

AGENDA
LINCOLN COUNTY COMMISSION
March 16, 2017, at 6:00 p.m.

The Lincoln County Commission, Regular Session on March 16, 2017, at 6:00 p.m. in room 108 of the Lincoln County Courthouse

PLEDGE OF ALLEGIANCE

I. CALL TO ORDER

The meeting was called to Order by: **Charles Vance**

MEMBERS

PRESENT

Direl Baker, County Clerk	<u> X </u>
Charles Vance, President	<u> X </u>
Phoebe Harless, Commissioner	<u> X </u>
KK Matthews, Commissioner	<u> X </u>

II. APPROVAL OF MINUTES

Motion By: **Maria “Phoebe” Harless** Second By: **KK Matthews**

To approve the minutes of the Special Session of the Lincoln County Commission sitting as the Board of Equalization Meeting that was held on February 28, 2017, at 9:00 a.m.

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the minutes of the Special Session of the Lincoln County Commission Meeting that was held on February 28, 2017, at 9:00 a.m.

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the minutes of the Special Session of the Lincoln County Commission Meeting that was held on March 2, 2017, at 5:50 p.m.

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **Maria “Phoebe” Harless** Second By: **KK Matthews**

To approve the minutes of the Regular Session of the Lincoln County Commission Meeting that was held on March 2, 2017, at 6:00 p.m.

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

III. PUBLIC COMMENT

None.

IV. DISCUSSION OF CONCERN/POSSIBLE ACTION

Executive Session to receive confidential legal advice and consider possible issues concern employment of legal counsel, on-going legal investigations and possible enforcement actions, as follows:

Legal advice from Michael Donovan, Esq., Senior Asst. Lincoln County Prosecuting Attorney, and Dr. D. Scott Simonton, P.E., Ph.D. regarding on-going legal investigation and possible enforcement litigation;

Legal Advice regarding meaning and implementation of Lincoln County Comprehensive Public Nuisance Investigation and Abatement Ordinance

Legal Advice regarding proposed Resolutions pertaining to implementation of the Lincoln County Comprehensive Public Nuisance Investigation and Abatement Ordinance, and retention of Environmental and Public Health Protection Law and Litigation Counsel for Lincoln County, to work at the direction of the Lincoln County Commission or the Lincoln Co. Prosecuting Attorney, or, as the Commission may authorize, at the Lincoln County Board of Health or the Lincoln County Code Enforcement Agency, all under the supervision and control of the Lincoln County Prosecuting Attorney

Report from County Legal Counsel and their Lead Investigator regarding results to date of on-going legal investigation into a possible, significant endangerments to the Public Health and Environment at a Groundwater Contamination Site in Lincoln County.

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**
To Enter into Executive Session at a time of 6:28 p.m.
Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**
To resume with the Regular Meeting at a time of 7:26 p.m.
Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Lincoln County Comprehensive Public nuisance Investigation and Abatement Ordinance

Motion By: **KK Matthews** Second By: **Charles Vance**
To approve the Amendment to Proposed Ordinance 17-1 that the proposed Lincoln Co. Comprehensive Public Nuisance Investigation and Abatement Ordinance be amended to reflect and contain the following non-substantive grammar and punctuation changes:

1. To insert “IS,” after the word “HEREBY” in the paragraph beginning with “NOW, THEREFORE,” on page 2 of the proposed ordinance;
2. Section 28 – Effective Date of the proposed ordinance be amended to read and include in its entirety: “This Ordinance of Lincoln County, West Virginia shall become effective on the 17th day of March, 2017.” and
3. The phrase “by majority vote with a quorum present and voting” be inserted into the enacting declaration on page 46 of the proposed ordinance.

Vote: Harless **No** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Charles Vance**

To approve the Amendment to Proposed Ordinance 17-1 that the proposed Lincoln Co. Comprehensive Public Nuisance Investigation and Abatement Ordinance be amended to replace the term “Enforcement Agency” everywhere it appears in the proposed ordinance with the term “Lincoln County Code Enforcement Agency.”

Vote: Harless **No** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Charles Vance**

To approve the Amendment to Proposed Ordinance 17-1 that the proposed Lincoln Co. Comprehensive Public Nuisance Investigation and Abatement Ordinance be amended to replace the term “County Administrator” everywhere it appears in the proposed ordinance with the term “Chief Administrative Officer.”

Vote: Harless **No** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Charles Vance**

To approve that, since all amendments to the proposed ordinance adopted today are technical in nature and do not affect any substantive rights, remedies, or obligations addressed, created, recognized, or imposed by the proposed ordinance, the Commission now proceed to consider adoption of the proposed ordinance as amended today, and without submitting the amended, proposed ordinance to any further period of public comment.

Vote: Harless **No** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Charles Vance**

To approve the Lincoln County Comprehensive Public Nuisance Investigation and Abatement Ordinance

Vote: Harless **No** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Charles Vance**

To approve the Resolution for Retention & Appointment of Environmental & Public Health Protection Legal Counsel for Lincoln County

Vote: Harless **No** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Charles Vance**

To approve the Resolution to Retain and Appoint D. Scott Simonton, PE, Ph. D. as an Authorized Agent and Special Investigator of the Lincoln County Code Enforcement Agency

Vote: Harless **No** Vance **Yes** Matthews **Yes**

Alexis Smith with Region 2 regarding revised drawdown

Motion By: **Maria “Phoebe” Harless** Second By: **KK Matthews**

To approve the Drawdown Request #2(revised) in the amount of \$81,857.74 for Lower Mud River Water Extension Phase 1

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Public Defender lease agreement

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To enter into the lease agreement with Public Defender Corporation for the 25th Judicial Circuit of West Virginia for the annex space 8016 Court Ave. Suite 101, Hamlin

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

V. UNFINISHED BUSINESS/POSSIBLE ACTION

None.

VI. NEW BUSINESS

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the bills as submitted for payment

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the Appointments, Wills and Settlements as submitted by Dired Baker, County Clerk

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the Wills done in vacation of the Lincoln County Commission as submitted by Dired Baker, Clerk

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the Proclamation for the Fair Housing Month as submitted by Alexis Smith, Region 2 Planning and Development Council

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the budget as submitted for Fiscal Year 2017/2018

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the request as submitted by Allen Holder, 911 Director to open the new bank account titled Salt Rock Tower Maintenance Fund

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the transfer of \$5,000 from the Emergency Telephone System account # 100005263 to the Harts TAF Account #100011113 as submitted by Allen Holder, 911 Director

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the request as submitted by Allen Holder, 911 Director to change the employment status from part-time to full-time for Charlie Little and Nathan Dailey effective March 19, 2017

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the \$7,200.00 payment to Jennings Adkins for the Harts Tower Site per the lease agreement signed January 1, 2008 as submitted by Allen Holder, 911 Director.

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To approve the State Budget revision as submitted by Mary Napier

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**

VII. OPEN DISCUSSION

Maria “Phoebe” Harless – None.

KK Matthews – None.

Charles Vance – Checking into the cost of a time clock to monitor time sheets closer.

VIII. ADJOURNMENT

Motion By: **KK Matthews** Second By: **Maria “Phoebe” Harless**

To adjourn this session of the Lincoln County Commission at the time of 7:48 p.m., until **April 6, 2017, at 6:00 p.m.**

Vote: Harless **Yes** Vance **Yes** Matthews **Yes**