

A G E N D A
PRESTON COUNTY COMMISSION
JANUARY 30, 2024
10:30 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 – None

:

Apportionments – None

Recognition of Scheduled Appointments -

- 10:31 a.m. Rachelle Thorne, PCPaRC Commissioners – Request For Funding
- 10:35 a.m. Robbie Baylor, Preston County EDA - Request to Release FY24 Funds and Supporting Documents
- 10:40 a.m. Connie Ervin, Assessor – Employee Hires

Approval of Minutes – January 9, 2024

Estate Settlements List – January 16, 2024 thru January 17, 2024

- ESTATE NAME: **RALPH JUNIOR CRAIG**
- ESTATE NAME: **LAWRENCE L. LEWIS**
- ESTATE NAME: **PAUL E. SYPOLT**
- ESTATE NAME: **JACQUELINE KAY TURNER**

Proceedings in Vacation/Clerk's Fiduciary Report – January 18, 2024 through January 24, 2024

Fiduciary Commissioner Report – None

Old Business – Consideration and/or action

New Business – Consideration and/or action

- A. Retention Letter Pullin, Fowler, Flanagan, Brown & Poe

OEM Central Garage Report – consideration and/or action -

County Administrator's Report – Consideration and/or action

- A. Update on Forthcoming Meetings
 - i. Board of Equalization meetings
 - ii. Budget timeline
 - iii. Opioid Settlement Work Session
- B. Revised Travel Policy
- C. Facilities Update
 - i. Sheriff's Office
 - ii. Mills Group Proposal for Courthouse Reconfiguration
- D. Budget Revisions
- E. Miscellaneous Correspondence

Personnel Matters- Consideration and/or action

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., January 30, 2024 in the County Commission Meeting room.

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

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

Recognition of Public

Also, present was County Administrator Nate Raybeck and Assessor Connie Ervin.

The following persons registered their attendance during the meeting:

Nicole Larew	Josh Waugh	Deanna Lively
Jacob Martin	Jennifer Graham	Carl Ervin
Sara Saurino	Wendy Madden	Robbie Baylor
Susan Mitter		

No other persons registered before the meeting to address the commission.

Review of Bills

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

Assessor’s Office – Consideration and/or action

Tax Correction List –
Apportionments –None

Recognition of Scheduled Appointments –

10:31 a.m. Rachele Thorn, PCPaRC Commissioners – Request for funding

Sara Saurino spoke on behalf of Rachele Thorn, with a request of \$9,900 for labor costs to repair the end of the WV Northern Rail Trail that was washed out during a storm. The only quote was from Browns Mill Excavating.

Commission Thomas asked her to acquire two (2) additional quotes to be sure she is getting the best price. In the meantime, the commission will look for the funds.

The second request was for approval to extend the completion date of the Tunnelton Linear Park due to supply chain issues on backorder. She requested the date extension to March 31, 2024 but after some discussion it was decided to change the date to May 31st, 2024 to be on the safe side.

10:35 a.m. Robbie Baylor, Preston County EDA – Request to Release FY24 Funds and Supporting Documents

Commissioner Smith recognized Robbie Baylor, PCEDA with a request to release the 2024 funds that were allocated to the Preston County Economic Development Authority, in the budget, in the amount of \$30,000 and updated the commission on various projects the EDA is working on. (See attached.)



January 17, 2024

Preston County Commission
Don Smith, President
106 West Main Street, Room 202
Kingwood, WV 26537

Dear Preston County Commissioners:

I am writing to request the funds the Preston County Commission allocated in the FY 2024 budget in support of the Preston County Economic Development Authority (PCEDA).

The Preston County Economic Development Authority was established in 1992, and began operations with a modest budget funded primarily through the generous donations of the County Commission and one area bank. The funding that the Commission has provided over the past several years has made it possible for our organization to leverage literally millions of state and federal dollars for community and economic development projects in Preston County. We believe that this contribution would be money well spent in retaining and attracting new jobs and investment to our area in order to expand our local economy.

To provide you an understanding of how we use our funds, here a brief list of the PCEDA's projects, activities and expenditures over the past year (FY23):

- Provided the required 100% cash match to the Local Economic Development Grant (LEDG) through the WV Department of Economic Development. For FY23 this was \$22,727.
- North Preston Broadband Project (complete). We constructed 11.8 miles of fiber, which is 27.8 miles more than we said we would construct. We have had 871 people hook onto the new broadband.
- Marketing Northpointe, Pointe Plaza and other properties including signing a lease with Blockchain Power (BCP) for 10 acres in the Northpointe Business & Industry Park and a lease with Superior Fibers for the Grace Chapel building (former Kinney Shoe plant). (**Blockchain Power 2023 report attached**)
- LEAD 1 Broadband Project w/Prodigi which included ARPA requests and reports as well as preparing WV State Historic Preservation Office (SHPO) clearance request.
- LEAD 2 Broadband Project w/Prodigi which included ARPA requests and reports as well as preparing WV State Historic Preservation Office (SHPO) clearance request.
- Supported the Preston County Chamber of Commerce by sponsoring several events including Preston County Day at the Legislature.

157 Plaza Court, Suite 8 • Kingwood, WV 26537 • 304.329.2299 **phone** • pceda@prestonwva.com

www.prestonwv.com

- New office signage for EDA, Chamber and Farmland was purchased and installed.
- Paid for mowing at PCEDA owned properties including Northpointe Business & Industry Park, Pointe Plaza Commercial Property, Grace Chapel and Rowlesburg lot.
- Continued to lease the building at Hazelton to Pioneer Conveyor. PCEDA does not make any money on this lease; it was put in place as an incentive to have Pioneer move from Garrett County to Preston County. The lease funds (\$14,502.21/month) go toward paying our loan on the building.
- Worked with Bionic Tire on their project to locate in the Valley Industrial Park including securing grant funds to pay for their Phase I Environmental study.
- PCEDA website which includes information on why locate in Preston County, local business info, available sites and buildings, community info, demographics, news, a community calendar, and job postings. The fee we pay for the website also includes Lead Forensics, social media marketing on X, Facebook and LinkedIn, as well as news articles and monthly meetings with the web development team. Lead Forensics provides daily reports on what businesses have looked at our website, the pages they looked at, how long they were on the website and how many times they visited the website. We are using this information to reach out to companies that are visiting the website often and looking at key information like workforce and available properties. (**4th qtr 2023 website report attached**)
- Started new Facebook marketing posts featuring a different Preston County business every day.
- Hired Next Move Group to provide board member training and to create a comprehensive Strategic Plan for the PCEDA. (**attached**)
- Conducted existing business retention visits to learn what the businesses need and to provide information on training programs, programs offered through WVSBC and low-cost business loans.
- Responded to multiple RFPs that the WV Department of Economic Development sent out for businesses looking for new locations in WV.
- Applied for and received Congressionally Directed Spending (CDS) funds for Kingwood Water, PSD 1 water and Rowlesburg Sewer.
- Used AML Pilot grant to continue work on the Grace Chapel property and building including a new 6-acre pad site with road and stormwater retention pond, new security system, new LED lights, new roof, new hot water heaters, and completely rehabbed parking lot.
- Received Governor-appointed HUB Zone status for Preston County.
- Partnered with Fairmont State University, Glenville State University and Barbour County EDA on an ARC planning grant to work on ways to strengthen communications between the universities and local businesses.
- Worked on infrastructure projects throughout Preston County including: Terra Alta Water, Tunnelton Sewer, Rowlesburg Sewer (3 projects), Masontown Water, Sewer PSD (3 projects), Masontown Sewer, Kingwood Water, Reedsville Sewer, PSD1 Water, PSD 4 Water, and Kingwood Sewer.

This year (FY24), we anticipate that funding provided to the PCEDA by the Preston County Commission will be used towards hiring a third staff member for the PCEDA. The position has not been finalized yet, but the new hire will most likely be either an Assistant Director or Business Manager. We will also

use a portion of the funds to sponsor Preston County Day at the Legislature and some of the Chamber of Commerce's other activities. We have pledged \$3000 to them.

Other work will include:

- Submitting LED grant application and providing 100% cash match (\$31,818)
- Submitting 2 sites to the new #YesWV Ready Sites Program through the WV DED. These sites will be evaluated at no cost by site selection consultants and we will be provided with a gap analysis to let us know what these sites need to be competitive for business attraction. Several sites will be selected statewide to be marketed to potential new businesses.
- Broadband projects LEAD 3, LEAD 4 and LEAD 5. We will assist Prodigy as needed.
- Continuing to market Preston County and PCEDA properties.
- Continue leases with BCP and Pioneer Conveyor
- Lease with Superior Fibers for Grace Chapel building which will allow them to move all operations to Preston County.
- Finish work at Grace Chapel using AML Pilot funds to pay for new HVAC system and PCEDA funds to pay for upgrades at the building including exterior painting, glass repair, and new bathroom fixtures.
- Holding business workforce roundtable discussions as part of the ARC planning grant. The team will be submitting a full ARC implementation grant in spring 2024.
- Submitting BUILD WV application with the Morgantown Area Partnership.
- Work with the Mills Group to design a new Preston County Workforce Training Center. Use design and cost estimates to apply for grant funding to make the center a reality.
- Ongoing website and social media updates.
- Continued property maintenance.
- Business retention and expansion visits.
- Continue to respond to RFPs from the state and site selection consultants.
- Infrastructure work. Tunnelton Sewer, Sewer PSD Bruceton Sewer Phase I and Rowlesburg Critical Needs Sewer Project will be completed.

Thank you for your continued assistance we work together to help our area grow. Please let me know if you have any questions about any of our projects/activities.

Sincerely,



Robbie Baylor, PCED
Executive Director

10:40 a.m. Connie Ervin, Assessor – Employee Hires

Commissioner Stone moved to approve the hire of Joshua Waugh for employment within the Assessors Office to begin Feb.1, 2024, to be paid from the Assessors Valuation Fund at a rate of \$34K/yr. with benefits, contingent upon a 3-month probationary period and to become permanent on April 22, 2024. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried. (See attached.)



Connie R. Ervin
Assessor
Preston County

January, 30, 2024


Don Smith, President
Preston County Commission
106 W. Main St.
Kingwood WV 26537

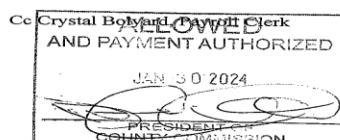
Dear Commission:

I respectfully submit the name, Joshua Waugh, to be considered for employment. Upon approval, Joshua will begin work February 1, 2024 and be paid from the ~~General Assessor's Office~~ ^{Valuation} County Fund. He will be paid at a salary rate of \$34,000 with benefits. Contingent upon a three-month probationary period, the position will become permanent on April 22, 2024.

If you have any questions regarding the hiring of Joshua Waugh, please do not hesitate to contact me.

Sincerely,


Connie R. Ervin
Assessor



<http://preston.wvassessor.com>
106 W. Main Street, Suite 101 Kingwood, WV 26537
Phone-(304) 329-1220 Fax (304) 329-1643

Assessor Ervin also mentioned the name of Kelly Reed as an individual that will replace Delores Riggs as part-time extra help in the future.

Approval of Minutes – January 9, 2024

Commissioner Thomas moved to approve the Minutes of January 9, 2024. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried.

Estate Settlements – January 16, 2024 thru January 17, 2024

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 01/16/2024 thru 01/17/2024 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, January 30, 2024.

ESTATE NUMBER: **4618**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: January 16, 2024
ESTATE NAME: **RALPH JUNIOR CRAIG**
EXECUTRIX: **MARSHA LYNNE CRAIG**
FIDUCIARY COMMISSIONER: **WOODROW E. TURNER**
PO BOX 585
KINGWOOD, WV 26537-0585

ESTATE NUMBER: **4404**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: January 17, 2024
ESTATE NAME: **LAWRENCE L. LEWIS**
EXECUTRIX: **MINDI B. PEPPER**

ESTATE NUMBER: **4509**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: January 16, 2024
ESTATE NAME: **PAUL E. SYPOLT**
EXECUTOR: **STEVEN BRUCE SYPOLT**

ESTATE NUMBER: **4497**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: January 17, 2024
ESTATE NAME: **JACQUELINE KAY TURNER**
EXECUTOR: **TIMOTHY DWIGHT TURNER**
FIDUCIARY COMMISSIONER: **OLIVIA DEVAL**
P.O. BOX 516
KINGWOOD, WV 26537

Subscribed and sworn to before me on 01/24/2024.

Clerk of the Preston County Commission

By: _____
Ashley Cole, Deputy Clerk

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

Proceedings in Vacation – January 18, 2024 through January 24, 2024

Under **New Business** Commissioner Stone moved to dispense with the reading in open court of the Proceedings of the Clerk of this Commission, had in vacation on January 18, 2024 thru January 24, 2024 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, January 18, 2024, through Wednesday, January 24, 2024

The County Commission of Preston County this 30th day of January, 2024 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, January 18, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **FREDA M. HILEMAN**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record. And a Small Estate Affidavit Testate was filed.

DONALD S. HILEMAN, was named as **SUCCESSOR** thereof, qualified as such. No bond was required.

On, Monday, January 22, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **THOMAS W. MILLER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record. And a Small Estate Affidavit Testate was filed.

ROZELLA M. MILLER, was named as **SUCCESSOR** thereof, qualified as such. No bond was required.

The last will and testament of **ALDA KELLEY SMITH, AKA ALDA IRENE SMITH**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

CONNIE SUE HERRIN, who was named in the last will and testament of **ALDA KELLEY SMITH, AKA ALDA IRENE SMITH**, deceased, as **CO EXECUTOR** thereof, qualified as such. No bond was required.

KIMBERLY ANN KELLEY, who was named in the last will and testament of **ALDA KELLEY SMITH, AKA ALDA IRENE SMITH**, deceased, as **CO EXECUTOR** thereof, qualified as such. No bond was required.

TIMOTHY D. KELLEY, who was named in the last will and testament of **ALDA KELLEY SMITH, AKA ALDA IRENE SMITH**, deceased, as **CO EXECUTOR** thereof, qualified as such. No bond was required.

On, Tuesday, January 23, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **HAROLD W. SYPOLT**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record. And a Small Estate Affidavit Testate was filed.

BARBARA JEAN PAUGH, was named as **SUCCESSOR** thereof, qualified as such. No bond was required.

On, Wednesday, January 24, 2024, the following matters were disposed of in the presence of the Clerk:

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **ANDREW MARTIN EVERLY** was appointed and qualified as **ADMINISTRATOR** of the estate of **CONNIE L. MILLER**, deceased. Bond was 25,000.00.

Subscribed and sworn to before me on 01/24/2024.

Linda Higgins

Clerk of the Preston County Commission

By: *Ashley Cole*
Ashley Cole, Deputy Clerk

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

Fiduciary Commissioner Report – None

Old Business- Consideration and/or action -

New Business – Consideration and/or action

A. Retention Letter Pullin, Fowler, Flanagan, Brown & Poe

Commissioner Stone moved to approve the retention letter between the Preston County Commission and Pullin, Fowler, Flanagan, Brown & Poe and authorize the President to sign. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried. (See attached.)



JAMESMARK BUILDING
901 QUARRIER STREET
CHARLESTON, WV 25301

PHONE: (304) 344-0100
FAX: (304) 342-1545

600 NEVILLE STREET
SUITE 201
BECKLEY, WV 25801

PHONE: (304) 254-9300
FAX: (304) 255-5519

2414 CRANBERRY SQUARE
MORGANTOWN, WV 26508

PHONE: (304) 225-2200
FAX: (304) 225-2214

261 AIKENS CENTER
SUITE 301
MARTINSBURG, WV 25404

PHONE: (304) 260-1200
FAX: (304) 260-1208

REPLY TO: Charleston
SENDERS E-MAIL: WGREVE@PFFWV.COM
www.pffwv.com

January 24, 2024

Don Smith, President
Preston County Commission
106 West Main Street
Kingwood, WV 26537

Re: Preston County Commission Retention Letter

Dear President Smith:

I am writing to confirm my retention to provide general legal counsel, as needed, at the following rates:

Wendy Greve - \$250.00 per hour
Associate - \$185.00 per hour
Paralegal - \$95.00 per hour

We will issue monthly bills for any pending matters. As always, I will attempt to minimize legal expenses by utilizing the most cost-effective approach on a case by case matter. While we cannot guarantee the success of any given venture, lawsuit, or transaction, we will represent the County vigorously and professionally. I will have primary responsibility for your file.

We will keep accurate records of the time devoted to your work for billing purposes, including conferences conducted in person or by telephone, negotiations, legal research, file review, document preparation and revision, travel on behalf of your corporation and other activities related to this representation. Reimbursable costs include, by way of example, filing fees, travel expense, telecopy charges, courier charges, computer research and photocopying. Statements are due and payable when received by you and must be paid promptly in order for Pullin, Fowler, Flanagan, Brown & Poe to continue to render legal services to you or on your behalf.

If the terms presented in this Agreement are acceptable to you, please sign below and return to me. If you have any questions, please feel free to call me.

President Don Smith
January 24, 2024
Page 2

Very truly yours,

Wendy E. Greve, Esq.

WEG/jah

By: 
President Don Smith
Preston County Commission

Date: 1/30/2024

OEM Central Garage Report – consideration and/or action - None

County Coordinator’s Report-Consideration and/or action

President Smith recognized Nate Raybeck with the County Coordinator’s Report.

- A. Update on Forthcoming Meetings
 - i. Board of Equalization meetings

- Thursday, February 1, 2024 at 10:00 a.m.
 - Wednesday, February 7, 2024 at 10:00 a.m. (State of WV Minerals)
 - Tuesday, February 13, 2024 at 10:00 a.m.
 - Friday, February 16, 2024 at 5:00 p.m.

- All meetings are held in the County Commission Meeting Room and will require appointments if members of the public wish to be heard.

- ii. Budget timeline

- Worksheets for budget year 2024-2025 will be distributed to all office holders no later than the 20th of February and due back from office holders to the bookkeeper no later than the 29th of February.

- Open budget meetings with elected officials will run all day on Monday, March 18th. Post meeting on Tuesday, March 19, 2024 and if needed, all day on Wednesday, March 20th. Then the budget will be tentatively approved at the commission meeting on Tuesday, March 26th and must be to the auditors office in Charleston by the deadline on Thursday, March 28, 2024.

- iii. Opioid Settlement Work Session

- The Opioid Settlement Work Session is scheduled for February 1, 2024 at 11:30 a.m. in the Commission Meeting Room.

- B. Revised Travel Policy

Commissioner Thomas moved to approve the new travel policy for training and conferences as presented by the county administrator effective today, January 30, 2024. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried. (See attached.)

Travel Policy for Training and Conferences

Mileage

If an employee’s personal vehicle is used for travel for training/conference outside of Preston County, mileage will be paid at the current IRS standard mileage rate, available [here](#).

Overnight Travel

Any lodging/conference registration fees will be paid for on the county p-card. For approved travel requiring an overnight stay, meals not provided by either conference registration fees or the hotel itself will be reimbursed as follows:

Breakfast: \$15.00
Lunch: \$20.00
Dinner: \$25.00

The County Travel Reimbursement form and all conference schedules/agendas must both be attached to all requests for reimbursement. No receipts need to be submitted for reimbursement.

Day Travel

Any conference registration fees will be paid for on the county p-card. For all approved travel not requiring an overnight stay, meals not provided by conference registration fees will be reimbursed at the same rate as those for overnight travel.

The County Travel Reimbursement form and all conference schedules/agendas must both be attached to all requests for reimbursement. No receipts need to be submitted for reimbursement.

Preston County Travel Reimbursement				
Total Mileage	Mileage Rate	Total Mileage Reimbursement		
	0.67	0		
Meals				
Meals	Number not provided	Rate (\$)	Total Reimbursement	
Breakfast		15	0	
Lunch		20	0	
Dinner		25	0	
Total Meal Reimbursement			0	
TOTAL REIMBURSEMENT			0	
Employee Signature				
Supervisor Signature				

C. Facilities Update

i. Sheriff's Office

Handles are up, painting the steps in the basement now. Covers over open electrical boxes is proceeding in the basement. Touch-ups and cleaning with a walk-thru to develop a final punch list coming sometime soon.

Edison Electric – materials should be here on site on Friday, February 2, 2024 with installation starting Monday with a target completion date of Friday, February 9, 2024.

ii. Mills Group Proposal for Courthouse Reconfiguration

Heading to the next phase which is the bidding process.

Commissioner Thomas moved to approve the contract with the Mills Group to handle the Courthouse Reconfiguration on the second floor for the price tag of \$55K and authorize the President of the Preston County Commission to sign. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried. (See attached.)



January 25, 2024

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

Proposal: Architectural Services for Second Floor Interior Renovations

Dear Mr. Raybeck:

We are pleased to have been asked to provide Architectural services for the interior fit-out and renovations of the second floor of the Preston County Courthouse in Kingwood, WV. The area is to include renovated space for a new courtroom, in-person-arraignment rooms, offices, and restrooms. These spaces are to take into consideration the requirements of the Supreme Court, security, and compliance with ADA standards. Special consideration is to be given to the historic elements of the existing lobby.

Michael J. Mills is a registered architect in West Virginia. He is doing business as Mills Group, LLC, and is referred to herein as "Architect." Preston County Commission is the owner of the building and client of Mills Group, represented by Jordan Godwin; they are referred to herein as "Owner or Client".

Services:

We will work with you to develop a concept to accommodate planning, phasing, and vision with your organization that is to include, updated flooring, paint, lighting, and other finishes. The second floor has been envisioned to include an additional courtroom and its associated and adjacent spaces. spatial arrangements through demolition and renovations. We will continue our coordination efforts with the Commission, the Circuit Judge, and the Supreme Court.

Phases of Service:

Pre-Design: Completed in previous phase
 Programming: Completed in previous phase
 Schematic Design: Completed in previous phase

Design Development: (DD)

Development of scaled drawings incorporated with consultant input. This phase includes development of interior elevations, finishes and drawing notes for review with the client.

Construction Drawings and Specifications (CD):

After the client has approved the final design drawings, we will develop a set of bidding documents for construction, Mills Group will coordinate mechanical, electrical, plumbing (MEP), consultants in construction documents and specifications for the design. Mills Group assumes three (3) coordination meetings with the client during the development of construction drawings. These drawings shall be submitted to the City of Kingwood and the State Fire Marshal for permitting and review.

Bidding and Negotiation: N/A

After completion of the set of bidding documents for construction, we shall establish and administer the bidding process, issue the addenda, and evaluate proposed substitutions. In addition, in this phase we shall review bidder qualifications, analyze bids, and assist the contractor client in the selection of subcontractor(s).

CONSTRUCTION ADMINISTRATION (CA):

Once the project begins, Mills Group will assist in the facilitation of project communication, maintaining project records, reviewing, and certifying amounts due contractors, and preparing change orders. It is assumed this is a three-month construction period with 3 construction meetings.

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.

Deliverables

Task	Description
Design Development	<ul style="list-style-type: none"> Scaled drawing of the Floor Plan with Sections and Enlargements Incorporation of Engineering components and utilities Ceiling plan with dimensions, notes, etc. Interior elevations showing key design elements Finish and Product selection shall be coordinated with owner Owner review

Construction Drawings	<ul style="list-style-type: none"> Scaled drawing of each Floor Plan detailing new construction Sections and elevations Ceiling plan with lighting fixtures and dimensions, notes, etc. Interior elevations showing key design elements Door schedule Window schedule Finish schedule Owner review
Bidding & Construction Administration	<ul style="list-style-type: none"> Bid Package with Instructions to Bidders Addenda and Answers to questions from Bidders (RFIs) Mandatory Pre-Bid meeting Progress Meetings (2 in person) Substantial Completion Walkthrough / Punchlist Review of Contractor Submittals / Shop Drawings

Not Included in Scope of Work
Engineering (Site/Civil, Structural,)

Assumptions:

- This scope of work excludes sprinkler and fire alarm design. If more work is needed for any exterior renovations, it will be billed as additional services.
- Connection to site utility services will be by others
- Services not included are fire protection design, fire alarm design, communications (voice, data, public address, AV, TV) and security (access control, CCTV, intrusion detection) systems cabling, devices and control equipment.

Professional Fees:

Architectural Fees and payments are as follows:
A lump sum contract of **\$55,000** for professional consulting fees with all project expenses such as mileage, postage, and printing billed directly to the Owner. The project shall be billed on a monthly schedule based upon a percentage complete for this phase.

Reimbursable Expenses

Printing/Copying	Style	Format	Price
22 x 34	Color	Plot	\$4.00
22 x 34	Black & White	Plot	\$3.00
11 x 17	Color	Plot	\$2.00
11 x 17	Black & White	Plot	\$0.60
8 ½ x 11	Color	Print	\$1.25
8 ½ x 11	Black & White	Print	\$0.20
Other Costs			
CD w/case			\$5.00
Mileage			Per IRS Standards
Scanner Rental			\$200/day

It is anticipated that these reimbursable expenses will not exceed \$500.

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.

Principal	\$225 /hr
Project Manager	\$175 /hr
Project Designer/Associate	\$150 /hr
Interior Design Associate	\$95 /hr
Administrative	\$75 /hr

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

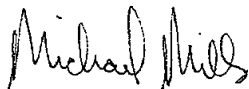
All services provided by Design Professional are for the sole use and benefit of the Client. Nothing in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or the Design Professional.

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 _____

Don Smith

- D. Budget Revisions- none
- E. Miscellaneous Correspondence

Personnel Matters – Consideration and/or action

Legal Matters - Consideration and/or action

Information

- A. Miscellaneous Correspondence

Commissioners Comments

At 11:35 a.m., there being no further business to come before the Commission, President Smith declared the Regular Session adjourned.

Commissioner

Commissioner

Commissioner

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