

**REGULAR MEETING**

**DECEMBER 27, 2016**

**STATE OF WEST VIRGINIA, COUNTY OF PRESTON, SS:**

The Preston County Commission met in Regular Session at 9:30 a.m., December 27, 2016, in the County Commission Meeting Room.

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

President Jennings then declared the following Commissioners 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:

Jeniffer Graham  
Laurie Johnson  
Paige Hopkins  
Ruth Howdershelt  
Robert Howdershelt  
George Reed  
Melissa Hardy

The following persons registered to address the Commission:

George Reed  
Laurie Johnson

Commissioner Smith moved to authorize 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.

Commissioner Smith moved to approve the Preston County Tax Correction List, dated December 27, 2016, in the amount of \$2,571.78, as presented by Assessor Sypolt. 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 Notices of Apportionment for Jointly Owned Motor Vehicles, Consolidations of Land or County Court Splits presented.

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 12, 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 19, 2016, County Commission meeting.

Under New Business, Commissioner Price moved to dispense with the reading in open court of the proceedings of the Clerk of this Commission, had in vacation on **December 14, 2016 through December 20, 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 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 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 John Harold Brewer, Sr.,** deceased – Waiver of Final Settlement – filed by Mary G. Brewer, Executrix – filed on 12/12/2016

**Estate of Etta Irene Bolyard,** deceased – Waiver of Final Settlement filed by Roxanna L. Bolyard, Executrix – filed on 12/13/2016

**Estate of Margaret Lee Smith,** deceased – Report of Receipts, Disbursements and Distribution;

Affidavit – filed by Sharon E. Forman, Executrix – filed on 12/13/2016

**Estate of Cyrus H. Uphold, Sr.,** deceased – Report of Receipts, Disbursements and Distribution;

Affidavit – filed by Cyrus H. Uphold, II, Executor – filed on 12/15/2016

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.

President Jennings recognized Melissa Hardy, of the Sheriff's Department, who presented and explained budget revisions needed.

President Jennings advised that these budget revisions will be considered later in today's meeting.

President Jennings recognized Chief Tax Deputy Jennifer Lewis, who presented and explained a budget revision needed to cover the cost of support for the tax sale that was provided by CSSI.

President Jennings advised that this request will be considered later in today's meeting.

President Jennings recognized Assessor Terri Funk, who presented a budget revision needed in the Assessor's Office to help cover the expense with the new online filing system and the maintenance involved with the web site.

President Jennings advised that this budget revisions will also be considered later in today's meeting.

President Jennings recognized George Reed who asked Commissioners to not approve the Fiduciary Commissioner Report and Recommendations before them today in the Estate of Charles M. Pyle, Sr. He requested that the matter be returned to Fiduciary Commissioner Buddy Turner for due process. According to Mr. Reed, he was not notified in a timely manner of certain actions that he needed to take regarding this claim against the estate.

President Jennings advised Mr. Reed that the Commission will speak with the offices involved in this Estate in order to seek the status. Due to the objection of Mr. Reed today, no action was taken by the Commission on the Fiduciary Commissioners report and recommendations.

President Jennings recognized Charin Dickson, who expressed her concern about dogs being left in the cold without proper shelter and bedding. She told Commissioners that Kanawha County has specific laws regarding dogs being left out in extreme weather and wonders if Preston County could consider such a law.

While Commissioners agreed with Ms. Dickson that appropriate warming material and shelter should be provided, President Jennings said he does not believe this Commission can be quite that specific in making a law.

Commissioners asked Ms. Dickson to be vigilant if she sees what she believes to be extreme neglect in owners providing appropriate shelter or insufficient feeding or watering and to report those cases to the Sheriff's Department. That could then be considered neglect or inhumane treatment for which county laws do exist.

President Jennings recognized Etta Miller regarding a case/complaint.

After questioning Ms. Miller as to the nature of her address to the Commission, Commissioner Price moved to enter Executive Session with Ms. Miller to discuss legal issues. Commissioner Smith seconded the motion. Question called for. A roll call vote was taken with Commissioners Price, Smith and Jennings voting yes. Motion carried.

President Jennings asked that the record state that he is a relative of Etta Miller.

## **EXECUTIVE SESSION**

Following the Executive Session, Commissioner Smith moved to leave Executive Session and reenter Open Session. 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.

According to President Jennings, there has been an apparent misunderstanding with the Commission’s responsibility and willingness to pay some of the Regional Jail costs incurred by those who have been sentenced to incarceration.

Commissioner Smith moved that the Commission send a letter to the counties Judges, Magistrates, Prosecuting Attorney and Sheriff telling them that this Commission does not want Regional Jail expenses to have any impact on their sentencing of criminals and further they be directed to “do their job” in appropriate sentencing with no regard to expenses incurred by incarceration in the Regional Jail. 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.

Under Old Business, Commissioners still need input to replace Anne Armstrong to the North Central Community Action Board of Directors.

Commissioner Price moved to approve the following budget revisions as requested earlier in today’s meeting by Melissa Hardy, Jennifer Lewis and Terri Funk:

Increase	001-382-006	by	\$ 2,349.
Increase	001-708-103	by	\$ 1,900.
Increase	001-708-104	by	\$ 146.
Increase	001-708-106	by	\$ 228.
Increase	001-708-226	by	\$ 75.
Increase	001-382-005	by	\$ 2,251.
Increase	001-700-217-05	by	\$ 2,251.
Increase	001-382-000	by	\$ 1,911.
Increase	001-700-343	by	\$ 1,911.
Increase	001-382-000	by	\$ 14.
Increase	001-700-221	by	\$ 14.
Increase	001-382-000	by	\$ 273.

Increase	001-700-104	by	\$ 21.
Increase	001-700-106	by	\$ 33.
Increase	001-700-108	by	\$ 219.
Decrease	001-704-230	by	\$ 1,150.
Increase	001-700-108	by	\$ 961.
Increase	001-700-104	by	\$ 74.
Increase	001-700-106	by	\$ 115.
Decrease	001-704-230	by	\$ 804.
Increase	001-700-108	by	\$ 672.
Increase	001-700-104	by	\$ 51.
Increase	001-700-106	by	\$ 81.
Decrease	001-404-218	by	\$ 54.
Increase	001-404-223	by	\$ 54.
Decrease	001-406-459	by	\$ 3,000.
Decrease	001-406-223	by	\$ 1,000.
Increase	001-406-230	by	\$ 4,000.

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.

### **RESOLUTION**

**At a Regular Session of the County Commission, held on January 3, 2017, the following order was made and entered.**

**SUBJECT: The revision of the Levy Estimate (Budget) for the County of Preston.**

**The following resolution was offered.**

**RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the County Commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 14, of the General County Fund, a copy of which is entered as part of this record.**

The adoption of the foregoing resolution having been moved by Commissioner Price and duly seconded by Commissioner Smith, the vote thereon was as follows:

Don Smith	Yes	No
Dave Price	<u>Yes</u>	No
T. Craig Jennings	<u>Yes</u>	No

WHEREUPON, President Jennings declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the County Clerk is authorized to fix her signature on the attached “Request for Revision to Approved Budget” to be sent to the State Auditor for approval.

Under Miscellaneous Correspondence, Commissioner Price reported that our legislators have been contacted concerning bringing the local Clarksburg television stations onto the current satellite programming for Preston County. All legislators appear to be onboard with supporting this endeavor.

There being no further business to come before the Commission, President Jennings declared the meeting adjourned at 10:40 a.m.

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Commissioner

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Commissioner

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Commissioner