

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
Weston WV 26452
Phone:(304)269-8200
FAX: (304)269-2416
Email:lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



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 10, 2018
10:00 AM**

**NOTE: The Lewis County Commission will be holding a public hearing on
Monday, September 10, 2018 at 9:30 AM
to hear public comment about the renewal of the cable franchise fee
with Suddenlink**

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 on Thursday, September 6, 2018.
(action required)

APPOINTMENTS

- 3. 10:10 AM SHENTEL RE: Consider approval of Cable Franchise Agreement
with Suddenlink**
The Lewis County Commission advertised and held a public hearing regarding the acceptance of the Suddenlink Cable Franchise Agreement. The County Commission will consider entering into an agreement with Suddenlink for cable service in the Jane Lew area.
(action required)
- 4. 10:20 AM Sheriff Gissy RE: Advise and Consent to Hire Deputy Sheriff**
Sheriff Adam Gissy recently received a resignation for a Deputy Sheriff's position. He requests advice and consent per West Virginia Code §7-7-7 to hire Ezekiel J. Brightbill to fill this vacant position. His employment has been approved by the Lewis County Civil Service Commission from the active list. If approved, the oath of office will be administered.
(action required)

5. 10:30 AM Proclamation of Breast Cancer Awareness Month

The Lewis County Commission is asked to execute a proclamation declaring October as Breast Cancer Awareness Month in Lewis County. *(action required)*

6. 10:40 AM Dodie Arbogast, Weston City Finance Manager

RE: Presentation by City of Weston of Application for Annexation

The City of Weston will present an application for annexation by minor boundary adjustment to the county commission. The county commission will take this application under advisement. *(action required)*

CORRESPONDENCE

7. Upshur County Commission Meeting Agenda: Upshur County Commission Meeting Agenda for September 6, 2018 is presented for review. *(information only)*

8. West Virginia State Auditor's Office Lewis County Fiscal Year 2016 Audit Report: The West Virginia State Auditor's Office has issued the Lewis County Fiscal Year 2016 Audit Report. Findings included: segregation of duties and tax system distribution programming error (this has been corrected). *(information only)*

BUSINESS

9. Board(s) and Committee(s) Reports: The Lewis County Commissioners will provide reports on any board(s) and committee(s) meetings attended including: Lewis County Convention and Visitor's Bureau. *(information only)*

10. Approval of November 6, 2018 General Election Poll Workers: Lewis County Clerk Cynthia S. Rowan presents the list of Poll Workers for November 6, 2018 General Election for approval. *(action required)*

11. Lewis County Park Director Resignation: John Shaffer submitted his letter of resignation as director of the Lewis County Park. The commission will accept this resignation. *(action required)*

12. James Gum Request to attend West Virginia SIRN Conference: James Gum, Lewis Gilmer 911 Operations Manager, requests to attend the WV SIRN Conference at Camp Dawson September 23 through September 27, 2018. *(action required)*

13. Cancellation of the September 17, 2018 and September 24, 2018 Lewis County Commission Meetings: The Lewis County Commission will be attending out of town training on September 17 and September 24, 2018. The Commission will consider cancellation of the regular Lewis County Commission meetings on these dates. *(action required)*

14. Date for Trick or Treat in Lewis County: The Lewis County Commission will set the date for Trick or Treat in the county as October 31, 2018 from 6:00 PM to 7:00 PM. *(action required)*

15. Resignation of Lewis County Deputy Sheriff: John Tonkin has submitted his resignation as Lewis County Deputy Sheriff effective September 10, 2018. The Lewis County Commission will accept Deputy Tonkin's resignation. *(action required)*

16. Lewis County Senior Center Request for Funding for Roof Replacement: The Lewis County Senior Center received a Lowe's Foundation Grant in the amount \$9,400.00 to replace a roof at the facility. The total cost for the roof replacement was \$11,410.00. The Lewis County Senior Center Board of Director's requests the Lewis County Commission contribute the remaining \$2,010.00 for the project. The Senior Center is a county owned facility.
(action required)

17. Time Sheets and Leave Requests: None

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

- 18. 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, September 6, 2018. *(action required)*
- 19. 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, September 6, 2018. *(action required)*
- 20. 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, September 6, 2018. *(action required)*
- 21. Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Thursday, September 6, 2018. *(action required)*

ADJOURNMENT:

- 22. 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.**

OATH OF OFFICE AND CERTIFICATE

STATE OF WEST VIRGINIA

COUNTY OF LEWIS, TO-WIT:

I, **Ezekiel J. Brightbill**, do solemnly swear that I will support the
Constitution of the United States and the Constitution of the State of West Virginia,
and that I will faithfully discharge the duties of serving as a **Deputy for the Lewis
County Sheriff's Office** to the best of my skill and judgment,
SO HELP ME GOD.

Signature _____

Subscribed and sworn to before the Lewis County Commission in said County
and State, this 10th day of September, 2018.

*President
Lewis County Commission*

Attest: _____
*Cynthia S. Rowan
Lewis County Clerk*

PROCLAMATION

West Virginia Breast Cancer Awareness Day and Breast Cancer Awareness Month

In 2018, an estimated **1,450** West Virginia women will be diagnosed with breast cancer and approximately **285** women will die from the disease. Breast cancer continues to be a leading cause of cancer related deaths among WV women. A woman has about a 1 in 8 (12%) chance of developing breast cancer in her lifetime and about a 1 in 38 (2.6%) chance of dying from the disease.

Currently, the best method to reduce deaths due to breast cancer is through early detection of the disease. Women age 50 and older should have a mammogram every year. Women ages 40-49 should talk with their health care provider about their screening schedule. Clinical breast exams by a physician or nurse are recommended every three years for women in their 20s and 30s and every year for women 40 and over. Breast self-exam (BSE) is an option for women starting in their 20s. Women should be told about the benefits and limitations of BSE.

Clinical breast exams, breast self-exams, and mammograms can save lives. Women should talk to their health care provider about their individual screening schedule.

In recognition of the important lifesaving early detection practices available for breast cancer, I Patrick D. Boyle of Lewis County Commission do hereby proclaim October, 2018, as West Virginia Breast Cancer Awareness Day and October 2018 as Breast Cancer Awareness Month. I urge all Lewis County women to become aware that they are at risk for developing breast cancer and to discuss screening with their health care providers.

**APPLICATION FOR ANNEXATION BY MINOR BOUNDARY
ADJUSTMENT FOR
LEWIS COUNTY, WEST VIRGINIA**

PREAMBLE

WHEREAS, pursuant to West Virginia Code 8-6-5(c) "A county commission may develop a form application for annexation for minor boundary adjustment," and, the Lewis County Commission has developed such an application, and adopted the same by resolution passed June 22, 2010, at a regular meeting of said Commission at Weston, Lewis County, West Virginia.

PART I

Name of entity submitting application for annexation for minor boundary adjustment:

City of Weston, West Virginia

Name of representative of entity submitting application for annexation for minor boundary adjustment:

Mayor Julia Spelsberg and City Manager Kristin Droppleman.

Title of representative of entity submitting application for annexation for minor boundary adjustment:

Mayor and City Manager, City of Weston, West Virginia.

Set forth the nature of authority of the representative of entity submitting application for annexation for minor boundary adjustment: (attach documentary verification as "Exhibit A")

West Virginia Code § 8-6-5 states that "the governing body of the municipality may apply to the county commission of the county wherein the municipality or the major portion of the territory thereof, including the territory to be annexed, is located for permission to effect annexation by minor boundary adjustment." The Common Council of the City of Weston has adopted the attached Amended Resolution directing its Mayor and City Manager to apply for annexation by minor boundary adjustment and take any additional action necessary to secure approval of the application. (See Exhibit A).

Set forth the source of authority of the representative of entity submitting application for annexation for minor boundary adjustment: (attach documentary verification as "Exhibit B")

W. Va. Code § 8-6-5; W. Va. Code §§ 8-12-1, *et seq.*; Weston City Charter §§ 2, 4.C., 6, and 7; Weston City Code § 2-40. Copies of the applicable sections of the Weston City Charter and City Code are attached as "Exhibit B."

Reason of entity for submitting application for annexation for minor boundary adjustment:
(attach rationale as "Exhibit C")

As the county seat, the City of Weston should not be allowed to falter if there are mechanisms in place that could allow for it to prosper. Residents and business owners who have continued to help maintain the City cannot continue to shoulder that burden alone. By expanding the City boundaries and incorporating the adjacent areas into the municipality, not only will new revenue open up new prospects for the existing residents, but opportunity for *growth*, including new services, resources, and the means to attract new residents to the City will be experienced by all of Lewis County.

The City of Weston submits this application for annexation due in part to the movement of businesses outside of the existing City limits, and the impact this movement has had on the growth of the City and the City as a whole. This annexation proposes to bring more parties fully into the life of our community, to enjoy not only the benefits of our accomplishments, but also to share in the burdens and costs of our community.

By granting this application, the Commission will ensure that: (1) the City of Weston is properly and fairly funded to meet the challenges of today and tomorrow, and (2) the citizens of Weston and Lewis County will better enjoy the blessings of liberty and life in an innovative, attractive, and supportive community.

At the same time, the City recognizes that financial uncertainties and a difficult economy are concerns for all Lewis County residents and businesses. Because of the unique nature of the Municipal Sales and Use Tax (adopted by the City of Weston in 2017), and its ability to distribute the necessary burden of revenue generation to nonresidents and non-taxpayers, fairly funding the future development of the area is more easily achievable.

The proposed annexation is in the best interests of Lewis County, not only as a matter of social justice and civic responsibility, but also because the annexation will allow the City to ensure future development and supporting infrastructure expansion, which occurs by design and not by circumstance, while also addressing legacy challenges and citizen service needs left unaddressed primarily as a result of lack of funding.

The proposed annexation will also ensure that the cost of services is spread fairly to those who use the services. Specifically, the proposed annexation will achieve the following objectives:

- Provide services efficiently by reducing overlap between City and County service areas, and enabling extension of City services to occur in a contiguous manner;

- **Ensure that minimal economic impact is felt by residents, business owners, and the preexisting County tax base;**
- **Reduce potential negative impacts of new development on existing residents through zoning, plan review, and enforcement of City standards and ordinances, including dilapidated building removal and strategic planning and development;**
- **Avoid haphazard patterns of development through consistent development standards and a coherent, integrated planning process;**
- **Provide opportunities for input by residents on growth and development issues in the area through civic engagement and democratic governance; and**
- **Facilitate the implementation of the Comprehensive Plan for growth and development in the City of Weston.**

The City of Weston believes that the honorable course for any business located in our community is to participate in the cost of civic life. This belief has become a more readily achievable goal through the adoption of the Municipal Sales and Use Tax, adopted by the City of Weston in 2017. While our State tax structure may be less than optimal, it remains the only way local governments may raise revenues to deliver quality services to its citizens and businesses. The burden placed on residents and businesses within the municipal boundaries are significantly reduced by the adoption of the sales tax, which enables our local community the means to realize our goals and adopt necessary services. These services provide for a better quality of life for our citizens and visitors and a more stable and profitable business environment.

These efforts are also aimed at providing assistance to area residents. For example, property owners within the City of Weston are subject to the \$100.00 annual service fee. Upon approval of the annexation, the City has proposed that all property owners within the City who are subject to this municipal fee AND also qualify for the Homestead Exemption would be exempt from paying the municipal fee. As currently calculated, this would save 714 residents a combined total of \$71,400.00 per year.

The proposed properties to be annexed omit residential areas due to the concerns shared by the City of Weston that Lewis County residents will feel the impact of increased property taxes. Similarly, the proposed properties to be annexed DO NOT include nearby hotels and motels to ensure that County revenues are not affected.

With the City's 2017 adoption of the of the Municipal Sales and Use Tax, a one-percent (1%) Sales and Use is assessed on the purchase of applicable goods sold and utilized within the City. The new total sales tax (now 7%) is passed onto the consumer. The tax does not apply to transactions already exempt from State sales and use taxes.

The City has delivered, and continues to deliver, in good faith the services to the businesses considered in this proposed annexation. The City will use the growth to expand our police and fire departments, including having a sub-station in the newly expanded area. The increased police presence will, undoubtedly, deter potential crime. The City could further reassess the fire and sewage rates with the additional sources. Furthermore, the increase of revenue to the City would allow further expansion of City services to other areas of Lewis County.

The businesses and residents located within the unincorporated area along U.S. Highway 33 East at issue here will benefit from, and simply need, the local government that the City can provide. It is counterproductive to reap the benefits of the community that we have built without contributing to the cost of that community.

The City has experienced a continual decline in tax base with individuals and businesses migrating outside the existing city limits over the past forty (40) years. United States Census records show that in 1970 the City had a population of 7,084; compare this with the mere 4,110 remaining residents in 2010. Weston wants to bring back the pride of the community, adding new city parks, recreation areas, and a community center.

Weston also needs a more pleasant landscape. Annexation would provide opportunities to fund more road projects to include new construction and resurfacing, to install street lights into the new neighborhoods for increased illumination and safety, and to finance clean-up of riverbanks, unsafe structures, and other City property.

The days of Weston and Lewis County behaving as separate governments has to end. For Lewis County and Weston to survive and thrive, we will all work together. The future will be either a threshold to sustained prosperity or a precipice to urban sprawl and diminished quality of life. By the proper and fair funding of our local government, we can ensure that our people and businesses work together for a better Lewis County.

Please set forth, in detail, rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit D")

A City may annex property by minor boundary adjustment when it determines annexation is appropriate and the governing County Commission approves its application, including within the approval a determination "whether the annexation could be efficiently and cost effectively accomplished under section two or four of this article." *W. Va. Code* § 8-6-5(d).

The referenced Code Sections allow for annexation by two means: (1) under *W. Va. Code* § 8-6-2, five percent of all landowners in Weston must file a petition – along with an accurate survey map and a surety bond – requesting an election on annexation, and then an election must be held to collect votes of all qualified voters in the additional territory; (2) under *W. Va. Code* § 8-6-4, annexation may occur by ordinance if "A majority of the qualified voters of the additional territory file with the governing body a petition to be annexed; and a

majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed[,]” after the City has verified the requisite number of qualified voters and their qualifications to determine the petitions are proper.

Neither of these methods presents an efficient and cost-effective means of accomplishing the proposed annexation. The City has worked in cooperation with property owners in the additional territory for years (*see Exhibit C*) and has corresponded with the known owners regarding the proposed annexation and its benefits, including through open discussions conducted at the City of Weston Chamber of Commerce and through local news outlets. In keeping with part of its goals addressed within its 2014 Comprehensive Plan, the City has continued its efforts to spearhead a public relations campaign addressing the benefits of annexation through minor boundary adjustment.

These discussions have continued for years. The property owners in the additional territory have not elected to prepare and file a petition for annexation under *W. Va. Code* § 8-6-4. The delay for each of these property owners is understandable, as they have more individual and pressing concerns. The delay for the City of Weston, however, continues to inhibit the growth and development of the City and risks its future viability.

A further campaign to solicit a petition for annexation from the additional territory – even if it were successful – is not an efficient nor a cost-effective mechanism to accomplish this annexation. For similar reasons, an election following a petition by City residents under *W. Va. Code* § 8-6-2 is not efficient or cost-effective. The financial and organizational burden of obtaining five percent of landowners, preparing necessary surveys, and posting the necessary bonds is such that it is unlikely to be undertaken by citizens, and the outcome of an election following such a hypothetical petition is in doubt. The City’s residents are better served by their elected representatives’ presentation of this Application for Annexation. *W. Va. Code* § 8-6-5 was crafted by our legislature as a means to allow our community leaders to make a fair determination of what is truly in the “best interest of the county as a whole.” *W. Va. Code* 8-6-5.

As recently articulated by the West Virginia Supreme Court of Appeals:

In Syllabus Point 6 of *Petition of City of Beckley to Annex, by Minor Boundary Adjustment, W. Va. Route 3 Right-of-Way Beginning at Present Corp. Limits*, 194 W. Va. 423, 460 S.E.2d 669 (1995), we found that municipalities have broad authority to engage in minor boundary adjustments:

In general, a county commission enjoys a broad discretion in exercising its legislative powers in determining the geographic extent of a minor boundary adjustment sought by a municipality under *W. Va. Code* 8–6–5 (1989), so long as a portion of the area to be annexed is contiguous to the municipality.

Morgantown Mall Assocs. Ltd. P'ship v. City of Westover, No. 16-0835, 2017 WL 3821879, at *5 (W. Va. Sept. 1, 2017)

In Morgantown Mall Assocs. Ltd. P'ship v. City of Westover, the Monongalia County Commission approved a 102 acre annexation by minor boundary adjustment. The area to be annexed was a commercial space, and was found to not be efficiently and effectively accomplished by election or petition.

Similarly, the City of Oak Hill's recent annexation of 2,484 acres by minor boundary adjustment in 2015 was upheld by the Court despite the opposition raised by affected property owners. In affirming the Fayette County Commission's approval of the application for annexation by minor boundary adjustment, the Court concluded that:

The record herein plainly reflects that the Commission heard and considered statements of those opponents who appeared at the January 30, 2015, public hearing and took into consideration the best interests of Fayette County as a whole in rendering its decision on the City's application, as required by West Virginia Code § 8-6-5(f).

Jenkins v. City of Oak Hill, No. 16-0059, 2016 WL 6819052, at *4 (W. Va. Nov. 18, 2016)

This annexation cannot be efficiently and cost effectively accomplished by municipal election or ordinance under *W. Va. Code* §§ 8-6-2 or -4 because the requisite petitions have not been presented to the City and the proceedings required to obtain the petitions and hold related elections or verifications are not a cost-effective alternative. Were the City required to follow only these paths, it may continue to be engaged in a futile waste of limited resources were the mechanisms not successful. Despite its outreach to the additional territory, the City cannot be sure at this time that an election would result in approval of annexation. Accordingly, the annexation cannot be efficiently or cost-effectively accomplished under these alternate methods, and the City requests that this Application be approved.

For many of the same reasons, the City of Weston formerly annexed 245.05 acres of property along U.S. Route 33 in 2008 by application for annexation by minor boundary adjustment.

For reference, the cited West Virginia Supreme Court of Appeals opinions and the 2008 annexation of the City of Weston are enclosed as "Exhibit D."

Please set forth, in detail, a description of all preliminary studies, surveys and interviews of freeholders, firms, corporations and qualified voters in the territory proposed for annexation which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit E")

Although the City lacks the means to conduct exhaustive studies and surveys, outreach has continued to occur in order to communicate the City's vision as well as the affected freeholders questions, concerns, and their own desires.

In addition, because the proposed annexation affects all City of Weston residents, a similar solicitation of feedback has also been performed by the City in an effort to receive the feedback from business and freeholders that already operate within the City today. These specific requests to solicit feedback have also been supplemented with years of efforts to open the line of communication to the residents of the City of Weston, the affected area, and the community at large. In addition to personal discussions with many of the individuals who live, work, and contribute to the area already, the City has attempted to reach out to the City of Weston Chamber of Commerce to present its vision for how the City of Weston can help to build better, stronger businesses throughout the Lewis County area. Last, the attached flyer, included in "Exhibit E," was provided to all recipients of sanitary services and Weston City Beats.

Please set forth, in detail, a description of all economic impact data indicating any impact upon freeholders, firms, corporations and qualified voters in the territory proposed for annexation which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit F")

Development that may occur due to the annexation would increase the tax base to support municipal services. Also, the increased amount of individuals visiting the annexed area or doing business in the annexed area would bring in additional revenue that could help assist in the City's service costs. Furthermore, the increased development in the area could lead to more businesses and services being offered to the City residents and individuals visiting. If there are economic gains within the City, the City residents will likely have more employment opportunities. The increased employment opportunities would in turn lead to more residents buying from the businesses.

Another key component of the City's prospective increased revenues involves the implementation of a comprehensive business and activity advertising campaign. Through financing received through the Municipal Sales and Use Tax, which was adopted by the City of Weston in 2017, increased revenues will be utilized to address both preexisting projects and plans for future growth of the area. For example, in keeping with its Comprehensive Plan, the City hopes to utilize portions of the increased revenues to develop an ongoing marketing campaign for area businesses.

Property owners within the City of Weston are also subject to the \$100.00 annual service fee. Upon approval of the annexation, the City has proposed that all property owners within the City who are subject to this municipal fee AND also qualify for the Homestead

Exemption would be exempt from paying the municipal fee. As currently calculated, this would save 714 residents a combined total of \$71,400.00 per year.

As currently proposed, the affected properties omit residential areas due to the concerns shared by the City of Weston that Lewis County residents will feel the impact of increased property taxes.

With its adoption of the of the Municipal Sales and Use Tax, a one-percent (1%) Sales and Use is assessed on the purchase of applicable goods sold and utilized within the City. The new total sales tax (now 7%) is passed onto the consumer. The tax does not apply to transactions already exempt from State sales and use taxes.

Some businesses in the affected area will also be subject to the Business and Operations taxes at a rate of \$0.20 per \$100 (rate for retail sales transactions). To the extent that it is a concern for the affected business owners, West Virginia Code limits the City's ability to raise those rates in the future. The Code provides: "if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program." W. Va. Code § 8-1-5a.

Because the City of Weston does not have access to financial records of the affected property owners, the precise economic impact and revenue generated from the annexation is unknown. However, based upon early projections and the shared concerns that the City has with businesses in and out of the municipal boundaries, the City has begun exploring available options to alleviate much of the economic burdens felt by business owners in the area. These efforts include a proposed exemption of B&O taxes for retail and service businesses with annual revenues below certain thresholds, exemptions to municipal service fee requirements for active businesses, and assistance with marketing and advertising.

Copies of the of applicable tax information are attached as are attached as "Exhibit F."

Please set forth, in detail, a description of all sociological impact data indicating any impact upon freeholders, firms, corporations and qualified voters in the territory proposed for annexation which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit G")

At this time, the City does not have impact comprehensive data upon the freeholders, firms, corporations, and qualified voters in the territory. However, the City's Comprehensive Plan addresses many of the sociological impacts its planned developments will have on residents and business owners throughout the City of Weston. The goals of the City of Weston are anticipated to mirror the goals of the Lewis County Commission, as well.

First, active community centers create a strong sense of community and bring shops, services, and employment. The businesses and organizations that would be incorporated

within the City limits could provide an active community center for the residents of Weston. Further, the City's police department will provide the annexed area with police protection. The increased police presence in the newly annexed area will lead to less crime and illegal drug usage. Moreover, the City's fire department could also continue to assist in providing emergency services to the annexed area, and the potential growth of the City's fire department through increased revenues could improve services for an increasing number of businesses and residents.

As proposed by the City, following annexation, the City would assume responsibility for the lease costs and maintenance of the fire hydrants in the affected area. With four hotels and multiple commercial properties in the affected area, this would increase citizen safety by ensuring sufficient water supply in the event of a fire through annual inspection and flow testing and the placement of additional fire hydrants (providing insurance savings to affected businesses).

It is also important to note that, in specific regards to the benefits to the hotels in the area, as part of the planned annexation, currently existing hotels and hotels currently in construction are not proposed to be a part of the annexation efforts in an effort to ensure applicable County revenue sources are not impeded upon by this annexation.

Additionally, due to the fact that the land to be annexed is not too large, the police and fire department would have the budget and personnel to monitor the increased area with its existing resource. Because of the increased police department and fire department presence and a growing sense of community, the City would be taking steps to better the residents' public health and safety.

For more information regarding the City's goals in its future growth, please see the enclosed Comprehensive Plan, attached as "Exhibit G."

Please set forth, in detail, a description of all data indicating any aesthetic impact upon freeholders or registered voters within the territory sought to be annexed which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6- 4: (attach documentary verification as "Exhibit H")

At this time, the City does not have impact data of this nature upon the freeholders, firms, corporations, and qualified voters in the territory, as requested. However, the City does believe that the logical result of the increased police presence would lead to less crime and make the area more attractive for visitors. Additionally, the high likelihood of the increased revenue could provide more funding to make the area more aesthetically appealing. The increased funding could be use to revitalize the City by supporting the small business that may be struggling.

In addition, the City would have more zoning and regulatory control of the area in comparison to present day. The regulatory control would help the City implement a plan

that would make the City look better, rather than having no control over an area so closely associated with the City. As detailed within the City's 2014 Comprehensive Plan, the newly annexed area will share in the City's plans to explore areas for new city parks, recreation trails, and green space.

Please see the enclosed Comprehensive Plan, attached as "Exhibit G." As a part of the Comprehensive Plan, and as a part of the City's efforts to further improve the aesthetics of the area, the attached Vacant Structure Registration Program and Uninhabitable Structure Registration Program helps to demonstrate the efforts being made by the City to help beautify the area (attached as "Exhibit H").

Please set forth, in detail, a description of all economic impact data indicating any impact upon the entity submitting application for annexation for minor boundary adjustment which support the rationale of entity submitting city application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit I")

Annexation will have an immediate and long-lasting economic impact on the City of Weston. As a result of the Municipal Sales and Use Tax, the legislature has provided our communities with the means to generate the necessary revenues to truly better our area as we, the collective community,

While still in its infancy, the positive impact of the Municipal Sales and Use Tax has already been demonstrated within the City. At the beginning of this fiscal year, the City projected a \$240,000.00 annual increase in revenues based upon the sales tax. In just five months, that number has already surpassed \$172,000.00 in new revenue, and trajectories show that the initially projected figures will easily be surpassed.

Because the City of Weston does not have access to financial records of the affected property owners, the precise economic impact and revenue generated from the annexation is unknown. However, based upon early projections and the shared concerns that the City has with businesses in and out of the municipal boundaries, it is anticipated that increased tax revenues stemming from the annexation will provide a net revenue increase of approximately 40%.

Through the proposed reduction in B&O taxes to assist all City of Weston residents and business operators, savings will be spread to ensure the entirety of the City can benefit from the introduction of new revenue streams from the Municipal Sales and Use tax. As projected, these proposed exemptions will result in annual savings to current City of Weston business operators as follows:

B&O taxes on Businesses Located in the
City of Weston - 2017

\$210,835

B&O Tax will be eliminated for 64 of the 80 businesses located in the city limits

Decreases in fees and taxes in conjunction with annexation:

\$1,000,000 exemption for businesses located in city limits

Savings: \$106,000

Elimination of Municipal Fee on building with active businesses

Savings: \$24,750

Business Savings with Annexation

Total Savings: \$130,750

At the same time, the additional revenues generated from the application of the Municipal Sales and Use tax in the affected area is projected to equal a \$1,006,000.00 increase in revenues (less the savings to existing operations within the city). A more complete analysis of the expected economic impact on the City of Weston is attached as Exhibit I.

Please set forth, in detail, a description of all sociological impact data indicating any impact upon the entity submitting application for annexation for minor boundary adjustment which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit J")

As the Lewis County seat, the City of Weston should not be allowed to falter if there are mechanisms in place that could allow for it to prosper. Residents and business owners who have continued to help maintain the City cannot continue to shoulder that burden alone. By expanding the City boundaries, incorporating the adjacent areas into the municipality, not only will new revenue open up new prospects for the existing residents, but opportunity for *growth*, including new services, resources, and the means to attract new residents to the City.

The City's goals for the future development on the City of Weston are goals that benefit the entirety of the County. These goals require capital; however, and the present revenue capabilities of the City and the County are not sufficient to meet those goals. In summary, some of the key goals expressed by the City in its future planning include:

- Creating a vibrant downtown that retains historic character while allowing for a mixture of residential and commercial development;
- Encouraging housing improvements throughout the city to attract and retain residents;
- Developing an atmosphere that encourages and invites economic development opportunities;
- Encouraging new development in the City, while protecting the character and environment of Weston;

- Encouraging a recreational family-friendly community atmosphere;
- Providing a multi-modal transportation network that is coordinated with new development.

The City would also refer the Commission to its 2014 Comprehensive Plan, attached as “Exhibit G.”

Please set forth, in detail, a description of all data indicating any aesthetic impact upon the entity submitting application for annexation for minor boundary adjustment which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a “minor boundary adjustment” as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as “Exhibit K”)

As a part of the Comprehensive Plan (“Exhibit G”), and as a part of the City’s efforts to further improve the aesthetics of the area, the attached Vacant Structure Registration Program and Uninhabitable Structure Registration Program helps to demonstrate the efforts being made by the City to help beautify the area (attached as “Exhibit H”).

Please set forth, in detail, a description of all economic impact data indicating any impact upon Lewis County as a whole which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a “minor boundary adjustment” as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as “Exhibit L”)

The City recognizes that financial uncertainties and a difficult economy are concerns for all Lewis County residents and businesses. Because of the unique nature of the Municipal Sales and Use Tax, and the ability to distribute the necessary burden of revenue generation to nonresidents and non-taxpayers is an invaluable tool for the County as a whole.

According the WV State Tax Department, the forty-two other municipalities are making use of the sales tax, and that number continues to grow. Economic hardships across our local community, region, and state have led to a decline in the quality and quantity of governmental services. Facing these harsh realities, a different approach to how funds are raised needs to be explored.

One of the best examples of the immediate impact that could be felt by all Lewis County residents is in the increased ability to fund infrastructure improvements. Because of the sales taxes collected just this year, four *additional* roadways within the City were able to receive much needed repairs and repaving. The improvement of City infrastructure remains a crucial need within Weston, and annexation will directly permit those improvements to continue at an increased rate.

Another immediate goal of the City is to find the revenue to reimburse the County Commission for the cost of housing prisoners at Central Regional Jail who were arrested

by the Weston Police Department. This initiative would put an average of \$84,000.00 per year back into the County's budget to use for other programs that it feels will provide the most benefit to the county residents.

Further, property owners within the City of Weston are also subject to the \$100.00 annual service fee. Upon approval of the annexation, the City has proposed that all property owners within the City who are subject to this municipal fee and also qualify for the Homestead Exemption, would be exempt from paying the municipal fee. As currently calculated, this would save 714 residents a combined total of \$71,400.00 per year.

Please set forth, in detail, a description of all sociological impact data indicating any impact upon Lewis County as a whole which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit M")

As the Lewis County seat, the City of Weston should not be allowed to falter if there are mechanisms in place that could allow for it to prosper. Residents and business owners who have continued to help maintain the City cannot continue to shoulder that burden alone. By expanding the City boundaries, incorporating the adjacent areas into the municipality, not only will new revenue open up new prospects for the existing residents, but opportunity for *growth*, including new services, resources, and the means to attract new residents to the City.

Please see answers above and previously attached Exhibits.

Please set forth, in detail, a description of all data indicating any aesthetic impact upon Lewis County as a whole which support the rationale of entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a "minor boundary adjustment" as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as "Exhibit N")

As discussed above, one of the best examples of the immediate impact that could be felt by all Lewis County residents is in the increased ability to fund infrastructure improvements. Because of the sales taxes collected just this year, four *additional* roadways within the City were able to receive much needed repairs and repaving. The improvement of City infrastructure remains a crucial need within Weston, and annexation will directly permit those improvements to continue at an increased rate.

Another immediate goal of the City is to find the revenue to reimburse the County Commission for the cost of housing prisoners at Central Regional Jail who were arrested by the Weston Police Department. This initiative would put an average of \$84,000.00 per year back into the County's budget to use for other programs that it feels will provide the

most benefit to the county residents, which could potentially go toward beautification efforts and infrastructure for the remainder of Lewis County.

Please see answers above and look to attached Exhibits.

Please set forth, in detail, a description of the qualifications of any person, firm or corporation providing any technical assistance to the entity submitting application for annexation for minor boundary adjustment, and attach resumes, if available. (Please note that professional registration of a representative of any person, firm or corporation providing any technical assistance to the entity submitting application for annexation for minor boundary adjustment, and actual "hands on participation" of such registered professional, is preferred, and lack thereof may be a rationale for rejection of this application.)

**Matthew D. Elshiaty, Esq.
Kay Casto & Chaney PLLC
1085 Van Voorhis Road, Suite 100
Morgantown, WV 26505
Telephone: (304) 225-0970
Facsimile: (304) 225-0974**

Surveys and mapping performed by:

**Bradley D. Miller, PS
Senior Survey Manager
Allegheny Survey
172 Thompson Drive
Bridgeport, WV 26330
Telephone: (304) 848-5035**

PART II

This application for annexation by minor boundary adjustment shall include, but not be limited to, the following information, to be set forth in an accompanying document: (attach documentation as "Exhibit 1" which information should be derived from the documents required above as "Exhibits A through 0")

SECTION A.

(1) The number of businesses located in and persons residing in the additional territory;

Upon most recent calculations, there are 64 businesses located in the additional territory and no residences. Real property records identify sixty-four (64) property owners in the additional territory, including corporations, trusts, and fractional interest holders.

(2) An accurate map showing the metes and bounds of the additional territory;

(Please note that professional registration of a representative of any person, firm or corporation providing any technical assistance regarding said map to the entity submitting application for annexation for minor boundary adjustment, and actual "hands on participation" of such registered professional, is required, and lack thereof may be a rationale for rejection of this application.)

A full map and description of the affected area is attached hereto as Exhibit 1.

(3) A detailed statement setting forth the municipality's plan, including projected costs thereof for the next ten (10) years, for providing the additional territory with all applicable public services such as police and fire protection, solid waste collection, public water and sewer services and street maintenance services, including to what extent the public services are or will be provided by a private solid waste collection service or a public service district;

The City currently provides fire protection, solid waste collection (through a contractor), and public water and sewer services to the proposed annexation area.

The City would provide additional services in the form of primary police protection, code enforcement services and assistance, and potentially municipal court services. Such services are needed on an irregular basis, making a 10-year cost projection unavailable. Because necessary infrastructure already exists, the City anticipates no financial difficulties in providing municipal services to the additional territory. The additional services provided will not likely require initial additional manpower because police, code, and court services are already in place and have capacity to accommodate the extension of municipal limits, which at maximum is less than one half mile beyond existing boundaries on State Route 33. Additional planned services to the annexation area, including a proposed police substation to promote safety and reduce crime at surrounding businesses, are likely to require costs within the

additional expected revenue anticipated from annexation. Because such revenue is based in part on sales at area businesses, the City cannot accurately project an amount of such revenues at this time.

As of the current fiscal year, the City of Weston Police Department is operating within a budget of \$600,000.00, and the City of Weston Fire Department is operating within a budget of \$400,000.00. It is anticipated that increased revenues will permit a significant expansion of those services; however, current budgets will allow the City of Weston to meet all increased needs in the newly annexed area.

Because the City of Weston does not have access to financial records of the affected property owners, the precise economic impact and revenue generated from the annexation is unknown.

At the same time, the additional revenues generated from the application of the Municipal Sales and Use tax in the affected area is projected to equal a \$1,006,000.00 increase in revenues (less the savings to existing operations within the city). A more complete analysis of the expected economic impact on the City of Weston is attached as Exhibit I.

(4) A statement of the impact of the annexation on any private solid waste collection service or public service district currently doing business in the territory proposed for annexation in the event the municipality should choose not to utilize the current service providers;

Solid Waste Services are provided by Waste Management. Sewer services are provided by the Weston Sanitary Board. No public service district is currently doing business in the territory. Annexation would have no impact on these services.

(5) A statement of the impact of the annexation on fire protection and fire insurance rates in the territory proposed for annexation;

Fire protection services are currently provided by Weston Volunteer Fire Department, and no change in service is anticipated. The City is unaware of any expected change in fire insurance rates.

It has been proposed by the City that additional fire hydrants be installed in the area to be annexed. There is potential savings to those business that are located more than 1,000 feet from fire hydrants once additional hydrants are installed.

(6) A statement of how the proposed annexation will affect the municipality's finances and services; and

The City anticipates a positive impact to municipal finances and services due to annexation. Under West Virginia's current tax structure, many municipalities must rely principally on collection of business and occupation taxes to fund necessary municipal services. Due to development patterns and social trends, increasing numbers of

businesses and facilities where municipal residents shop and work are located outside the historical municipal boundaries. Placement of these properties without the City limits continues to burden City services through increased traffic, extension of infrastructure, and provision of police and fire services, without conferring any attendant benefit upon the City and its residents. Extension of municipal boundaries to include these properties that operate as members of the local community will more fairly distribute the cost of paying for municipal services. Because these properties already operate within the community, additional infrastructure and personnel costs have in essence already been paid by City residents and will not create an additional financial burden.

City services will benefit by being adequately funded through additional anticipated business and occupation tax revenue. The cost of additional infrastructure and personnel needed to provide necessary services to the additional territory is anticipated to be near zero, as current capacity will allow the adequate provision of services. The value of the anticipated financial benefit due to additional revenue cannot be easily quantified by the City at this time. For a more comprehensive explanation of these issues, please refer to the attached "Exhibit C."

(7) A statement that the proposed annexation meets the requirements of this section.

As supported by the responses to this form Application, the proposed annexation meets the requirements of West Virginia Code section 8-6-5 for annexation by minor boundary adjustment.

SECTION B.

(1) The number of businesses located in and persons residing in the entity submitting application for annexation for minor boundary adjustment;

According to the 2010 United States Census, 4,110 persons resided within the City of Weston. As of 2018, the current number of businesses operating within the City of Weston is 80.

(2) An accurate map showing the metes and bounds of the entity submitting application for annexation for minor boundary adjustment;

(Please note that professional registration of a representative of any person, firm or corporation providing any technical assistance regarding said map to the entity submitting application for annexation for minor boundary adjustment, and actual "hands on participation" of such registered professional, is required, and lack thereof may be a rationale for rejection of this application.)

Map of Weston including 2008 annexation are attached.

(3) A detailed statement setting forth the municipality's plan, including projected costs

thereof for the next ten (10) years, for providing the entity submitting application for annexation for minor boundary adjustment, with all applicable public services such as police and fire protection, solid waste collection, public water and sewer services and street maintenance services, including to what extent the public services are or will be provided by a private solid waste collection service or a public service district;

Police & fire

The City's current fiscal year budget for police and fire protection combined is an estimated \$1,000,000.00. The City does not anticipate a substantial increase in these costs above inflation over the next ten year period; however, it remains a goal of the City to expand its police and fire department with new locations, personnel, and equipment.

Solid waste collection

Solid Waste Services are provided by Waste Management. The City does not anticipate a substantial change in these services over the next ten year period.

The City of Weston owns and operates the sewage system for the City and surrounding areas. The system is operated in accordance with the rules and regulations governing public utilities. The original project creating the new Sanitary plant in 2000 was a twelve million dollar (\$12,000,000) project, which also extended the system to several out-of-town communities.

There are a variety of streets and roadways, and the City is responsible for many of the streets. However, the State of West Virginia is responsible for several of the major corridors, including Route 33, which acts as a main artery between Weston and Interstate 79.

(4) A statement of the impact of the annexation on any private solid waste collection service or public service district currently doing business in the entity submitting application for annexation for minor boundary adjustment, in the event the municipality should choose not to utilize the current service providers;

Solid Waste Services are provided by Waste Management. Sewer services are provided by the Weston Sanitary Board. No public service district is currently doing business in the City. Annexation would have no impact on these services.

(5) A statement of the impact of the annexation on fire protection and fire insurance rates in the entity submitting application for annexation for minor boundary adjustment.

Fire protection services are currently provided by Weston Volunteer Fire Department within the municipality and the additional territory, and no change in service is

anticipated. The City is unaware of any expected change in fire insurance rates.

SECTION C.

(1) A detailed statement setting forth the municipality's plan, including projected costs thereof for the next ten (10) years, for providing portions of Lewis County now receiving the same from the entity submitting application for annexation for minor boundary adjustment, with all applicable public services such as police and fire protection, solid waste collection, public water and sewer services and street maintenance services, including to what extent the public services are or will be provided by a private solid waste collection service or a public service district;

The proposed annexation will not affect provision of these services, except as noted in Section A. above. For those services for which the City will take on primary responsibility as a result of annexation – police, code enforcement, and municipal court – existing personnel possess the capacity to provide expanded services and no additional costs are anticipated. All annexation territory adjoins State Route 33, which is maintained by the State, except a minimal portion adjoining Smith Run Road, and only negligible additional costs can be expected. Accordingly, annexation will not inhibit the City's ability to provide services to Lewis County. As noted in "Exhibit C," annexation is likely to restore adequate funding to City services and potentially allow expansion of City services to additional areas of Lewis County where such services may be useful.

(2) A statement of the impact of the annexation on any private solid waste collection service or public service district currently doing business in Lewis County, in the event the municipality should choose not to utilize the current service providers;

The City does not anticipate any impact arising from annexation to any private solid waste collection service or public service district currently doing business in Lewis County.

(3) A statement of the impact of the annexation on fire protection and fire insurance rates in Lewis County.

The City does not anticipate any impact arising from annexation to any fire protection services or fire insurance rates in Lewis County.

PART III

Please enumerate, in detail, all efforts made to contact, solicit input from and consider said input of freeholders, firms, corporations and qualified voters in the territory proposed for annexation by the entity submitting application for annexation for minor boundary adjustment for determining that the area sought to be annexed is determined to be a “minor boundary adjustment” as opposed to annexation pursuant to West Virginia Code 8-6-2 or pursuant to West Virginia Code 8-6-4: (attach documentary verification as “Exhibit 2”)

The City has worked in cooperation with property owners in the additional territory for years and has corresponded with the known owners regarding the proposed annexation and its benefits, including through open discussions conducted at the City of Weston Chamber of Commerce and through local news outlets. In keeping with part of its goals addressed within its 2014 Comprehensive Plan, the City has continued its efforts to spearhead a public relations campaign addressing the benefits of annexation through minor boundary adjustment.

In addition, because the proposed annexation affects all City of Weston residents and business owners, a similar solicitation of feedback has also been performed by the City in an effort to receive the feedback from business and freeholders that already operate within the City today. These specific requests to solicit feedback have also been supplemented with years of efforts to open the line of communication to the residents of the City of Weston, the affected area, and the community at large.

See “Exhibit 2”.

For each such freeholder, firm, corporation or qualified voters contacted in the territory proposed for annexation by the entity submitting application for annexation for minor boundary adjustment, please summarize the response of such freeholder, firm, corporation or qualified voters contacted in the territory proposed for annexation: (attach documentary verification as “Table 1”)

Of the approximately 130 requests for feedback sent out to both the affected area’s business owners, only the enclosed responses have been received.

See Table 1.

Has entity submitting application for annexation for minor boundary adjustment or another municipality made application to annex the same or substantially the same territory?

No.

If so, when?

Contiguous property in the area was annexed by minor boundary adjustment in 2008.

If so, why was the territory proposed for annexation by the entity submitting application for annexation for minor boundary adjustment not previously annexed? N/A

Please set forth, in detail, why the entity submitting application for annexation for minor boundary adjustment, believes that the proposed annexation for minor boundary adjustment, is in the best interest of the county as a whole. (attach response as "Exhibit 3")

Please see answers above and previously attached "Exhibit C," reattached as "Exhibit 3."

Dated: _____

Submitted By: Representative of entity submitting application
for annexation for minor boundary adjustment

Mayor Julia Spelsberg

Councilman

Councilman

Councilman

Councilman

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: September 6, 2018

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance

Approval of Minutes:

- August 30, 2018

9:05 a.m. Discuss property owned by Clarence and Dorothy Rowan located in Union Tax District – Tax Map 9E – Parcel Number 22.8

Items for Discussion / Action / Approval:

1. Approval and signature of Elkins Road PSD Phase III Waterline Extension Request for Release of Funds and Certification.*
2. Approval and signature of Prevention Resource Officer Agreement between the Upshur County Board of Education, the Upshur County Sheriff's Office and the Upshur County Commission. This agreement is for fiscal year 2018-2019 to have a Deputy Sheriff serve as Prevention Resource Officer at the Buckhannon-Upshur High School.*
3. Approval and signature of Addendum to Prevention Resource Officer Agreement for Fiscal Year 2018-2019 Canine Officer. This agreement will supplement the above referenced Prevention Resource Officer Agreement and allow for the PRO to be in possession of a male Labrador retriever/German shorthaired pointer fully trained in narcotics detection and obedience to be utilized at the Buckhannon-Upshur High School. Once executed, this agreement will be reviewed by the Board of Education for approval. *
4. Correspondence from Greg Harris, Facilities Director, requesting for Loretta L. Koone's employment as a groundskeeper to be changed from "seasonal" to "part-time", allowing her to work part-time year round as needed, effective November 25, 2018. Upon approval, Ms. Koone will continue to receive \$10 an hour and work no more than 29.5 hours per week. Ms. Koone's current temporary position was approved to continue through September or October, depending on the weather.*
Item may lead to Executive Session per WV Code §6-9A-4
5. Correspondence from Doyle R. Cutright, Upshur County Emergency Communications Center Director, requesting the reinstatement of employment of Stephanie M. Jack as full-time E-911 Communications Center Supervisor. Ms. Jack's certifications are current and valid at this time. Upon approval, Ms. Jack's hourly rate of pay will be \$12.50, effective September 9, 2018. Director Cutright further requests that the Commission make an exception to the advertisement requirement for appointment procedures per the Appointment Procedure Policy within the Employee Handbook of Personnel Guidelines.*
Item may lead to Executive Session per WV Code §6-9A-4
6. 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. Correspondence from State Auditor John B. McCuskey providing notice of the 2018 State Auditor's Training Seminar for County and Municipal Boards and Authorities.
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.
3. Discuss Animal Outreach Project's request for funds from the spay/neuter account to serve as a match for their grant award

Next Regular Meeting of the Upshur County Commission
September 13, 2018 --- 9:00 a.m.
Upshur County Courthouse Annex

**LEWIS COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE FISCAL YEAR ENDED JUNE 30, 2016**

Section II -Financial Statement Findings

**Segregation of Duties
2016-001**

CONDITION:

We noted during our audit that there is an insufficient segregation of duties in the offices of the Lewis County Sheriff, County Clerk, Circuit Clerk, and Prosecuting Attorney. Specifically, we noted that the same employees can many times prepare checks, reconcile bank accounts, prepare and make deposits, collect fees and other revenues and prepare the monthly reports for the respective offices.

CRITERIA:

Proper internal control procedures require that various duties be segregated among different employees, to make the likelihood of an improper use of monies less possible. The duties of collecting, recording, depositing, reconciling and disbursing of monies should be separated.

CAUSE:

The Lewis County Sheriff, County Clerk, Circuit Clerk, and Prosecuting Attorney's offices have not implemented proper control procedures to sufficiently segregate duties.

EFFECT:

The possibility of discrepancies occurring without being detected, or of an improper use of funds, is greatly increased.

RECOMMENDATION:

The duties of writing receipts, preparing and making deposits, issuing checks, reconciling bank accounts, and preparing the monthly statements for the various offices in the Lewis County courthouse should be segregated among different employees.

VIEWS OF RESPONSIBLE OFFICIALS AND PLANNED CORRECTIVE ACTIONS:

The Lewis County Commission has implemented practices to aid in segregation of duties. One person in the office opens mail/communications then the department head approves and codes the transaction to the appropriate account. The County Commission receives for review all expenditures the Thursday prior to their Monday meeting. If acceptable, they are approved for payment at the Monday meeting and checks are written. We will continue to search for procedures to create better segregation of duties with the limited staff in each office.

**LEWIS COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE FISCAL YEAR ENDED JUNE 30, 2016**

**Tax System Distribution
2016-002**

CONDITION:

We noted during our audit that the Lewis County Sheriff's Office tax collection system was programmed with incorrect levy rates, and the errors were not detected in a timely manner. The levy rates for Class I properties were not updated to allow for the accurate calculation of the distribution of tax collections to the taxing entities.

CRITERIA:

Proper internal controls dictate that the output from the Sheriff's Office tax system be reviewed monthly for accuracy to ensure that the tax system is functioning properly.

CAUSE:

The tax office had inadequate policies and procedures in place to minimize the risk of an error occurring in the accounting for the collection and distribution of taxes for the County and other taxing entities.

EFFECT:

An overpayment was made to the Municipality of Weston, while underpayments were made to all other levying bodies, except the Municipality of Jane Lew.

RECOMMENDATION:

The Lewis County Sheriff should implement procedures to ensure that all taxes levied are properly accounted for and that all taxes collected are distributed to the correct taxing entities.

VIEWS OF RESPONSIBLE OFFICIALS AND PLANNED CORRECTIVE ACTIONS:

A clerical error was made when entering the tax levy rates into the Sheriff's collection system. Because there are no Class I taxes, the office began entering rates beginning with Class II. Our software system is set up to use Class I rates and multiply for Class II-IV. Because Class I was not entered the new rates were not applied and remained at the previous year. The staff in the Sheriff's Tax Office has been educated on this matter and it will not repeat.

I Here by Resign my job AS Park Director.

Jh Shiff

8-13-18

Park
file

Subject: WV SIRN conference

From: Gumby (jgum@lewisoe.com)

To: CindyWhetsell@yahoo.com;

Date: Tuesday, September 4, 2018 9:08 AM

Cindy, I am requesting to attend the WV SIRN conference again at Camp Dawson in Kingwood. It is the last week of September 23 thru 27

thank you James W. Gum

Event Details

2018 WV SIRN Conference

The 2018 WV SIRN Conference has been scheduled for September 23 - 27, 2018. To be held at Camp Dawson in Kingwood WV. The conference will once again provide various training sessions to include SIRN Radio Programmer Training classes, which will be held at the end of the conference. When registering for your lodging with Camp Dawson, please refer to Event Code #81743.

Date/Time: 09/23/2018 4:00 PM

Contact Information

Bobby Hoge, SIRN Vice Chairman
(304) 425-4911
merc911@citlink.net

Lisa Paxton, WV SIRN Business Manager
(304) 421-4903
lisa.a.paxton@wv.gov

Event Documents and Links:

Camp Dawson's Website
2018 SIRN Conference Registration - Now Live!
2018 SIRN Conference DRAFT Agenda - Coming Soon!

Location

Camp Dawson



John Tonkin
379 Wilson Siding Road
Horner, WV 26372

August 27, 2018

Lewis County Sheriff's Department
ATTN: Adam Gissy, Sheriff
117 Court Avenue
Weston, WV 26452

Dear Sheriff Gissy:

Please consider this letter my official notification of resignation from my position as a deputy sheriff for the Lewis County Sheriff's Department, effective Monday, September 10, 2018.

I have appreciated both being part of the Lewis County Sheriff's Department team and the opportunities that have been provided to me during the last several years. Please let me know if I can be of assistance during this transition.

Sincerely,

John Tonkin

A handwritten signature in black ink, appearing to read "John Tonkin", written in a cursive style.



HOGAN'S ROOFING INC.

Commercial & Residential Roofing

Rt. 9, Box 239 Z • Bridgeport, WV 26330

TIM HOGAN - President

Phone: (304) 592-0303 • Fax: (304) 592-0550

PROPOSAL SUBMITTED TO:

Lewis County Senior Citizens Center
Weston WV

NEW ROOF ON FRONT SIDE FLAT SECTION OF ROOF

Tear off clean up and haul away the existing rubber roof system.

Install 1.5" rigid foam polyiso roof insulation with screws and metal plates per Versico specifications.

Install tapered insulation crickets along the wall with the roof drains to create positive drainage and eliminate ponding water.

Install "Versico" .060" fully adhered E.P.D.M. rubber roofing system according to "Versico" specifications. (Including all nailers, terminations, flashings, and fasteners)

Fabricate and install new kynar finished 24 gauge metal trim as needed. Membrane warranted 20 years by Versico. New roof guaranteed against leaks due to faulty workmanship for 5 years by Hogan's Roofing Inc.

PRICE:

\$11,410.00

TERMS:

In full upon completion.

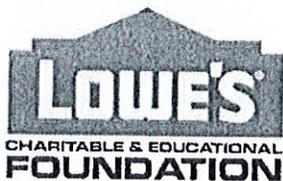
ACCEPTANCE OF PROPOSAL:

The above terms and conditions are satisfactory and acceptable. You are hereby authorized to do the work.

Signature _____ Date: _____

Signature _____ Date: _____

T. Cost \$11,410.00
- Grant \$9,400.00
Bal. \$2,010.00



July 25, 2018

Lewis County Senior Citizens Center, Inc.
Attn: Kim Harrison
171 W 2nd Street
Weston, WV 26452

Dear Kim:

Congratulations! Lewis County Senior Citizens Center, Inc. has been selected to receive a grant in the amount of \$9,400.00 from the Lowe's Charitable & Educational Foundation (LCEF) for the "Roof Replacement", provided the Organization is in compliance, and remains in compliance throughout the Grant Period, with the conditions and requirements set forth below.

This grant must be used for the project and the expenses specified in your online grant application. Any change in plans must be approved in writing in advance of the expenditure. Also, please remember that no more than 10% of your grant award can be used to support installation or labor charges, consultant fees, etc. If your project budget includes such expenses, these costs should be supported by other funds you have raised. The funds from this grant must be used within two years of the date of the check, unless the grantee requests, and LCEF agrees, in writing, in its sole discretion, to extend the Grant Period. This applies even if the grant is going for a particular phase of a project.

By accepting any grant check, Organization is representing to LCEF that Organization is an organization described in §170(c) of the Internal Revenue Code and will remain as such throughout the Grant Period; and that none of its members and officers have engaged in self-dealing or acts of moral turpitude. Organization further represents that it shall not engage in any unethical or illegal business practices or transactions with any person or engage in business with any country or person that supports terrorism or with which the United States government does not approve conducting business. Organization shall comply and cause its officers, directors, agents, employees and subcontractors to comply with all applicable laws, rules and regulations including but not limited to the U.S. Patriot Act, the International Traffic in Arms Regulations ("ITAR") and the U.S Foreign Corrupt Practices Act ("FCPA"). If at any point during the Grant Period Organization can no longer make any of these representations, it shall immediately inform LCEF which may, in its sole discretion, suspend or withdraw the grant.

Please sign and return this letter. Upon receiving your signed and returned letter, either via email or fax, we will process the grant check and grantee kit. Please note that a final impact report (on Cybergrants) is required at the conclusion of your project. LCEF is proud to support your project. You will receive a grantee kit in the next few weeks. Until then, we ask that you do not make any public or formal announcement concerning this award.

The mission of the LCEF is to improve the communities we serve, and we are committed to having a positive impact on the lives of our customers, neighbors and employees.

Again, congratulations on your LCEF grant! We are excited about working with you as your project becomes a reality.

Sincerely,

Jenna L. Ball
Community Relations
Email: jenna.l.ball@lowes.com
Phone: (704) 758-4060
Fax: (704) 757-0611

Please return a signed copy of this letter to acknowledge that you agree to the above terms. Also check and confirm your organization name and address at the top of this letter. The check will be made payable based on this information. Please make any necessary changes.

Dinah Mills
Signature

Director
Title

7-25-18
Date

Lowe's Charitable and Educational Foundation, Inc.
08/01/2018

Lewis County Senior Citizens Center Inc

Date
07/24/2018

Type
Bill

Reference
LCEF71118CP-11

Original Amount
9,400.00

Balance Due
9,400.00

211

Payment
9,400.00
9,400.00

*Deposited Special
8-13-18*

Checking:Checking -

9,400.00

Lowe's Charitable and Educational Foundation, Inc.
08/01/2018

Lewis County Senior Citizens Center Inc

Date
07/24/2018

Type
Bill

Reference
LCEF71118CP-11

Original Amount
9,400.00

Balance Due
9,400.00

21105

Payment
9,400.00
9,400.00

PAYMENT
RECORD

Checking:Checking -

9,400.00

10063 J142734 (12/16)



100631

Rev 2/14