per the Procedures to Dispatch Wrecker Services.*
5. Correspondence from Cheyenne Walters, Program Director for Community Corrections, requesting permission to hire two paid interns to be utilized at the Day Report Center, commencing September 10, 2018. Upon approval, each intern will be paid \$8.75 an hour and work up to 19 hours per week.*
Item may lead to Executive Session per WV Code §6-9A-4
6. Correspondence from Michalla Kelley, E911 Communications Center telecommunicator, announcing her resignation, effective Friday, September 7, 2018.*
Item may lead to Executive Session per WV Code §6-9A-4
7. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Upshur County Mileage Reports – July 2018
 - Upshur 911
 - Maintenance
 - Emergency Management
 - Sheriff
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound

2. Appointments Needed or Upcoming:
 - Upshur County Public Library Board (unexpired term June 30, 2019) – Commission Appointment

Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: http://www.upshurcounty.org/agenda_and_minutes/index.php

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Discuss property owned by Thomas Moates located in Warren Tax District – Tax Map 6C – Parcel Number 41 (*last extension was approved during April 5th meeting*)

2. Discussion and/or action regarding the scheduling of a hearing for the removal of Michael E. Vest as Administrator of the Estate of Ernest Junior Vest, deceased.

Next Regular Meeting of the Upshur County Commission
September 6, 2018 --- 9:00 a.m.
Upshur County Courthouse Annex

LEWIS COUNTY PARKS AND RECREATION AGENDA

Monday August 27, 2018 @ 6:00 pm at the Park

- 1) Call to Order**
- 2) Reading of the Minutes**
- 3) Treasurer's Report**
- 4) Public Comment**
- 5) Director's Report**
- 6) Old and Unfinished Business**
- 7) New Business**
- 8) Adjourn**

If unable to attend, please contact Gene Edwards at 304-269-4836

MINUTES OF THE LEWIS COUNTY PARK BOARD OF DIRECTORS

Meeting Date of July 23, 2018

Present: Gene Edwards, President, Barbara Paugh, Vice President, Betty Hill, Treasurer, Josie Britton, Secretary, Sonja James, Assistant Director, Tom Alkire, Maintenance, Andrea Clem, Member, Alyce Henry, Member, Shirley Taylor, Member, Glen Brown, Member, Agnes Queen, County Commissioner, and Rod Wyman, County Commissioner

The meeting was called to order by Gene Edwards. Minutes from the previous meeting were approved by Barb Paugh, seconded by Andrea Clem.

The treasurer's report was given by Betty Hill. There was a question about an NSF check for \$23. John Shaffer was not present at tonight's meeting to explain what it pertained to. The report was approved by Shirley Taylor, seconded by Andrea Clem.

There were no public comments or concerns.

The director's report was given by Sonja James, as John Shaffer was not present. As of this past Friday (July 20, 2018) the pool has surpassed the 2012 grand opening of the new pool by \$706. It has been a great season so far. With the increase in patrons there have also been some issues to deal with. There were two drug related issues and an attempted suicide issue that required police assistance. The new diving board has been installed but there was a piece damaged in the shipping. Fortunately it was only cosmetic damage and can be fixed without having to remove it during the rest of the season. The new camera system has been installed and the clarity and site patterns have been greatly improved. The Board discussed adding a camera to the maintenance building and one higher up near the golf course to

oversee the big playground and parking area. Inventory for the concession stand is being reduced so as to not have much overstock at the end of the season. The locks on the tennis courts have been changed again. The staff has implemented a new system to help manage the court rentals more efficiently. The last item Sonja discussed with the Board was a request to raise salaries based on a proposal that John had typed for the meeting. Andrea Clem made the motion to raise the salaries to John's suggested amounts, effective immediately. Alyce Henry seconded the motion. Andrea also made a motion that the Board implements a gradual yearly increase. This motion was tabled until John returns to the next meeting. It was also agreed that this is something that should be in place BEFORE the season begins next year.

Tom Alkire reported that several new signs have been put up throughout the park. Two handicapped swings have been broken and are still not fixed. The new waterlines have been completed and there have been no more complaints about the water from the campers. The split rail fence in the upper parking area was hit and has already been repaired. Maintenance is still working on the walking trail that was damaged by heavy rains. Agnes questioned why the bathroom to the large pavilion was locked during business hours. Tom was unaware that it had been. For safety reasons, Glen Brown made a motion to lock the bathrooms at the end of every night shift and reopen first thing in the mornings. Josie Britton seconded that motion. Tom also asked to purchase a new flag pole and maybe a light for it also. He is to get some prices and submit the request again at the next meeting.

Under old and unfinished business, Agnes was asked about the approval for additional hours for maintenance. She is still waiting for approval from the auditors. Josie Britton asked if a letter was ever sent to the Board of Education regarding next year's usage of the tennis courts. Sonja was to get with John to have this done as soon as

possible so that the Board of Education could add it to their budget for the upcoming year.

Gene Edwards had some new business to discuss. The old carpet on the miniature golf course will be replaced and the course has been cleaned up. August 7 is the annual National Night Out and the new carpet should be installed by then. Rotary is also putting a new sign up for the course. In order to pay for the carpet, a fundraiser has been established. Each hole may be sponsored for \$450. Alyce Henry made a motion for the Park to sponsor a hole, seconded by Andrea Clem.

The next meeting will be Monday August 27, 2018 @ 6:00 pm. We will meet at the Park.

Respectfully submitted by Josie Britton, Secretary

9 (b) Any county commission may render financial aid to any one or more public fire
10 protection facilities in operation in the county for the general benefit of the public in the prevention
11 of fires.

12 (c) Any county commission may also authorize volunteer fire companies or paid fire
13 departments to charge reasonable reimbursement fees for personnel and equipment used in
14 performing firefighting services, victim rescue, or cleanup of debris or hazardous materials by
15 department personnel.

16 (1) The rate for any such fees to be charged to property owners or other persons
17 responsible or liable for payment for such services must be approved by the county commission
18 and must be reasonable: *Provided*, That no fee for any single incident or accident shall exceed
19 \$1,500, except that the fee for an incident or accident involving hazardous materials or extended
20 search and rescue and water rescue incidents may exceed this amount based on the necessary
21 and reasonable costs incurred.

22 (2) The county commission shall require that any fees charged pursuant to the authority
23 conferred by this section must be in writing and be itemized by specific services rendered and the
24 rate for each service.

25 (3) Unless exempt by law, any person, partnership, corporation, or governmental agency
26 shall be fully responsible for all charges levied by this section within 75 days of the date of the
27 response resulting in such charge. Payment to the fire department or company rendering the
28 services shall be in full, unless a written agreement has been reached between the fire department
29 or company and the responsible party to establish a payment schedule to satisfy all charges.

30 (4) If payment for services rendered has not been received within 90 days from the date
31 of response, and if a payment schedule has not been established, a fire department or company
32 may proceed in magistrate court or in other appropriate court action to recover from the
33 responsible party all fees associated with the response, including attorney fees and court costs.

ORDINANCE

LEWIS COUNTY, WEST VIRGINIA

AUTHORIZING VOLUNTEER FIRE COMPANIES TO CHARGE
REASONABLE REIMBURSEMENT FEES

BE IT ORDAINED AND ORDERED

BY THE COUNTY COMMISSION OF LEWIS COUNTY, WEST VIRGINIA, A
PUBLIC BODY CORPORATE OF LEWIS COUNTY, WEST VIRGINIA, AS
FOLLOWS:

The Lewis County Commission further recognized that under §7-1-3d of the West Virginia Code, as amended, the West Virginia Legislature has granted county commissions the authority to set reasonable reimbursement fees which volunteer fire departments may charge for personnel and equipment used in performing fire-fighting services, victim rescue or cleanup of debris or cleanup of hazardous materials and hazardous waste by department personnel.

SECTION 1. AUTHORIZATION FOR VOLUNTEER FIRE
DEPARTMENTS TO CHARGE FEES.

Any volunteer fire department organized in Lewis County shall have the authority to charge reasonable reimbursement fees, as hereinafter set forth, for services performed in connection with fire-fighting, victim rescue or cleanup of debris or hazardous materials by department personnel. Said fees may be charged to insurance companies responsible or liable for payment for such service, or private individuals/businesses who are property owners or other persons responsible or liable for payment for such services; provided that said fees may not be charged to private individuals/businesses who reside or are located in Lewis County and pay an annual Lewis County Fire Fee or a local Municipal Fire Service Fee for any such services rendered within the boundaries of Lewis County municipality; provided, however, that no fee for any single incident of accident shall exceed five hundred dollars (\$500.00), except for an incident or accident involving hazardous materials and/or hazardous waste clean-up or control. Any fees charged pursuant to this authority must be in writing and be itemized by specific services rendered with the rate for each service shown.

Only the Volunteer Fire Department responding within their authorized territory is eligible to bill for charges.

Nothing in this ordinance shall be construed as requiring a volunteer fire department operating within this county to charge such fees. Individual volunteer fire departments within Lewis County retain the right to charge or not charge for their services.

SECTION 2. SCHEDULE OF FEES

Subject to the provisions of Section 1 above, any volunteer fire department is authorized to charge the following reimbursement fees for each of the services listed:

- (a) Vehicle accident/vehicle fires.
 - (1) \$250.00 for the first hour.
 - (2) \$125.00 for each additional hour after the first.
 - (3) Debris removal at \$250.00 per hour.
- (b) Extrication services.
 - (1) Jaws of Life and other motorized equipment - \$150.00 per hour.
 - (2) Hand tools - \$25.00
- (c) Emergency Response to Utility Hazard services
\$250.00 per hour for each vehicle dispatched to incident.
- (d) Special materials and equipment. May be billed at the actual replacement cost to the department.

SECTION 3. SEVERABILITY

Should any section, subsection, fee or provision of this ordinance be declared by court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the ordinance as a whole or any part thereof other than the part so declared invalid or unconstitutional.

SECTION 4. REPORTING

For each Fire Department implementing the charges authorized by this ordinance, an annual report shall be made to the Lewis County Commission on or before February 1 of each year of the gross funds collected by implementing the charges authorized by this ordinance, and a failure by any such department to submit such an accounting to the Commission may result in the withdrawal of the authority to that Department to implement the charges authorized by this ordinance.