

REGULAR SESSION

JANUARY 3, 2017

STATE OF WEST VIRGINIA, COUNTY OF PRESTON, Ss:

The Preston County Commission met in Regular Session at 6:30 p.m., January 3, 2017, in the County Commission Meeting Room.

The meeting was called to order by Commissioner Craig Jennings who invited those present to join in the Pledge of Allegiance.

The following Commissioners were present: Don Smith, Dave Price and Craig Jennings.

Also present were Dianna Hartman, County Clerk's Office and Kathy Mace, Administrator/Grant Writer.

The following persons registered their attendance during the meeting:

Kathy Plum
Theresa Marthey

No one registered prior to the meeting to address the Commission.

Commissioner Smith nominated Craig Jennings to serve as President of the Preston County Commission for the year 2017. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Commissioner Jennings was administered the Oath of Office by Dianna Hartman, for President of the Preston County Commission.

Ms. Mace presented the list of Commission Committees for 2016 and asked Commissioners if they wish to make any changes to this list. If not, approval of these members is needed for 2017.

Commissioner Smith moved to reappoint the following Commission Committee

members as follows:

Commission Committees 2017

911 Advisory Committee – Dave Price

Local Emergency Planning Commission (LEPC) – Dave Price

Preston County Economic Development Authority Board – Dave Price

Solid Waste Authority Board of Directors – Don Smith

Wage and Benefits Board – Craig Jennings

Regional VI Planning and Development Council – Don Smith

Farmland Protection Board – Don Smith

Workforce West Virginia Board of Directors – Craig Jennings

Preston County Crime Commission – Craig Jennings

Community Corrections Board of Directors – Don Smith

Clean Up Committee – Dave Price

Greater Morgantown Convention & Visitors Bureau – Don Smith

Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Commissioner Price moved to approve the following hours of operation for both the Annex and the Courthouse:

Annex:	Monday:	8:30 a.m. – 5:30 p.m.
	Tuesday – Friday	8:30 a.m. – 4:30 p.m.

Courthouse:	Monday – Friday	8:30 a.m. – 5:00 p.m.
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Commissioner Smith seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Price, Smith and Jennings voting yes. Motion carried.

Commissioner Price moved to approve the following closing dates for both the Courthouse and Courthouse Annex:

LEGAL HOLIDAYS – COURTHOUSE AND COURTHOUSE ANNEX CLOSING 2017

January 16, 2017	Monday	Martin Luther King’s Day
February 20, 2017	Monday	Presidents’ Day
May 29, 2017	Monday	Memorial Day
June 20, 2017	Tuesday	West Virginia Day
July 4, 2017	Tuesday	Independence Day
September 4, 2017	Monday	Labor Day
September 29, 2017	Friday	Buckwheat Festival
October 9, 2017	Monday	Columbus Day
November 10, 2017	Friday	Veterans’ Day
November 23, 2017	Thursday	Thanksgiving Day
November 24, 2017	Friday	Lincoln’s Day
December 25, 2017	Monday	Christmas Day
January 1, 2018	Monday	New Year’s Day Holiday

Any additional days declared by the Governor as special observance will be observed.

Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Commissioner Smith moved to approve the date and time for County Commission meetings:

Monday – 9:30 a.m. with the exception of the first meeting of the month which will be at 6:30 p.m.

If Monday is a holiday, the County Commission will meet on the Tuesday following the holiday.

Agendas available to the public at the close of business two days prior to meeting date. All Notice of Meeting is posted on the door of the County Commission Meeting Room located in the rear of the Annex, 106 West Main Street, Suite 202, Kingwood, WV 26537

Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Commissioner Smith moved to approve the following Meeting Procedures:

Meeting Procedures

A. Generally

Commission meetings shall be conducted in an organized and lawful manner. Although the meeting may be held in an informal atmosphere, it is the responsibility of each Commissioner to observe the procedures of the Commission and to respect the rights and integrity of fellow Commissioners and persons appearing before the Commission. Items of discussion shall be limited to the question at hand.

B. The Open Governmental Proceedings Act

The Commission will comply with the West Virginia Open Governmental Proceedings Act – W.VA. CODE §6-9A-1 et seq. The Commission encourages the public to attend its meetings and is open to the public's views about the various issues that the Commission has presented to it. Nevertheless, the Commission is committed to holding its meetings in a lawful manner and asks members of the public to act respectfully to the Commission and members of the public.

C. Presiding Officer

The President of the Commission shall preside and be responsible for controlling the meeting, maintaining order, and ensuring that each member has an opportunity to express his/her views. The President shall have the right to make and second motions, to vote on all questions before the Commission, to speak on motions before the Commission, and to rule on disputes concerning Commission procedures.

D. Procedures for Meetings

The Commission's meetings shall be conducted in conformity with Robert's Rules of Order. The President shall rule on any issues of parliamentary procedure. (It should be appreciated that the Commission when acting in specific statutory situations may have a controlling procedure set forth by statute. Examples of this are when acting as the Board of Equalization and Review or the Board of Canvassers. In those cases the President shall act in conformity with the appropriate legislation.)

E. Procedure for Public Speaking

Whenever a member of the public wishes to address the Commission at one of its meetings that person may ask to be placed on the agenda three days in advance of the meeting and shall specifically state the nature of their comments. That person shall be allowed to speak for ten (10) minutes when recognized by the President. A member of the public may ask to speak at a meeting without advance notice by signing up prior to the meeting being called to order. That person shall be allowed to speak for three (3) minutes when recognized by the President. The President may determine that the comments made by the person speaking are out of order and request that they stop.

Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

There were no Tax Corrections, Notices of Apportionment for Jointly Owned Motor Vehicles, Consolidations of Land or County Court Splits presented.

Commissioner Smith moved to approve payment of all properly presented and approved invoices. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Administrator Kathy Mace told Commissioners that 98% of the punch list for the jury room renovations is complete. Hopefully, the project will be completed by January 15.

Ms. Mace told Commissioners that some unforeseen problems have been encountered with the sidewalk project involving the basement/garage area under the Courthouse. She plans to meet with a structural engineer, Huffman Corporation and Chuck Branch of Alpha Associates concerning this problem area.

Ms. Mace presented the following letter for Commissioners signature in reference to the Commission's position about the apparent misunderstanding on regional jail bills. The following letter is being addressed to Judge Miller, each of the three Magistrates, Prosecuting Attorney Mel Snyder and Sheriff Dan Loughrie.

January 3, 2016

Prosecuting Attorney Mel Snyder
Preston County Prosecuting Attorney's Office
106 West Main Street, Suite 202
Kingwood, West Virginia 26537

Dear Prosecutor Snyder,

It has come to our attention that there is a misunderstanding out in the public and perhaps in some of the county offices regarding the County Commission's position on payment of the regional jail bill. So to clarify this matter at no time have the County Commissioners said that they did not want to pay for any fees from the Regional Jail Authority which is associated with the arrest and/or conviction of an individual who goes through the Preston County Court System. The only charges from the Regional Jail Authority to Preston County which have been of concern and/or questioned by the County Commission are erroneous fees billed to Preston County for prisoners who are in the state's custody or prisoners whose costs should be charged to another county and/or agency. The County Commission wants to be sure that all Preston County tax dollars used to pay the Regional Jail Authority are for legitimate charges.

We ask that you share this correspondence with everyone in your office and/or department to insure that the position of the county commission regarding regional jail charges is clear.

Sincerely,

T. Craig Jennings
President

Dave Price
Commissioner

Don Smith
Commissioner

cc: file

Ms. Mace reported that Commissioner Jennings has been advised by the West Virginia Development Office that the Small Cities Block Grant application for the Denver Water Association Water System Improvement Project has been denied.

Under Old Business, Commissioner Smith moved to dispense with the reading in open court of the minutes of the County Commission meeting held on December 19, 2016, and to approve the same as presented. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Ms. Hartman advised that Commissioners have been furnished, by e-mail, copies of the minutes from the December 27, 2016, County Commission meeting.

Under New Business, Commissioner Smith moved to dispense with the reading in open court of the proceedings of the Clerk of this Commission, had in vacation on **December 22, 2016 through December 28, 2016,** inclusive, and to approve and confirm the same as presented by the County Clerk, there having been no exceptions or objections filed thereto. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Commissioner Price moved that the following estate settlements and/or waivers thereof, having been filed for a period of ten (10) days prior to the commencement of this term and there being no exceptions or objections filed thereto, be approved and confirmed.

Estate of William D. Garletts, deceased – Waiver of Final Settlement – filed by Donald

R. Garletts, Executor – filed on 12/19/2016

Estate of Blinda Kay Bolyard, deceased – Waiver of Final Settlement – filed by
Emerson M. Bolyard, Administrator – filed on 12/19/2016

Commissioner Smith seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Price, Smith and Jennings voting yes.

Motion carried.

There were no Fiduciary Commissioner Reports or Referrals presented.

No one was present with Tax Concerns.

There being no further business to come before the Commission, President Jennings declared the meeting adjourned at 7:10 p.m.

Commissioner

Commissioner

Commissioner

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