

A G E N D A
PRESTON COUNTY COMMISSION
SEPTEMBER 19, 2023
9:30 A.M.

Call to order by President and Pledge of Allegiance.

Roll call of Commissioners.

Recognition of Public.

Review of Bills.

Assessor's Office - Tax Correction List-

Bernatowicz Adrian J	Personal Property
Cathell Callie M	Personal Property
Friend Ina G	Personal Property
Lee Curtis L	Personal Property
Levine Joel & Melissa J	Personal Property
Luzader Sharon M	Personal Property
McDonald Matthew L & Tara L	Personal Property
Meyers Kathleen L	Personal Property
Morgan Carl W & Jennifer	Personal Property
Mountain State Hare	Personal Property
Newsome Chaun M	Personal Property
Pleasant Valley Farms Inc	Real Estate
Savage Gregory S	Personal Property
Schnopp Mike W & Lisa A	Personal Property
Sibula Ick	Personal Property
Snyder Nicholas Max	Personal Property
Stark Jerry W	Personal Property
Titchenell Margaret L	Personal Property
Williamson Angela N & Mark A II,	Personal Property

Apportionments -

Bishoff Brian & Danielle
Canup Michelle & Leaman D

Recognition of Scheduled Appointments –

9:31 a.m. Stacy Greaser, Victim Advocate – National Day of Remembrance for Murder
Victims Proclamation

9:35 a.m. Linda Huggins, Daughters of the American Revolutionary War – Proclamation - Constitution Week

9:40 a.m. Duane Hamilton, OEM/E911 – Vehicle Purchase

Approval of Minutes – September 5, 2023

Estate Settlements List – September 5, 2023 thru September 7, 2023

ESTATE NAME: **BEATRICE F. KELLY**

ESTATE NAME: **DALLIS RICHARD MILLER**

Proceedings in Vacation/Clerk's Fiduciary Report – September 7, 2023 through September 13, 2023

Fiduciary Commissioner Report – None.

Old Business – Consideration and/or action

New Business – Consideration and/or action

Facility Manager's Report – Consideration and/or action

- A. Update Panhandle/Sheriff's Building
- B. Update Annex Sewer

County Administrator's Report – Consideration and/or action

- A. Approve WVCFIA Grant Proposal
- B. Approve Development of a Request for Qualification (RFQ)
- C. Employee Hire
- D. Budget Revision
- E. Miscellaneous Correspondence

Personnel Matters- Consideration and/or action

- A. Executive Session

Legal Matters- Consideration and/or action

Information -

- A. Miscellaneous Correspondence

Commissioners' Comments

STATE OF WEST VIRGINIA, COUNTY OF PRESTON, Ss:

The Preston County Commission met in Regular Session at 9:30 a.m., September 19, 2023 in the County Commission Meeting room.

The meeting was called to order by President Samantha Stone who invited those present to join in the Pledge of Allegiance.

Commissioner Stone then declared the following Commissioners present: Don Smith, Hunter Thomas and Samantha Stone.

Recognition of Public

Also, present was Administrator Nathan Raybeck and County Clerk Linda Huggins.

The following persons registered their attendance during the meeting:

Jennifer Graham – DP	Steve Santilli – WV News
Deanna Lively	Duane Hamilton-OEM/911
Roy Watkins	Connie Kimble-PCAO
Stacy Greaser	

No one registered their attendance prior to the meeting to address the Commission:

Review of Bills

Commissioner Thomas made a motion to pay the bills that have been properly presented and reviewed. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Assessor’s Office – Tax Correction List –

Connie Kimble presented a Tax Correction List in the amount of \$3,441.28 and Apportionments from the Assessor’s Office for approval.

Commissioner Smith made a motion to approve the Tax Correction List dtd September 19, 2023 in the amount of \$3,441.28. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)

TAX CORRECTION LIST
September 19, 2023

DIST	NAME	DESCRIPTION	REASON FOR EXONERATION	TICKET#	ACCT #	AMOUNT	YR	APPR
01	Bernatowicz Adrian J	Personal Property	Taxpayer Error	300084	00251612	\$ 22.26	2023	
04	Cathell Callie M	Personal Property	Taxpayer Error - Filed in both Preston & Marion Co	304612	00261866	\$ 326.66	2023	
20	Friend Ina G	Personal Property	Taxpayer Error - Should have been Grant District	313206	01081117	\$ 25.20	2023	
17	Lee Curtis L	Personal Property	Taxpayer Error - Did not own vehs per DMV	80000284	0264882	\$ 663.42	2023	
11	Levine Joel & Melissa J	Personal Property	Taxpayer Error - Did not own 15 HD, traded for 2017 HD	311081	00265058	\$ 130.98	2023	
04	Luzader Sharon M	Personal Property	Taxpayer Error - 02 Camper was not on form - Sys error	305006	02130447	\$ 58.52	2023	
13	McDonald Matthew L & Tara L	Personal Property	Clerical Error - 07 Honda Civic assessed incorrectly	311890	00256322	\$ 61.72	2023	
08	Meyers Kathleen L	Personal Property	Taxpayer Error - Incorrectly reported 05 Honda Civic	308543	00252667	\$ 32.12	2023	
02	Morgan Carl W & Jennifer	Personal Property	Taxpayer Error - Incorrectly reported 09 Ford Escape	302864	00254271	\$ 46.12	2023	
02	Mountain State Hare	Personal Property	Clerical Error - 1996 Haul Box Trlr wrong value	302875	00262606	\$ 412.22	2023	
13	Newsome Chaun M	Personal Property	Taxpayer Error - Incorrectly reported vehicle	311900	00263749	\$ 46.66	2022	
08	Pleasant Valley Farms Inc	Real Estate	Clerical Error - Failed to deduct for bid that has been removed	23723	06051372	\$ 19.10	2023	
06	Savage Gregory S	Personal Property	Taxpayer Error - Reported 2020 Ford Edge in error	307495	00241326	\$ 326.34	2023	
08	Schnopp Mike W & Lisa A	Personal Property	Taxpayer Error - Reported 2014 Niss Altima in error	308783	00235966	\$ 98.28	2023	
10	Sibula Ick	Personal Property	Camper doesn't stay here per Appraiser/Campgrd owner	310204	00266557	\$ 97.02	2023	
11	Snyder Nicholas Max	Personal Property	Clerical Error - Military Exemption	311479	00257966	\$ 91.28	2023	
10	Stark Jerry W	Personal Property	Taxpayer Error - Reported 2015 Chev Silv in error	310268	00243813	\$ 264.64	2023	
18	Titchenell Margaret L	Personal Property	Taxpayer Error - Reported 2003 Camper in error - salvaged	313105	00253823	\$ 21.24	2023	
08	Williamson Angela N & Mark A II	Personal Property	Taxpayer Error - Filed in both Preston & Pocahontas Co	80000535	00267468	\$ 697.50	2023	

ALLOWED
 AND PAYMENT AUTHORIZED
 SEP 19 2023
 [Signature]
 PRESIDENT OF
 COUNTY COMMISSION

TOTAL: \$ 3,441.28

Connie R. Ervin, ASSESSOR
 (submitted for the taxpayer by)

Jay Shay, PROSECUTING ATTORNEY
 (received notice)

Apportionments –

Commissioner Smith made a motion to approve the apportionments listed by the Assessor for Michelle L and Leaman D. Canup and Brian N and Danielle M. Bishoff. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

Recognition of Scheduled Appointments –

9:31 a.m. Stacy Greaser, Victim Advocate – National Day of Remembrance for Murder Victims Proclamation

Commissioner Thomas read the Proclamation.

Commissioner Smith made a motion to Proclaim the National Day of Remembrance for Murder Victims on September 25th. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)

PROCLAMATION

PRESTON COUNTY COMMISSION

WHEREAS, in 2007, the U.S. Congress declared that September 25th of every year be designated as a “National Day of Remembrance for Murder Victims”; and

WHEREAS, the Nation has set this day aside to honor the memories of murder victims and recognize the impact of homicide on surviving family members and loved ones; and

WHEREAS, the devastating impact of murder in America has far-reaching effects on individuals, families’ communities and our nation as a whole; and


WHEREAS, the families of murder victims face immediate, short-term and lasting consequences that have a profound effect on them – emotionally, financially, physically, socially and spiritually; and

WHEREAS, the office of the Preston County Prosecuting Attorney and the Preston County Victim Advocate ask that public support and assistance continue throughout the year as these offices join with RDVIC, other Preston County officials and supporters to send a message to survivors of murder victims that we will remember their tragedy, honor their courage, and vow to do whatever we can to help them rebuild their lives.


NOW, THEREFORE, WE, Samantha Stone, Hunter Thomas, and Don Smith, do hereby proclaim that we will join the Nation in recognizing September 25, 2023, as the National Day of Remembrance for Murder Victims and;

WE REMEMBER AND HONOR ALL THE MURDER VICTIMS AND THEIR COURAGEOUS SURVIVORS ON THIS DAY in Preston County, and we commend this proclamation to all citizens.

IN TESTIMONY WHEREOF WE, have hereunto Set our hand and caused the Seal of the County of Preston to be affixed this 19th day of September in the year Two Thousand Twenty-Three.


Samantha Stone


Hunter Thomas


Don Smith

9:35 a.m. Linda Huggins, Daughters of the American Revolutionary War – Proclamation – Constitution Week

County Clerk Linda Huggins read the Proclamation.

Commissioner Thomas moved to approve the Daughters of the American Revolutionary War Proclamation for Constitution Week – September 17 thru September 23, 2023 and authorize the Preston County Commission to sign. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached).

PROCLAMATION

Constitution Week – Sept. 17 thru Sept. 23, 2023

WHEREAS: September 17, 2023, marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

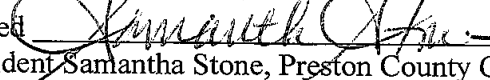
WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary: and to the patriotic celebrations which will commemorate the occasion: and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as

CONSTITUTION WEEK

in this County of Preston in this State of West Virginia, we urge all citizens to study the constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS THEREOF, We, the Preston County Commission hereunto set forth a Proclamation for Constitution Week and affix our signatures this 19th day of September the year of our Lord two thousand twenty-three

Signed 
President Samantha Stone, Preston County Commission

Signed 
Preston County Commissioner, Don Smith

Signed 
Preston County Commissioner, Hunter Thomas

9:40 a.m. Duane Hamilton, OEM/E911 – Vehicle Purchase

President Stone recognized Duane Hamilton, OEM/E911 with a request to purchase a 2023 Chevy Tahoe to be used as a K-9 Unit to replace the vehicle driven by Deputy Childers which was totaled from a fallen tree back in April. The cost of the vehicle is \$59,017.07 which is the base price of \$47,799.00, plus the upfit cost minus the insurance for the totaled vehicle. (See attached).

After some discussion, Commissioner Smith noted that the commission has already budgeted for 2 vehicles and since there is no way to tell when those vehicles will be available, it was agreed by the commission to buy this vehicle now and figure out how to pay for the other two when the time comes and if the money isn't available then one vehicle won't be purchased.



Commission \$9,07.07 \$47,799.00
 2023-TAHoe
 18758 Insurance

Proposal

Quote Number: 585701
 Quote Date: 2023-05-05
 Branch: 20150

Printed On: 2023-09-19 6:45:05
 Page: 1

Customer/Prospect Number - 1651278

PRESTON COUNTY COMMISSION - E911
 300 RICH WOLFE DR
 KINGWOOD WV 26537-1352

Ship To - 1072195

PRESTON COUNTY COMMISSION - E911
 PRESTON COUNTY CENTRAL GARAGE
 300 RICH WOLFE DR
 KINGWOOD WV 26537-1352

Customer Contact:	DUANE HAMILTON	Customer Email:	DUANE@PRESTON911.COM
Phone Number:	() 304-329-1855	Delivery Instr:	

Quantity	Part Number	Unit Price	Extended Price
1	INTG51J-P2L 51 INCH BLUE/WHITE LIGHTBAR	3,809.23	3,809.23
1	HKB-TAH21 HOOK MOUNT KIT	74.20	74.20
1	PF200R SIREN CONTROLLER	1,271.18	1,271.18
1	ES100C SIREN SPEAKER	303.32	303.32
1	ESB-U SPEAKER BRACKET	37.51	37.51
1	OBD-CABLE20-GMCAN OBDII HARNESS	187.54	187.54
2	MPS63U-RBW REAR BUMPER	177.75	355.50
4	EMPS2STS4E REAR CORNER WINDOWS	129.50	518.00
2	PMP2WSDDB SHROUDS FOR CORNER WINDOW LEDS (DUAL)	18.50	37.00
2	ESLRL6105E TRACER LIGHTS	329.83	659.66
1	RPLS54 OUTER EDGE PILLAR LEDES	1,376.57	1,376.57
6	OEIONB BLUE IONS FOR PILLARS		0.00
1	EXPMOD24 EXPANSION MODULE	305.77	305.77
1	BK2019TAH21 PUSH BUMPER W/ 4 BLUE LEDES	1,119.00	1,119.00
4	LIGHT_WH_I0NBLU BLUE ION		0.00
1	HK0809TAH21 HEAD LIGHT WRAPS	429.00	429.00
1	C-VSW-1012-TAH HAVIS CONSOLE	691.97	691.97
1	C-APW-1258 3.3" ACC. POCKET	42.43	42.43
1	C-EB25-XTL-1P RADIO FACEPLATE		0.00
1	C-EB30-FSR-1P SIREN FACEPLATE		0.00
1	CUP2-1001 CUP HOLDERS	51.69	51.69
1	C-ARM-102 ARMREST	72.51	72.51
1	C-LP2-USB-BL2 CHARGING PORTS	120.34	120.34
1	C-AP-0625-L LOCKING STORAGE COMPARTMENT	162.77	162.77
2	AC-MAG-MIC MAGNETIC MICS	51.69	103.38

Visit our Web site at: www.bearcom.com

Terms and Conditions: www.bearcom.com/terms-of-sale



Quantity	Part Number	Unit Price	Extended Price
1	C-HDM-204 HEAVY DUTY LAPTOP MOUNT	177.43	177.43
1	C-MD-119 COMPUTER MOUNT	283.11	283.11
1	UT-1001 UNIVERSAL RUGGED CRADLE 11-14"	260.74	260.74
1	DS-255 PYRAMID SWITCH	142.86	142.86
1	CK2052TAH21-10 K-9 ULTIMATE 2 DRIVER SIDE DEPLOY	3,699.00	3,699.00
1	EK0689TAH00 FAN WITH COVER	429.00	429.00
1	TK0250TAH21 CARGO BOX W/ KEY LOCK	1,909.00	1,909.00
1	TPA9289 CARGO EQUIPMENT TRAY	389.99	389.99
1	F3 K9 HEAT ALERT SYSTEM	1,999.99	1,999.99
1	INSTALL INSTALLATION CHARGE	7,000.00	7,000.00
1	INSTALLATION MATERIALS	625.00	625.00

Quote valid until:	2023-06-05	Confidential and Proprietary	Sub Total	28,644.69	
			Shipping and Handling	1331.38	Estimate
			Tax	TBD	
			Total	29,976.07	
X _____ Customer Signature					

BRIANNE JANISZEWSKI
 Customer Support Center Representative
 Brianne.Janiszewski@BearCom.com

WHEELING Branch Office: 800-999-3723
 FAX: 304-232-5698

AT OUR WHEELING SHOP WE WILL BE INSTALLING EQUIPMENT LISTED ABOVE INTO A 2023 CHEVY TAHOE. CUSTOMER WILL SUPPLY RADIO, PAC, RADAR, AND CRADLEPOINT. THIS QUOTE WILL NEED TO BE GONE OVER AND FINALIZED BEFORE ANY EQUIPMENT IS ORDERED. EQUIPMENT WILL BE INVOICED UPON ARRIVAL AT BEARCOM WAREHOUSE. LABOR AND INSTALLATION MATERIALS WILL BE INVOICED UPON INSTALLATION COMPLETION.

Approval of Minutes – September 5, 2023

Commissioner Thomas made a motion to approve the minutes of September 5, 2023. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Estate Settlements – September 5, 2023 thru September 7, 2023

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

United States of America



State of West Virginia

County of Preston, ss:

Settlement List

Notice is hereby given that the following estate(s) have been submitted for settlement from 09/05/2023 thru 09/07/2023 in the Preston County Clerk's Office at 106 West Main Street, Suite 103, Kingwood, WV 26537-1131. For approval by the Preston County Commission on Tuesday, September 19, 2023.

ESTATE NUMBER: **4392**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: September 07, 2023
ESTATE NAME: **BEATRICE F. KELLY**
EXECUTOR: RONALD G. KELLY

ESTATE NUMBER: **4594**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: September 05, 2023
ESTATE NAME: **DALLIS RICHARD MILLER**
EXECUTOR: JANA LYNN MILLER
FIDUCIARY COMMISSIONER: WOODROW E. TURNER
PO BOX 585
KINGWOOD, WV 26537-0585

Subscribed and sworn to before me on 09/13/2023.

Linda Huggins

Linda Huggins
Clerk of the Preston County Commission

By *Tammy Johnson*

Tammy Johnson
Deputy Clerk/Probate

Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Proceedings in Vacation – September 7, 2023 thru September 13, 2023

Commissioner Smith moved to dispense with the reading in open court of the Proceedings of the Clerk of this Commission, had in vacation on September 7, 2023 thru September 13, 2023 inclusive, and to approve and confirm the same as presented by the County Clerk, there having been no exception or objections filed thereto. (See attachment.)

United States of America



State of West Virginia

County of Preston, ss:

Clerk's Fiduciary Report

Estates from Thursday, September 7, 2023, through Wednesday, September 13, 2023

The County Commission of Preston County this 19th day of September, 2023, proceeded to examine the report of the Clerk of the Commission of the Fiduciary and Probate matters had before her during the vacation of the Commission, and it appearing to the Commission that all of the proceedings had therefore ordered that the said report and matters thereto contained be and the same is hereby ratified and confirmed. Said report is in words and figures as follows, to-wit:

On, Thursday, September 7, 2023, the following matters were disposed of in the presence of the Clerk:

The estate of **LOYE A. GRAHAM**, deceased, was reopened, as asset value required amendment.

KARAN K. GRAHAM remains as EXECUTRIX.

The last will and testament of **DELBERT S. HUFFMAN**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

SHERRY DAVIS, who was named in the last will and testament of **DELBERT S. HUFFMAN**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

More than 60 days since the date of death or the surviving spouse or heir, upon a motion, **MICHELLE BELL** was appointed as SUCCESSOR of the Small Estate Affidavit Intestate of **ALEXANDER THOMAS THORN**, deceased.

On, Monday, September 11, 2023, the following matters were disposed of in the presence of the Clerk:

The said estate of **DAVID LEE WILLS**, deceased was referred to **WOODROW E. TURNER**, a FIDUCIARY COMMISSIONER for the Preston County Commission, for settlement thereof.

The Small Estate Affidavit Intestate of **ALEXANDER THOMAS THORN**, deceased was REVOKED.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **SHAWNA RIDENOUR** was appointed and qualified as ADMINISTRATRIX of the estate of **ALEXANDER THOMAS THORN**, deceased. Bond was 20,000.00.

The last will and testament of **DOROTHY A. CALHOUN-HAUSER AKA DOROTHY VERNICE CALHOUN-HAUSER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

CONNIE GIBSON, who was named in the last will and testament of **DOROTHY A. CALHOUN-HAUSER AKA DOROTHY VERNICE CALHOUN-HAUSER**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

On, Tuesday, September 12, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **LEMUEL J. MAYLE**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

VICTORIA LYNN EDWARDS, who was named in the last will and testament of **LEMUEL J. MAYLE**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

CYNTHIA ROSE MAZZOTTA, who was named in the last will and testament of **LEMUEL J. MAYLE**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

Subscribed and sworn to before me on 09/13/2023.

Linda Huggins
Clerk of the Preston County Commission

Tammy Johnson
Deputy Clerk/Probate

Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

Fiduciary Commissioner Report – None

Old Business- Consideration and/or action

New Business – Consideration and/or action

Facility Manager's Report – Consideration and/or action

A. Update Panhandle/Sheriff's Building

Things are moving along as scheduled with Panhandle.

B. Update Annex Sewer

The City of Kingwood Sewer is working diligently on the problem. The issue was located in the middle of Route 7, no timeline of when it will be fixed.

County Administrator's Report-Consideration and/or action

President Stone recognized Nate Raybeck with the County Administrator's Report.

A. Approve WVCFA Grant Proposal

Commissioner Smith made a motion to authorize the President to sign the letter to SHPO dtd September 19, 2023. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)

PRESTON COUNTY COMMISSION

Samantha Stone, President
Don Smith, Commissioner
Hunter Thomas, Commissioner

September 19, 2023

Susan Pierce
West Virginia Division of Arts, Culture and History
1900 Kanawha Blvd., E
Charleston, WV 25305

Subject: Renovations to the Preston County Courthouse Second floor

Dear Ms. Pierce,

The Preston County Commission, previously received SHPO Grant funding, and is therefore under a restrictive covenant. The intent of this letter is to provide information needed to obtain approval for renovations to the second floor of the Preston County Courthouse.

The work is necessitated by action taken by the West Virginia Legislature in 2023 to expand the boundaries of certain judicial circuits in the state of West Virginia. Preston County was impacted by this decision and now must make space to accommodate a second circuit court judge by January 1, 2025. The Preston County Commission contracted the services of the Mills Group of Morgantown West Virginia to assist in devising the best conceptual plan to accommodate the new judge while simultaneously creating a plan that minimizes to the greatest extent possible the negative impacts to the historic structure, existing offices, courts, and employees in the building.

You will find attached architectural drawings provided by the Mills Group which have been approved by the Preston County Commission along with a budget estimate.

Please reach out to County Administrator Nate Raybeck at 304.329.1805 or by email at nraybeck@prestoncountywv.gov with any questions or concerns regarding the project.

Sincerely,



Samantha Stone, President
On behalf of the Preston County Commission

Preston County Courthouse Annex • 106 West Main Street, Suite 202, Kingwood, West Virginia 26537
Phone (304)329.1805 • Fax (304)329.3192 • TDD (304)329.0652
www.prestoncountywv.gov



B. Approve Development of a Request for Qualification (RFQ)

Commissioner Smith made a motion to sign the Letter of Proposal for Concept Design in the amount of \$12,500 and authorize the President to sign. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas, and Stone voting yes. Motion carried. (See attached.)

August 15, 2023

Mr. Nathan Raybeck
 Preston County Commission
 106 W. Main Street
 Kingwood, WV 26537
 nraybeck@prestoncountywv.gov

Subject: Letter of proposal for concept design Preston County Court House Second level

Dear Nathan:

The Mills Group is pleased to have been asked to provide a proposal for development of a conceptual design for the second level of the existing historic court house to make room for the future second circuit court judge.

Services:

PREDESIGN AND SCHEMATIC DESIGN PHASES:

Mills Group will confirm the conceptual site design with owner-provided building information. Through schematic design, Mills Group will assist in developing an initial floor plan design scheme, through which spatial relationships will be refined as necessary. Mills Group will develop spatial concepts reflected in floor plans as dictated by programming received from the varied agencies. Mills Group will submit 2 floor plans for conceptual consideration.

DESIGN DEVELOPMENT

Not included in this phase

CONSTRUCTION DOCUMENTS

Not included in this phase

BIDDING AND NEGOTIATION

Not included in this phase

CONSTRUCTION ADMINISTRATION

Not included in this phase

Deliverables

MILLSGROUPONLINE.COM

88 HIGH STREET
 MORGANTOWN, WV 26505
 304-296-1010

53 14TH STREET, SUITE 607
 WHEELING, WV 26003
 304-233-0048

122 E GERMAN STREET
 SHEPHERDSTOWN, WV 25443
 681-240-1010

102 THIRD STREET
 ELKINS, WV 26241
 681-264-8045

Task	Description
Schematic Design	<ul style="list-style-type: none"> • 2 Concept floor plan • Interior Design – preliminary selection of interior finishes • Architectural review drawings and integration • Owner review and sign-off

Exclusions

Exclusions include furniture, fixtures, and equipment (FFE), landscape architecture, fees for WV State Fire Marshal submission, acquisition of building permit (by the Contractor) and fees

Assumptions

Fees for Professional Services

Fees and payments for professional services are a lump sum contract of **\$12,500** for professional consulting fees with all project expenses such as mileage, postage, and printing billed directly to the Owner, with a 10% administrative fee added. It is estimated that these fees should not exceed \$800. The project shall be billed on a monthly schedule based upon a percentage complete for this phase. A retainer of **10%** of the contract value **\$1250** is required on the date of signature of this letter agreement.

Fee for Additional Services

In the event of the project's need for additional services different than ones mentioned in this letter of agreement, the fees shall be billed at an hourly basis at defined hourly rates of each staff member. This will occur only with proper Owner's approval.

Reimbursable Expenses

Reimbursable expenses are based upon the number of final reports/drawing sets required and are generally limited to printing or delivery costs for this project. Billing will be monthly, based on actual expenses incurred and the chart below.

24" x 36" Print	\$4 Color	\$3 B&W
11" x 17" Print	\$2 Color	\$0.60 B&W
8.5" x 11" Print	\$1.25 Color	\$0.60 B&W
Digital Files	\$5 CD + case	\$5 Flash drive
Mileage	\$ per IRS rate	

Terms and Conditions of this Agreement

Standard of Care

In providing services under this agreement, the Design Professional will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Design Professional will perform its services as expeditiously as is consistent with professional skill and care and the orderly progress of Design Professional's part of the Project. Regardless of any other term or condition of this Agreement, Design Professional makes no express or implied warranty of any sort. All warranties, including warranty of merchantability or warranty of fitness for a particular purpose, are expressly disclaimed.

Consequential Damages

Notwithstanding any other provision to the contrary, and to the fullest extent permitted by law, neither the Client nor the Design Professional shall be liable to the other for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or this Agreement. This mutual waiver of consequential damages shall include, but not be limited to, loss of use, loss of profit, loss of business or income or any other consequential damages that either party may have incurred from any cause of action whatsoever. The limit of the liability shall not exceed the fee paid to the architect as noted in this agreement.

Hazardous Materials/Mold

The Design Professional shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure of persons to hazardous materials of any form including mold. The existing or constructed building may, as a result of post-construction, use, maintenance, operation or occupation, contain or be caused to contain mold substances which can present health hazards and result in bodily injury, property damage and/or necessary remedial measures and costs for which the Design Professional shall have no responsibility.

Risk Allocation

In recognition of the relative risks and benefits of the project to both the Client and the Design Professional, the Client agrees, to the fullest extent permitted by law, to limit the Design Professional's total liability to the Client or anyone making claims through the client, for any and all damages or claim expenses (including attorney's fees) arising out of this Agreement, from any and all causes, to the total amount of the Design Professional's fee or another amount agreed upon when added under Special Conditions.

Termination of Services

This agreement may be terminated upon 10 days written notice by either party should the other fail to perform their obligations hereunder. In the event of termination, the Client shall pay the Design Professional for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.

Ownership of Documents

All documents produced by the Design Professional under this agreement, including electronic files, shall remain the property of the Design Professional and may not be used by this Client for any other purpose without the written consent of the Design Professional. Any such use or reuse shall be at the sole risk of Client who shall defend, indemnify and hold Design Professional and its subconsultants harmless from any and all claims and/or damages arising therefrom. Electronic files are not contract documents and cannot be relied upon as identical to contract documents because of changes or errors induced by translation, transmission, or alterations while under the control of others. Use of information contained in the electronic files is at the user's sole risk and without liability to Design Professional and its consultants.

Defects in Service

The Client shall promptly report to the Design Professional any defects or suspected defects in the Consultant's services. The Client further agrees to impose a similar notification requirement on all contractors in its Client/Contractor contract and shall require all subcontracts at any level to contain a like agreement.

Construction Activities

The Design Professional shall not be responsible for the acts or omissions of any person performing any of the Work or for instructions given by the Client or its representatives to any one performing any of the Work, nor for means and methods or job-site safety.

Dispute Resolution

The laws of the State of West Virginia shall govern this Agreement for all purposes. The courts of West Virginia shall have exclusive jurisdiction with regard to any disputes in connection herewith.

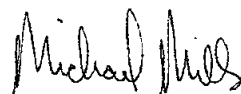
Relationship of the Parties

All services provided by Design Professional are for the sole use and benefit of the Client. Nothing in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or the Design Professional.

Summary

Mills Group LLC appreciates the opportunity to work with you in this project and we look forward to it. Please feel free to contact us if you need further information or if you have any questions regarding this proposal. If this letter of agreement is acceptable, please sign in the space below and return one fully executed copy to us.

Sincerely,



Michael J. Mills, Architect, AIA
Mills Group, LLC

Accepted by



Printed Name

Samantha Stone

Date

9/19/2023

Administrator Raybeck explained the Second Phase of the Grant Application as the approval of the entire grant package that is still being assembled in terms of the required photographs, the signature page and additional letters of support. The Second Phase will be completed during the next commission meeting on September 26th. It is at this time that the bidding process will begin. This is needed to secure the \$100K in funding towards the \$480,700 needed for the renovation of the courthouse.

Administrator Raybeck also presented a sample advertisement (from the City of Buckhannon) for the Statement of Qualification and a copy of WV Code that describes the procurement process for architectural and engineering services.

Mr. Raybeck requested approval from the county commission to develop a request for qualification for an architectural engineering task order contract that would allow the county to select a team that would be on call and quickly respond to consulting needs. The commissioners gave a thumbs up to move forward.

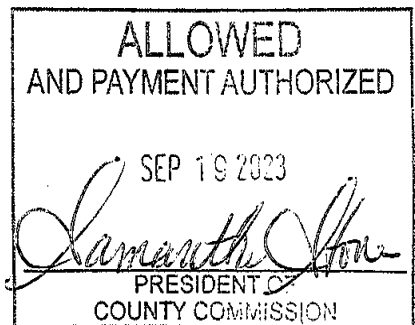
C. Employee Hire

The Facility Supervisor Position will be reposted. All interested parties are encouraged to apply.

D. Budget Revision-

Administrator Raybeck presented budget revisions for a check received from the insurance company for flood related services in the amount of \$144,000.

Commissioner Smith made a motion to approve the budget revision as presented. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas, and Stone voting yes. Motion carried. (See attached.)



MEMORANDUM
Preston County Commission

Date: September 19, 2023
To: Bookkeeping
From: Nate Raybeck, Administration
Subject: Budget Revision -Sheriff's Office-Flood

INCREASE	001-382-000 (Reimb/Ref External Sources)	\$144,000
INCREASE	001-420-223-01 (Professional Service-Flood)	\$144,000

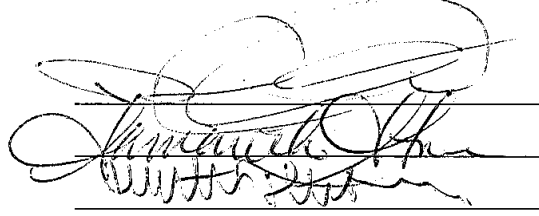
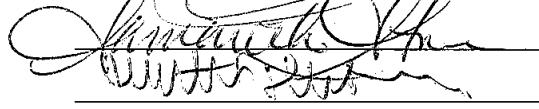
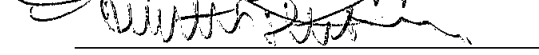
RESOLUTION

At a regular session of the county commission, held (Month, day and year) September 19 , 2023 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 8 , 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 Smith , and duly seconded by Commissioner Thomas the vote thereon was as follows:

 _____	<u>Yes</u> or No
 _____	<u>Yes</u> or No
 _____	<u>Yes</u> or No

WHEREUPON, President Stone , 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 his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

E. Miscellaneous Correspondence

A letter, from the Governor's Office, was received discussing the portion of the "all county" fire protection fund that will be received. Of the \$3M fund, Preston County will receive \$57,750.22. Mr. Raybeck stated once the funds are received, they will be distributed to the fire departments as quickly as possible.

Commissioner Smith noted that because the county will have a levy in place, a second round of funds will be distributed in the future, not sure of the amount or when.

Commissioner Thomas added the funds will be open to all Emergency Services, not just fire departments.

Personnel Matters – Consideration and/or action

A. Executive Session

**Legal Matters - Consideration and/or action
Information -**

A. Miscellaneous Correspondence

Commissioners' Comment

There was some discussion regarding bills for fringe benefits, which is a federal law regarding non-monetary items that are counted as income, that have not been providing informational sheets. It was noted from here on out the bills will be removed. Working on vehicle fringe benefits as well.

At 10:15 a.m. there being no further business to come before the Commission, President Stone declared the Regular Session adjourned.

Commissioner

Commissioner

Commissioner

---oO---

09/19/2023

