

GRANT COUNTY COMMISSION  
PETERSBURG, WEST VIRGINIA 26847

GRANT COUNTY COMMISSION MINUTES

**Date:** July 23, 2019      **Time:** 3:30 p.m.      **Location:** Conference Room  
Grant County Courthouse

**Commissioners:**

Doug Swick  
Jeff Berg  
Scotty Miley

**Reporting:**

Erin Camp, Grant County Press

**AGENDA ITEM:** Commissioner Swick called the regular meeting to order at 3:30 p.m.

**AGENDA ITEM:** Approval of Minutes

**DISCUSSION:** Presented for approval were the minutes from the regular meeting held on July 9, 2019.

Presented for approval were the minutes from the special meeting held on July 11, 2019.

**ACTION:** A Motion was made to approve the minutes from the regular meeting held on July 9, 2019. **MOTION: Berg-Miley**

A Motion was made to approve the minutes from the special meeting held on July 11, 2019. **MOTION: Miley-Berg**

**AGENDA ITEM: Discuss Who They Are and What They Do**

**DISCUSSION:** Anne Jessop with Advantage Technology was to appear before the Commission but had to cancel.

**ACTION:** No action needed.

**AGENDA ITEM: County Issues**

**DISCUSSION:** Jane Kite Keeling appeared before the Commission. Ms. Keeling stated that on March 20, 2019 the Commission wrote a letter to her stating that she had requested the letter of engagement from Bailey Glasser three times. The letter further stated that the engagement letter is an internal, or privileged letter exempt from the FOIA by Attorney/Client privilege pursuant to Section 29B-1-4(8) of the West Virginia Freedom of Information Act. Ms. Keeling stated that she did receive the Letter of Engagement after her 4<sup>th</sup> request on May 17, 2019.

Ms. Keeling inquired if the code changed recently to allow the release of this document. Commissioner Swick stated that it had not.

Ms. Keeling then asked if Attorney Ihlenfeld had anything to do with denying the letter to her, and if he had written the response in any of the letters. Commissioner Swick stated that he would have to get back to her on that. He further stated that it was either Attorney Ihlenfeld or Prosecutor John Ours. Ms. Keeling stated that she was told Attorney Ihlenfeld wrote some of them.

Ms. Keeling asked why the letter of engagement was not signed or dated. Commissioner Swick stated that the Commission never signed it and neither did Bailey Glasser.

Ms. Keeling stated that she cannot imagine paying someone \$177,000 without signing a letter of engagement.

Ms. Keeling asked if the fact the letter was not signed had anything to do with the Commission refusing to give her the letter of engagement. Commissioner Swick stated that was not the reason. She then asked him what changed and made them decide to give her the letter. Commissioner Swick stated that nothing changed from his point of view. He stated that the Prosecutor and Attorney Ihlenfeld had discussed the matter and presented the letter to her.

**ACTION:** No action needed.

**AGENDA ITEM: Yearly Report & Discuss Hotel/Motel Tax**

**DISCUSSION:** This agenda item had to be re-scheduled.

**ACTION:** No action needed

**AGENDA ITEM: Letter of Support for Opioid Grant**

**DISCUSSION:** Commissioner Miley stated that WorkForce is working on obtaining additional funding for the opioid crisis and they are asking for a letter of support from the Commission.

**ACTION:** A Motion was made to sign the letter of support for the Opioid Grant.  
**MOTION: Miley-Berg**

**AGENDA ITEM: Letter of Support for Black Rock Wind Project**

**DISCUSSION:** Michelle stated that she received an email from David Friend asking for a letter of support.

**ACTION:** A Motion was made for the Commission to sign the letter of support for the Black Rock Wind Farm. **MOTION: Berg-Miley**

**AGENDA ITEM: Appoint Grant County Coroner**

**DISCUSSION:** Commissioner Miley stated that Tabitha Hitt has served as the medical examiner for the county. Commissioner Miley stated that he has spoken with the ambulance service and 911 and they all believe she is doing a good job. Ms. Hitt is a registered nurse and is registered through the State Medical Examiner's Office. Commissioner Miley recommended that she be appointed as the County Coroner.

**ACTION:** A Motion was made to appoint Tabitha Hitt as the County Coroner.  
**MOTION: Miley-Berg**

**AGENDA ITEM: CDBG Broadband Grant Updates & Approvals**

**DISCUSSION:** Tammy Kitzmiller was unable to appear today. Michelle Sites stated that she received an email from her stating that request for proposals has been published in the paper and mailed to a number of vendors. The pre-bid meeting is scheduled for August 5, 2019 at 1 p.m. The proposals are due August 23, 2019 at 4 p.m.

**ACTION:** No action needed.

**AGENDA ITEM: Actions of the Clerk**

**DISCUSSION:** None required.

**ACTION:** Commission approved the following actions of the County Clerk:

-Wills lodged in Clerk's Office:  
None

-Wills admitted to probate:  
Mary W. Martin  
Anna Vance  
Cosetta Ours  
Jack C. Sturgill

-Qualification orders granted in the following estates:  
William Martin, Executor in the Estate of Mary W. Martin  
Joseph E. Vance, Executor in the Estate of Anna J. Vance

Wanda F. Rexrode, Administratrix in the Estate of Bryant H. Rexrode  
 Mark Rohrbaugh, Executor in the Estate of Cosetta Ours  
 Dolores McKenzie, Administratrix in the Estate of Harry Aloysius McKenzie, Jr.  
 Mark K. Sturgill, Executor in the Estate of Jack Sturgill

**MOTION: Miley-Berg**

**AGENDA ITEM: Approval of Estates**

**DISCUSSION:** No discussion required.

**ACTION:** Commission approved the following estates for closure:

Waiver of Final Settlement in the Estate of Norma Katherine Ours **MOTION: Miley-Berg**

Waiver of Final Settlement in the Estate of Ryan Lee Uphold **MOTION: Miley-Berg**

Waiver of Final Settlement in the Estate of Mary Louise Maxson **MOTION: Miley-Berg**

**AGENDA ITEM: Exonerations**

**DISCUSSION:** Having been filed by the Assessor and approved by the Prosecuting Attorney, exonerations were reviewed for Jay E. & Kari L. Fitzwater, Scott R. Kisner, Lynn A. Rexrode (2), San Souci Hunting Club.

**ACTION:** Commission approved the following exonerations:

Jay E. & Kari L. Fitzwater     Petersburg Corp. ('19) \$95.82 & \$160.00 ph **MOTION: Berg-Miley**

Scott R. Kisner     Milroy District ('19)     \$37.68 ph     **MOTION: Berg-Miley**

Lynn A. Rexrode     Milroy District ('19)     \$26.08 ph     **MOTION: Berg-Miley**

Lynn A. Rexrode     Milroy District ('18)     \$31.27 ph     **MOTION: Berg-Miley**

San Souci Hunting Club     Union District ('18)     \$144.63 ph     **MOTION: Berg-Miley**

At 3:55 p.m. Commissioner Swick received a phone call regarding an emergency situation and did have to step away from the meeting.

**AGENDA ITEM: Budget Revisions**

**DISCUSSION:** There were no budget revisions presented this day.

**AGENDA ITEM: Board Appointments/Removals**

**DISCUSSION:** The following board appointments were presented:

Grant Rehabilitation & Care Board: Bob Cooper, Eddie Sites and Nan Smith

Michelle Sites stated that these three will replace Nan Kesner, Bernadine Kessel and Rev. Longbon on the Board. She further stated that she is going to send a letter to them thanking them for their service on the Board.

**ACTION:** A Motion was made to appoint Bob Cooper, Eddie Sites and Nan Smith to the Grant Rehabilitation & Care Board. **MOTION: Berg-Miley**

**AGENDA ITEM: Commissioner's Packet**

**DISCUSSION:** Commissioner Swick reviewed the commissioner's packet and presented the following information:

- Letter to Travis Bolyard congratulating him on achieving the highest honor awarded to the Boy Scouts of America as an Eagle Scout. A Motion was made to sign the letter. **MOTION: Miley-Berg;**
- Letter from Region 8 Planning and Development Council inviting the Commission to a meeting on July 29, 2019 at 7 p.m.;
- An invitation from the Hershel Woody Williams Metal of Honor Foundation to the Gold Star family memorial and monument ground breaking on July 27, 2019 at 11 a.m. in Charleston WV;

- Letter from Phyllis Cole thanking the Commission for naming the Grant County Ambulance in honor of Commissioner Jim Cole;
- Letter from the PSC stating that Mr. McConnell from Pendleton County has been appointed as a member of the Board of Directors of the Region 8 Solid Waste Authority to a term expiring June 20, 2023;
- A letter from the Office of the State Treasurer to inform of the funds due to Grant County;
- Minutes from the Grant County PSD meeting.

It should be noted that Commissioner Swick returned to the meeting.

**AGENDA ITEM: Approval of Expenses**

**DISCUSSION:** The Commission reviewed the expenses as presented.

**ACTION:** Commission approved the expenses as presented **MOTION: Berg-Miley**

**AGENDA ITEM: Adjournment**

**ACTION:** There being no further business before the Commission, the meeting adjourned. **MOTION: Miley-Berg**

  
\_\_\_\_\_  
PRESIDENT

ATTEST,

  
\_\_\_\_\_  
CLERK OF THE COUNTY COMMISSION

8-13-19  
DATE APPROVED

## IN THE COUNTY COMMISSION OF GRANT COUNTY, WEST VIRGINIA

The Grant County Commission hereby orders the following actions taken by the Grant County Clerk, Seymour V. Fisher, in vacation of the County Commission be approved:

## 1. Wills Lodged in the Clerk's Office:

None

## 2. Wills Admitted to Probate:

Mary W. Martin  
Anna Vance  
Cosetta Ours  
Jack C. Sturgill

## 3. Qualification Orders Granted in the Following Estates:


Estate

Mary W. Martin  
Anna J. Vance  
Bryant H. Rexrode  
Cosetta Ours  
Harry Aloysius McKenzie, Jr.  
Jack Sturgill

Person Qualifying:

William Martin, Executor  
Joseph E. Vance, Executor  
Wanda F. Rexrode, Administrator  
Mark Rohrbaugh, Executor  
Dolores McKenzie, Administratrix  
Mark K. Sturgill, Executor

Approved this the 23<sup>rd</sup> day of July, 2019.

  
President

State of West Virginia  
 County of Grant  
 5 Highland Avenue  
 Petersburg, WV 26847

To the Honorable, the County of Grant County, WV

I, **Ralph G. Layton**, Assessor hereby makes application for the correction of an erroneous assessment against **Fitzwater, Jay E. & Kari L.** in **Petersburg Corp.** amounting to **\$ 95.82 and 160.00 p h**, **Class 3** being taxes for the year of **2019** on **Personal Property number 80000918** valued at **9,405 & 15,705** for the following reason:

***Taxpayers divorced and need split ticket so each may pay their share of taxes.***

Upon application of a taxpayer who is aggrieved by an erroneous assessment. The Prosecuting Attorney having had reasonable notice Of the intentions and character of the corrections desired in said application, and being present and defending the interest of the State, County, District and the Court having heard the evidence, it is ordered That said the applicants are exonerated from the payment of taxes for the year, if same has not been paid and if paid, the Sheriff refund the same, the court being of opinion that: **Ticket 303851**

**Ticket A:**

**Fitzwater, Jay E.**  
**16 Jackson Street**  
**Petersburg, WV 26847**  
**2012 Dodge Ram**

**Value: 9,405 Taxes: \$95.82 p h**

**Ticket B:**

**Fitzwater, Kari L.**  
**149 Stratus Drive**  
**Cabins, WV 26855**  
**2016 Toyt 4Run**

**Value: 15,705 Taxes: \$160.00 p h**

The Clerk is directed to furnish a copy of this order, which, when properly endorsed, shall be a voucher for the Sheriff in his settlement.

Signature on File 7/18/19

Taxpayer Date

*Ralph G. Layton*

Assessor

Date

Prosecuting Attorney Date

*John A. Kline* 7-18-19  
 President Date

State of West Virginia  
 County of Grant  
 5 Highland Avenue  
 Petersburg, WV 26847

To the Honorable, the County of Grant County, WV

I, **Ralph G. Layton, Assessor** hereby makes application for the correction of an erroneous assessment against to **Kisner, Scott R. in Milroy District** amounting to \$ 37.68 p h, **Class II** being taxes for the year of 2019 on **map 410, parcel 6.3** valued at **11,100** for the following reason:

**The transfer clerk transferred Mr. James E. Ebbert Jr. & Tina L. real estate to Mr. Scott R. Kisner and changed the acreage and the value changed. GST will change the name, legal description and taxes due by exoneration and reprint a new tax bill.**

**Ebbert, James E. Jr & Tina L.  
 416 Myrtle Ave, Moundsville, WV 26041-2011**

Upon application of a taxpayer who is aggrieved by an erroneous assessment. The Prosecuting Attorney having had reasonable notice Of the intentions and character of the corrections desired in said application, and being present and defending the interest of the State, County, District and the Court having heard the evidence, it is ordered That said the applicants are exonerated from the payment of taxes for the year, if same has not been paid and if paid, the Sheriff refund the same, the court being of opinion that: **Ticket Number: 5185**

**Exonerate: Value: 11,100 Taxes: \$ 37.68 p h Class II**

**Pay On: Value: 79,320 Taxes: \$ 269.30 p h Class II**

The Clerk is directed to furnish a copy of this order, which, when properly endorsed, shall be a voucher for the Sheriff in his settlement.

Signature on File 7/11/19  
 Taxpayer Date

Ralph G. Layton  
 Assessor Date

James E. Ebbert Jr.  
 Prosecuting Attorney Date

Ralph G. Layton  
 President Date

7/17/19

7-23/19

State of West Virginia  
County of Grant  
5 Highland Avenue  
Petersburg, WV 26847

To the Honorable, the County of Grant County, WV

I, **Ralph G. Layton, Assessor** hereby makes application for the correction of an erroneous assessment against **Rexrode, Lynn A.** in **Milroy District** amounting to **\$ 26.08 per half, Class 3** being taxes for the year of **2019** on **Personal Property Account 20060340** valued at **3,840** for the following reason:

**A divorce agreement between Lynn A. Rexrode and Kimberly A. Rexrode for the 2010 Chev Trav reads Kimberly is the sole owner and is responsible for all fees and taxes to pay the personal property taxes on the vehicle owned. See copy of divorce orders.**

Upon application of a taxpayer who is aggrieved by an erroneous assessment. The Prosecuting Attorney having had reasonable notice Of the intentions and character of the corrections desired in said application, and being present and defending the interest of the State, County, District and the Court having heard the evidence, it is ordered That said the applicants are exonerated from the payment of taxes for the year, if same has not been paid and if paid, the Sheriff refund the same, the court being of opinion that: **Ticket No: 302916**

**Kimberly A. Rexrode**  
**326 Fawn Ridge**  
**Petersburg, WV 26847**

**Pay On: Value: 3,840 Taxes: \$ 26.08 p h Class III**

The Clerk is directed to furnish a copy of this order, which, when properly endorsed, shall be a voucher for the Sheriff in his settlement.

Signature on File 7/17/19

Taxpayer

Date

Prosecuting Attorney

Date

7/16/19

President

7/23/19

7/17/19

Assessor

Date



State of West Virginia  
 County of Grant  
 5 Highland Avenue  
 Petersburg, WV 26847

To the Honorable, the County of Grant County, WV

I, **Ralph G. Layton, Assessor** hereby makes application for the correction of an erroneous assessment against **Rexrode, Lynn A.** in **Milroy District** amounting to **\$ 31.27 per half, Class 3** being taxes for the year of **2018** on **Personal Property Account 20060340** valued at **4,605** for the following reason:

***A divorce agreement between Lynn A. Rexrode and Kimberly A. Rexrode for the 2010 Chev Trav reads Kimberly is the sole owner and is responsible for all fees and taxes to pay the personal property taxes on the vehicle owned. See copy of divorce orders.***

Upon application of a taxpayer who is aggrieved by an erroneous assessment. The Prosecuting Attorney having had reasonable notice Of the intentions and character of the corrections desired in said application, and being present and defending the interest of the State, County, District and the Court having heard the evidence, it is ordered That said the applicants are exonerated from the payment of taxes for the year, if same has not been paid and if paid, the Sheriff refund the same, the court being of opinion that: **Ticket No: 302912**

**Kimberly A. Rexrode**  
**326 Fawn Ridge**  
**Petersburg, WV 26847**

**Pay On: Value: 4,605 Taxes: \$ 31.27 p h Class III**

The Clerk is directed to furnish a copy of this order, which, when properly endorsed, shall be a voucher for the Sheriff in his settlement.

Signature on File 7/17/19

Taxpayer Date

**Ralph G. Layton** 7/17/19

Assessor Date

Prosecuting Attorney Date

**John S. Ches** 7/16/19  
**Wanda Smed** 7-23-19  
 President Date

State of West Virginia  
County of Grant  
5 Highland Avenue  
Petersburg, WV 26847

To the Honorable, the County of Grant County, WV

I, **Ralph G. Layton, Assessor** hereby makes application for the correction of an erroneous assessment against to **San Souci Hunting Club % Boyd Halterman in Union District** amounting to **\$ 144.63 p h, Class III** being taxes for the year of **2019** on **map 147, parcel 4** valued at **21,300** for the following reason:

**The taxpayers filed managed timber and the woodland value was not removed as required.**

Upon application of a taxpayer who is aggrieved by an erroneous assessment. The Prosecuting Attorney having had reasonable notice Of the intentions and character of the corrections desired in said application, and being present and defending the interest of the State, County, District and the Court having heard the evidence, it is ordered That said the applicants are exonerated from the payment of taxes for the year, if same has not been paid and if paid, the Sheriff refund the same, the court being of opinion that: **Ticket Number: 12267**

**Exonerate: Value: 21,300 Taxes: \$ 144.63 p h Class III**  
**Pay On: Value: 26,380 Taxes: \$ 179.12 p h Class III**

The Clerk is directed to furnish a copy of this order, which, when properly endorsed, shall be a voucher for the Sheriff in his settlement.

Signature on File 7/22/19 Date  
Taxpayer

Ralph G. Layton  
Assessor Date

John A. S. Sava 7/22/19  
Prosecuting Attorney Date

Joseph S. Sava 7-23/19.  
President Date