

ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY

RECESS

SESSION:

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Friday, February 19, 2016.

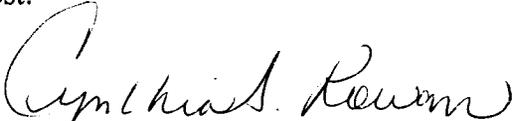
This day came Brian Tannous, friend of Delroy L. Sharpless, deceased, and moved the Clerk that he be appointed Administrator of the personal estate of his said decedent. Upon, consideration of which, the Clerk is of the opinion to and doth hereby appoint the said Brian Tannous as such Administrator.

THEREFORE, Brian Tannous as principal together with Sharon Cogar as his surety, entered into an acknowledged a bond in the penalty of One Thousand (\$1,000.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient.

NOW THEREUPON, the said Brian Tannous qualified as Administrator of the personal estate of Delroy L. Sharpless, deceased, by taking the oath prescribed by law.

It is stated by said Administrator that Delroy L. Sharpless departed this life on the 22nd day of December, 2015, aged sixty-six years.

Attest:


Cynthia R. Rowan Clerk

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REGULAR**

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Commission sat pursuant to recess of Friday, February 19, 2016.

PRESENT: Honorable Agnes G. Queen, President and Thomas V. Fealy, Commissioner and Patrick D. Boyle, Commissioner being absent.

The foregoing proceedings of this Commission were approved and signed by the President.

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Commission Agenda** – The Upshur County Commission agenda for Thursday, February 18, 2016 was filed.
2. **Region VII Planning and Development Council Announcement of 2016 Small Cities Block Grant Application Deadline and Guidelines** – The 2016 West Virginia Small Cities block Grant Application deadline has been set for May 23, 2016. A list of priorities and guidelines were received.
3. **Jane Lew Public Service District Meeting Minutes** – Minutes for the January 14, 2016 meeting of the Jane Lew Public Service District were received.
4. **Lewis County Emergency 911 Subscriber Fee Remittance from Vonage for January, 2016** – Vonage Emergency 911 subscriber fee remittance for January, 2016 in the amount of \$147.00 was received.

IN RE: BOARD AND COMMITTEE REPORTS

President Agnes G. Queen attended the Economic Development Authority water project update. Water line maps for the Roanoke Water Project were sent to the fire department for approval of fire hydrant locations.

President Agnes G. Queen, County Clerk Cindy Rowan and County Administrator Cindy Whetsell attended the Thyme Bistro, Road Trippers meal. Thyme Bistro will be featured on the Road Trippers show.

President Agnes G. Queen, Commissioner Patrick D. Boyles, County Clerk Cynthia S. Rowan and County Administrator Cindy Whetsell attended the Paint the Town Blue luncheon honoring the county's law enforcement.

President Agnes G. Queen and County Administrator Cindy Whetsell participated in a conference call with the County Commissioners Association on legislative updates.

President Agnes G. Queen attended a WV American Water Stakeholders meeting at the Lewis County Senior Center, sponsored by 'your water source'. This meeting was to work on emergency planning.

County Administrator Cindy Whetsell attended a conference call with FEMA on disaster assistance for the snow disaster in January.

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IN RE: APPROVAL OF FIRE BOARD LEVY ORDER AND BALLOT

Thomas Aman, Esquire, Steptoe and Johnson PLLC, presented a levy election order to the commission for approval, on motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to approve the following:

Levy Election Order

AN ORDER OF THE COUNTY COMMISSION OF LEWIS COUNTY DIRECTING THAT AN ELECTION BE HELD FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF LEWIS COUNTY ALL QUESTIONS CONNECTED WITH INCREASING THE RATES OF LEVY ON THE VARIOUS CLASSES OF PROPERTY FOR THE PURPOSE OF FUNDING BUILDING CONSTRUCTION; BUILDING AND GROUNDS MAINTENANCE; VEHICLE ACQUISITIONS, REPLACEMENTS, REPAIR AND MAINTENANCE; FIREFIGHTING EQUIPMENT ACQUISITION; COMMUNICATION EQUIPMENT REPAIR AND MAINTENANCE; TRAINING FACILITY CONSTRUCTION AND MAINTENANCE; UTILITY EXPENSES; INSURANCE FEES; TELECOMMUNICATIONS SERVICES AND EQUIPMENT AND OFFICE EQUIPMENT FOR THE SIX (6) VOLUNTEER FIRE DEPARTMENTS OF LEWIS COUNTY IN A TOTAL APPROXIMATE AMOUNT OF THREE MILLION FIVE HUNDRED EIGHTY-SEVEN THOUSAND EIGHT HUNDRED NINETY-FIVE AND 00/100 DOLLARS (\$3,587,895).

WHEREAS, The County Commission of Lewis County (the "County Commission") has determined that the levies currently authorized by Chapter 11, Article 8 of the Code of West Virginia, 1931, as amended (the "Act"), will not provide sufficient funds for the payment of costs of a project, to consist of fire station construction; building and grounds maintenance; vehicle acquisitions, replacements, repair and maintenance; acquisition of firefighting equipment; repair and maintenance of communication equipment; construction and maintenance of training facilities; utility expenses; insurance fees; telecommunication services and equipment; and office equipment for the six (6) volunteer fire departments of Lewis County over a five (5) year period (the "Project"), and that an election should be held, as provided for under the provisions of Section 16 of the Act, to approve an increase in levies for the fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021; and hereby declares and orders as follows:

1. The purpose for which such additional funds are needed is to fund fire station construction and maintenance; building and grounds maintenance; vehicle acquisitions, replacements, repair and maintenance; acquisition of firefighting equipment; repair and maintenance of communication equipment; construction and maintenance of training facilities; utility expenses; insurance fees; telecommunication services and equipment; and office equipment for the six (6) volunteer fire departments of Lewis County over a five (5) year period.

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2. The total approximate amount necessary to carry out the above purpose is \$717,579 annually, net of allowances for discounts, delinquencies, exonerations, and the assessor's valuation fund or a total approximate amount of \$3,587,895 for the five-year levy period.

3. That the separate and aggregate assessed valuation of each class of taxable property within the County of Lewis certified on February 27, 2015, is as follows:

Class I	-0-
Class II	\$294,978,498
Class III	\$636,161,023
Class IV	\$72,751,300
Aggregate	\$1,003,890,821

4. That the proposed additional rate of levy in cents upon each \$100 valuation on each class of property will be as follows:

Upon Class I Property	2.25 cents
Upon Class II Property	4.50 cents
Upon Class III Property	9.00 cents
Upon Class IV Property	9.00 cents

5. That the proposed number of years to which the additional levy shall apply is five, being the five fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021.

6. That in the event the separate and aggregate assessed value of each class of taxable property within the County increases during the term of the special excess levy, the levy rate shall be reduced so that the projected tax collection will not exceed \$717,579 in any fiscal year. The County Commission reserves unto itself as the levying body of the County of Lewis the right and authority to reduce the additional rates of levy if increased assessments would produce funds beyond projected needs in any year specified in the levy call in accordance the Act.

7. In the event the County Commission shall obtain additional money by grant or otherwise from the state or federal government, or from any agency of either, or from any other source, for the purposes aforesaid, such additional money may be used either in substitution for, or in addition to, the sums obtained from such additional levies as the County Commission may from time to time determine.

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8. That the question of such additional levy shall be submitted to a vote at the primary election to be held on Tuesday, May 10, 2016.

9. That notice of the special levy election hereby ordered shall be given, as required by law, by the publication of this order within the 14 consecutive days next preceding the date of such election, with an interval of at least 6 full days between the first and second publications, once a week for 2 successive weeks in two qualified newspapers of opposite politics published or of general circulation in Lewis County, West Virginia.

10. That the form of ballot to be used for such special levy election shall be as follows:

OFFICIAL LEVY BALLOT

Election to authorize additional levies for the fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021, in the approximate amount of \$717,579 annually, net of allowances for discounts, delinquencies, exonerations, and the assessor's valuation fund for the following purposes:

Fire station construction and maintenance; building and grounds maintenance; vehicle acquisitions, replacements, repair and maintenance; acquisition of firefighting equipment; repair and maintenance of communication equipment; construction and maintenance of training facilities; utility expenses; insurance fees; telecommunication services and equipment; and office equipment for the six (6) volunteer fire departments of Lewis County over a five (5) year period.

The total approximate amount necessary to carry out the above purposes is \$717,579 annually, net of allowances for discounts, delinquencies, exonerations, and the assessor's valuation fund or a total approximate amount of \$3,587,895 for the five-year levy period, all according to the order of The County Commission of Lewis County entered on February 22, 2016. The additional rate of levy in cents upon each \$100 valuation on each class of property shall be as follows:

- Upon Class I Property 2.25 cents
- Upon Class II Property 4.50 cents
- Upon Class III Property 9.00 cents
- Upon Class IV Property 9.00 cents

In the event the separate and aggregate assessed value of each class of taxable property within the County increases during the term of the special excess levy, the levy rate shall be reduced so that the projected tax collection will not exceed \$717,579 in any fiscal year. The County Commission of Lewis County reserves unto itself as the levying body the right and authority to reduce the

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additional rates of levy if increased assessments would produce funds beyond projected needs in any year specified in the levy call.

In the event The County Commission of Lewis County shall obtain additional money by grant or otherwise from the state or federal government, or from any agency of either, or from any other source, for the purposes aforesaid, such additional money may be used either in substitution for, or in addition to, the sums obtained from such additional levies as The County Commission of Lewis County may from time to time determine.

INSTRUCTIONS: Those favoring the imposition of additional levies, fill in the oval next to "FOR THE LEVY."

Those against such additional levies, fill in the oval next to "AGAINST THE LEVY."

FOR THE LEVY

AGAINST THE LEVY

Adopted and entered of record this February 22, 2016.



President of The County Commission
of Lewis County

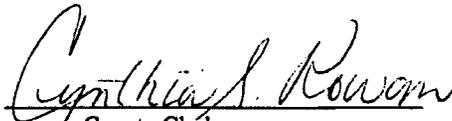
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CERTIFICATION

The undersigned, being the duly qualified, elected and acting Clerk of The County Commission of Lewis County, West Virginia, does hereby certify that the foregoing is a true, correct and complete copy of a Order duly adopted and entered of record by The County Commission of Lewis County, at a regular meeting duly held on February 22, 2016, pursuant to proper notice, at which meeting a quorum was present and acting throughout, and which Order has not been amended, modified, rescinded, repealed, annulled, revoked or otherwise altered as of the date hereof.

Dated: February 22, 2016.


County Clerk



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IN RE: LEWIS COUNTY CONVENTION & VISITORS BUREAU 4TH QUARTER REPORT

Chris Richards, Director of the Lewis County Convention & Visitors Bureau gave the 4th Quarter, 2015 report of activities. A copy is available upon request from the Lewis County Clerk's office.

IN RE: APPROVAL OF THE NORTH CENTRAL REGIONAL EMS, INC. ANNUAL ASSESSMENT

North Central Regional Emergency Medical Service, Inc. requests Lewis County contribute an annual assessment in the amount of \$818.60. This funding provides \$2,200.00 in scholarship for potential providers, \$4,000.00 to provide paramedics with 48 hours in continuing education and \$3,000.00 for National Emergency Medical Services Week activities. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to approve the request.

**IN RE: GREG STARK, RICHARD RITTER, TRACEY WEBER, III AND MARVIN MURPHY
REAPPOINTED TO LEWIS COUNTY ECONOMIC DEVELOPMENT BOARD**

A letter was received from the Lewis County Economic Development Board requesting the reappointment of Marvin Murphy, Tracey Weber, III, Richard (Dick) Ritter, and Greg Stark to their board. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to approve Marvin Murphy, Tracey Weber, III, Richard (Dick) Ritter and Greg Stark to the Lewis County Economic Development board for a three year term ending December 31, 2018.

**IN RE: APPROVAL OF LEONA SWISHER AS A MEMBER
OF THE LEWIS COUNTY PLANNING COMMISSION**

A letter was received from the Lewis County Planning Commission requesting the appointment of Leona Swisher to the Lewis County Planning Commission. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to approve Leona Swisher to the Lewis County Planning Commission to fill the unexpired term of Rex Stalnaker, expiring February 1, 2018.

**IN RE: APPROVAL OF HIRING JOSEPH FRAZIER TO THE
UNFILLED MAINTENANCE POSITION**

The Lewis County Commission advertised for a maintenance employee with emphasis in electric or plumbing certification. This is not a new position but to fill a current vacancy. Only one applicant has certification in either field. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to hire Joseph Frazier to fill the vacant maintenance position at \$39,300.00 annual salary with a start date of March 1, 2016. Commission also agreed to waive the probation period on benefits.

IN RE: ECONOMIC DEVELOPMENT AUTHORITY UPDATE

Michael Herron, Executive Director, Economic Development Authority was not present.

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IN RE: RECESS ORDERS

On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to approve the following actions taken by the Lewis County Clerk, Cynthia S. Rowan, in recess of the County Commission from February 11, 2016 to February 17, 2016:

Wills Probated:

Mary Ramona West, deceased
 Ronald Ellwood Hults aka Ronald Hults, deceased
 Larry N. Morgan, deceased

Qualifications Orders Granted:

Ronald Fisher qualified as Executor of the estate of Mary Ramona West, deceased
 Westley W. Smith qualified with bond as Ancillary Administrator CTA of the estate of Bonnie Faye Dixon, deceased
 Westley W. Smith qualified with bond as Ancillary Administrator CTA of the estate of Donna Elaine Lemmon, deceased
 John Hults qualified as Executor of the estate of Ronald E. Hults aka Ronald Ellwood Hults, deceased
 W. T. Weber, III qualified with bond as Ancillary Administrator CTA of the estate of Larry N. Morgan, deceased

**IN RE: APPROVAL OF VETERINARIAN EXPENSES
 FOR MINIATURE HORSES AND DONKEYS**

Cindy Whetsell, County Administrator informed the commission the Sheriff's Department had confiscated 39 (thirty-nine) miniature horses and donkeys from a farm in Lewis County on charges of abuse and neglect. In addition to these, there were several dead animals found in the field. The animals required veterinarian services. The animals are being boarded in Upshur County at the rate of \$200.00 per head per month. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to approve up to \$3,000.00 for veterinarian expenses.

IN RE: APPROVAL OF ORDERS (MINUTES) FOR FEBRUARY 16, 2016 MEETING

On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing, to approve the orders (minutes) as presented.

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IN RE: APPROVAL OF EXPENSES FOR CURRENT PERIOD

On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing, to approve the following expenses (claims):

MISCELLANEOUS CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, GENERAL COUNTY FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

72173	Dog & Kennel Fund	02/22/2016	25,000.00
72174	FBI NAA WV	02/22/2016	70.00
72175	Guttman Oil Company	02/22/2016	428.09
72176	John B. Hinzman	02/22/2016	108.00
72177	Weston Sanitary Board	02/22/2016	255.13
	GENERAL COUNTY	TOTAL	25,884.42

ASSESSOR VALUATION CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, ASSESSOR VALUATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

3064	WHAW Radio	02/22/2016	247.50
3065	WOTR Radio	02/22/2016	247.50
3066	WVRW Radio	02/22/2016	247.50
	ASSESSOR	TOTAL	742.50

DOG AND KENNEL CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, DOG AND KENNEL FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2706	Guttman Oil Company	02/22/2016	52.97
2707	Upshur County Commission	02/22/2016	17,637.77
	DOG AND KENNEL	TOTAL	17,690.74

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E-911 EMERGENCY COMMUNICATION CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, E-911 EMERGENCY COMMUNICATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

8097	Guttman Oil Company	02/22/2016	30.37
8098	Weston Sanitary Board	02/22/2016	43.65
	E-911	TOTAL	74.02

HOME CONFINEMENT CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, HOME CONFINEMENT FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2467	Track Group	02/22/2016	4,532.50
	HOME CONFINEMENT	TOTAL	4,532.50

IN RE: CHECKS RECEIVED

City of Clarksburg	\$816.66
Lewis Co. Board Of Ed.	\$3,768.67
Robert Taylor	\$83.00

IN RE: MOTION TO RECESS MEETING

On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to recess the meeting at 11:15 AM.

Given under my hand this 22nd day of February, 2016.

ORDERED, That this Commission doth now recess until Thursday, February 25, 2016.



President