

# COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue  
Weston WV 26452  
Phone:( 304)269-8200  
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Email:lewiscountycommission@lewiscountywv.org  
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**COMMISSIONERS:**  
Agnes Queen, President  
Patrick Boyle, Commissioner  
Rod Wyman, Commissioner

**LEWIS COUNTY COMMISSION  
110 CENTER AVENUE, 2ND FLOOR  
WESTON, WV 26452**

**Tuesday, April 30, 2019  
10:00AM**

## **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 Friday, April 26, 2019.  
(*action required*)

## **APPOINTMENTS**

- 3. 10:30 AM**      **Recess Meeting**  
**Public Hearing and 1st Reading of an Ordinance Authorizing Volunteer Fire Companies to Charge Reasonable Reimbursement Fees** (*action required*)  
**Reconvene Meeting**

## **CORRESPONDENCE**

- 4. Upshur County Commission Meeting Agenda:** Upshur County Commission Meeting Agenda for Thursday, April 25, 2019 is presented for review. (*information only*)
- 5. Coal Severance Tax Distribution:** Lewis County has received the Coal Severance Tax Distribution in the amount of \$6,814.28. Last quarter the county received \$9,768.87. (*information only*)

## **BUSINESS**

- 6. Boards and Committee(s) Report:** Commissioners will give report(s) on any board(s) or committee(s) meeting attended including: Lewis County Economic Development Authority; Lewis County Park Board; Miracle Air Ribbon Cutting; Lewis County Drug Take Back Day.
- 7. Lewis County Park and Recreation Board:** The Lewis County Park and Recreation Board requests the reappointment of Glen Brown Jr.. If reappointed his term of office will expire March 12, 2022. The board also requests the appointment of Barb Tucker and Heather Fluharty to fill vacancies. If appointed their terms will expire March 12, 2022. (*action required*)

8. **West Virginia Development Office Community Development Block Grant Acceptance:** The Lewis County Commission is asked to accept a West Virginia Community Development Block Grant-Broadband Development in the amount of \$500,000.00 to be used to provide of wireless broadband service to Southern Lewis County. *(action required)*
9. **Budget Revision #3 for Coal Severance Fund (2018/2019):** This revision will transfer \$3,181.00 from the public safety line item to the communications line item. This was originally budgeted in the incorrect expenditure item. *(action required)*
10. **Lewis County Park and Recreation Part Time Employment:** Josh Hinchman, Lewis County Park Director, requests permission to rehire William Hawkins as part-time employee. *(action required)*
11. **Timesheet and Leave Requests:** *(action required)*
  - a) **David Reed Annual Leave and Sick Leave**

**ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:**

12. **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 Friday, April 26, 2019 *(action required)*
13. **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 Friday, April 26, 2019 *(action required)*
14. **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 Friday, April 26, 2019 *(action required)*
15. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, April 26, 2019 *(action required)*

**ADJOURNMENT:**

16. **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.**

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 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 owner or other persons responsible or liable for payment 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 ay such services rendered within the boundaries of Lewis County municipality; provided, however, that no fee for any single incident of accident shall exceed fifteen hundred dollars (\$1500.00), 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 with their authorized territory is eligible to bill for charges. Nothing in this ordinance shall be construed as requiring a volunteer fire department operating with 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) \$150.00 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.

SECTION 5. EFFECTIVE DATE OF ORDINANCE

This ordinance shall be effective immediately upon passage, however this Lewis County Commission reserves the right to rescind this Ordinance for good cause, upon proper notice and procedure as is prescribed by law.

ENACTED AND ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
**Agnes Queen, President**

\_\_\_\_\_  
**Rod Wyman, Commissioner**

\_\_\_\_\_  
**Patrick Boyle, Commissioner**

Attested: \_\_\_\_\_

**Cynthia S. Rowan, Lewis County Clerk**

## Upshur County Commission Meeting Agenda

Agenda packets are available electronically at [http://www.upshurcounty.org/agenda\\_and\\_minutes/index.php](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: April 25, 2019

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

Approval of Minutes:

- April 18, 2019

9:05 a.m. Dr. Joseph Reed – Discuss potential topics for BUHS and WVWC students to choose from and prepare a presentation to be shared during a joint meeting of the City Council and the County Commission.

9:15 a.m. Sheriff David H. Coffman -- Request the employment of Joseph D. Barcus as a Deputy Sheriff, effective April 28, 2019 at the pay wage rate of \$18.36 per hour. Upon approval, Mr. Barcus will be sworn in.

12:00 p.m. Children’s Memorial Flag Luncheon – Chapel Hill United Methodist Church

2:00 p.m. Property inspection of Probation Office waiting area

### Items for Discussion / Action / Approval:

1. Correspondence from Lori Ulderich Harvey, Upshur County Family Resource Network Director, requesting permission to place a Foster Care Awareness Month display in the Courthouse Annex foyer during the month of May.\*
2. Correspondence from Annabell Brown requesting permission to utilize the FEMA lot located adjacent to her property at Norvell Drive for a vegetable garden and temporary horse enclosure. Upon approval, Ms. Brown would maintain and mow the lot.\*
3. Review the Upshur County Safe Structures and Sites Enforcement Board Petition for Order --- Case Number 101118-01 (Warren Tax District – Tax Map 6B – Parcel Number 11).\*
4. Approval and signature of Reference Services, Inc. credentialing paperwork that will allow the Commission to begin the process of transitioning from Credential Research to Reference Services, Inc. for employment background checks.\*
5. Correspondence from Jerry Wilfong expressing an interest to serve on the Upshur County Fire Board, Inc., as a community representative. Upon approval, Mr. Wilfong’s term will commence July 1, 2019 and expire on June 30, 2022.\*

6. Correspondence from Joseph A. Tenney, Chairman of the Tennerton Public Service District Board, requesting the appointment of John Barnes to fill an unexpired term on the Board effective immediately. Upon approval, Mr. Barnes' term will expire on July 31, 2019.\*
7. Approval of seasonal employment for Upshur County Youth Camp Staff, effective on May 20, 2019.\*
8. Correspondence from Cheyenne Troxell, Program Director for Community Corrections, requesting to utilize James Lough as a security guard during the parenting classes conducted in Lewis and Upshur Counties at the pay wage rate of \$20 per hour, reimbursed in full by the WV Supreme Court. Due to the nature of the classes, the State has requested for a security guard to be present. Upon approval, these hours will be count towards the 1,039 hours he is allotted per calendar year.\*
9. Correspondence from Cheyenne Troxell, Program Director for Community Corrections, requesting permission for Samantha Ribeiro Matos to teach parenting classes in Lewis and Upshur Counties at the pay wage rate of \$75 per class, reimbursed in full by the WV Supreme Court.\*
10. Approval of Lewis - Upshur Animal Control Facility Volunteers, Elizabeth Athey and Rachel Pickett.\*
11. 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 Jim Mitchell, Upshur County Farm Bureau President, inviting the Commission to attend a Farm-City dinner on April 29<sup>th</sup> at 6:30 p.m. at Chapel Hill United Methodist Church.
2. Memorandum from Stuart Stickel, CPA, CFE, Deputy State Auditor for the Office of the State Auditor, regarding audit requirements for housing authorities. Effective for fiscal years beginning in 2020, the Chief Inspector Division of the WV State Auditor's Office will be overseeing the audit process of all Housing Authorities in the State of WV in accordance with statutory requirements and established procedures.
3. Upshur County Fire Board, Inc. 2018 2<sup>nd</sup> Disbursement
4. Lewis-Upshur Animal Control Facility Adoption Financial Transactions for the month of March 2019
5. Appointments Needed or Upcoming:
  - Tennerton Public Service District (unexpired term – July 31, 2019)

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](http://www.upshurcounty.org/agenda_and_minutes/index.php)

Tabled Items

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

1. Review floodplain fees for other West Virginia Counties and consider a revision to the Upshur County Floodplain Ordinance.\*

Next Regular Meeting of the Upshur County Commission  
May 2, 2019 --- 9:00 a.m.  
Upshur County Courthouse Annex

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**Subject:** Coal Severance Tax

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**From:** afarnsworth@lewiscountywv.org (afarnsworth@lewiscountywv.org)

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**To:** lwhetsell@lewiscountywv.org;

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**Date:** Wednesday, April 17, 2019 3:39 PM

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Hi, I just got notice of the Coal Severance tax that will be deposited this month. It will be \$6814.28. The last one we received in January was \$9768.87.  
Thanks!

**Amanda J. Farnsworth**  
Assistant Chief Tax Deputy  
Lewis County Sheriff's Tax Office  
110 Center Avenue  
Weston, WV 26452  
Phone: (304) 269-8222  
Fax: (304) 269-8698

The Lewis County Park Board requests that Glen Brown Jr. be reappointed to the Lewis County Park Board. We also request that new members be appointed to fill vacancies. Our request is for Heather Fluharty and Barb Tucker to fill vacancies of Tracey Weber III and Andrea Clem.



## WEST VIRGINIA DEVELOPMENT OFFICE

1900 Kanawha Boulevard East • Charleston, WV 25305-0311  
(304) 558-2234 • (800) 982-3386 • WVDO.org

April 18, 2019

The Honorable Agnes Queen  
President  
Lewis County Commission  
110 Center Avenue  
Weston, West Virginia 26452

**RE: Community Development Block Grant Program- Broadband Development  
Southern Lewis County Broadband Project  
Project Number: 18SCBG0012 (\$500,000)**

Dear Commissioner Queen:

Congratulations on Governor Justice's recent Community Development Block Grant (CDBG) award of \$500,000 to assist the Lewis County Commission in the development and implementation of providing wireless broadband service to more than 450 households, businesses and anchor institutions in southern Lewis County.

This funding is provided under Title I of the Housing and Community Development Act of 1974 under regulations of the Department of Housing and Urban Development, including but not limited to 24 CFR (Code of Federal Regulations), Part 570, Sub-Part I, as amended or revised, and subject the State of West Virginia's CDBG Policies and Procedures Manual and all program guidelines. Funds are provided to meet the HUD National Objective of Benefit to Low- and Moderate-Income (LMI) persons to provide the Low Mod Area (LMA) Benefit in the Eligible Activity of Public Facilities to include the acquisition, construction, reconstruction, rehabilitation or installation of public improvements or public facilities in accordance with 24 CFR Part 570.201(c).

No funds may be expended prior to the full execution of this grant agreement and written authorization from the West Virginia Development Office (WVDO). Please note the following:

- 1. The WVDO may cancel the grant and reallocate the grant funds if the grant agreement is not prepared, signed, and processed within 30 days of the date of this letter.**
- 2. The Grantee must submit all Evidentiary Material requested on the enclosed list to the WVDO within 60 days of the date of this letter.**
- 3. Written authorization from the WVDO is required prior to the expenditure of any funding associated with this project.**
- 4. The WVDO will provide template language for Requests for Proposals (RFP). The RFP must contain the applicable HUD language and must be approved by the WVDO prior to release.**

Work to be performed under this contract is subject to 24 CFR Part 135, also known as Section 3 of the Housing and Urban Development Act of 1968. Section 3 is discussed in detail within the grant agreement, and

the Grantee is responsible for compliance and reporting. Section 3 Certifications must be included in contracting and subcontracting agreements for this project. This enclosed grant agreement certifies that the local government, as the Grantee, shall comply with the policies, guidelines, and requirements of Title I of the Housing and Community Development Act of 1974 and all applicable State and Federal laws in the administration and distribution of funds provided under this agreement including, but not limited to:

- Fair Housing
- Section 3
- Environmental Review
- Contracting, Procurement, and Labor
- Record Retention and Reporting

The Grantee is also responsible for completion of the Environmental Review Record, as specified and required in regulations pursuant to 24 CFR Part 58. The Grantee must certify to the State that it has complied with all requirements and obligations set forth by 24 CFR Part 58 prior to the obligation of any funds. These requirements prohibit the Grantee from taking any “choice limiting actions” prior to the completion of the environmental review. Choice-limiting actions include any activity that will result in a physical change, including property acquisition, demolition, movement, rehabilitation, conversion, repair, construction, and leasing or disposition.

All procurement and construction contracting shall be executed in a manner that provides maximum open and free competition consistent with the procedures identified in the CDBG Policies and Procedures Manual, and in accordance with Chapter 5-22-1 of the West Virginia Code and federal regulations, 2 CFR 200. The local government is required to take affirmative steps to assure that Women and Minority-Owned Business Enterprises (WBE/MBE) are encouraged to bid. These steps must include direct solicitation of WBE/MBE contractors and businesses, proof of which must be included in the project files.

The WVDO works closely with the State’s Regional Planning and Development Councils in the administration of this grant program. An implementation meeting will be scheduled as soon as possible. A representative of your office and the project team must attend this meeting. The project team will be provided with a copy of the CDBG Policies and Procedures Manual and other program guidelines. A copy is available on the West Virginia Community Advancement and Development website. If you have any questions concerning this letter, please contact Mr. Tony O’Leary at 304-558-2234 or send email to Tony.M.Oleary@wv.gov. We look forward to working with you to complete this project.

Sincerely,



Kelly Workman,  
Community Development Manager

KW: to

cc: James Bush, WVDO  
Shane Whitehair, Region VII PDC

Enclosures

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER  
 FY: 18/19  
 Fund: 2  
 Rev. No. 3  
 Pg. of No. 1

Lewis County Commission  
 GOVERNMENT ENTITY

Person To Contact Regarding Request: 110 Center Avenue  
 Name: Crystal Haught STREET OR PO BOX  
 Phone: (304) 269-8215  
 Fax: (304) 269-8202 Weston 26452  
 CITY ZIP CODE

COUNTY  
 Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
961	Public Safety	31,081		31,081	
712	Communication Center		31,081		31,081
	#N/A				

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Div. Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE