

GRANT COUNTY COMMISSION
PETERSBURG, WEST VIRGINIA 26847

GRANT COUNTY COMMISSION MINUTES

Date: August 13, 2019

Time: 9 a.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 9 a.m.

AGENDA ITEM: Approval of Minutes

DISCUSSION: Presented for approval were the minutes from the regular meeting held on July 23, 2019.

ACTION: A Motion was made to approve the minutes from the regular meeting held on July 23, 2019. **MOTION: Miley-Berg**

AGENDA ITEM: Resolution for a Loan for a CT Scanner & Quarterly Update

DISCUSSION: Robert Milvet, GMH CEO appeared before the Commission. Mr. Milvet had a resolution authorizing GMH to borrow \$541,537.00 from Pendleton Community Bank for the purpose of purchasing a new CT scanner. Commissioner Miley asked if this was sent out for bids. Mr. Milvet said it was sent out to several financial institutions.

ACTION: Commissioner Swick asked for a Motion permitting the Commission to sign a resolution for a new CT scanner which would permit GMH to borrow \$541,537.00 from PCB.

MOTION: Miley-Berg

Mr. Milvet introduced David Applewood, who is the new CEO. Mr. Applewood has experience in critical care hospitals.

Mr. Milvet believes that the hospital is slowly growing out of several years of volume declines and lagging financial performance.

Mr. Milvet stated that they have made the following recent decisions for the purpose of keeping the business in this community so the hospital may continue to thrive:

- 1 - The first issue was general surgery. Dr. Teresa "Tracy" Rutledge is covering two weeks per month with Dr. Makani. Mr. Milvet stated that he will be recruiting another general surgeon due to Dr. Rutledge's schedule filling up very quickly.
- 2 - The primary care and pediatrics services were sent to E A Hawse. This is working very well so far. Mr. Milvet stated they are trying to establish a lab relationship.
- 3 - There has been a telemedicine psychiatry program in the emergency department. Nearly 3 dozen patients have been treated. This assists ER doctors with patients with behavioral medicine needs. This will allow the ER doctor to speak with a board-certified psychiatrist within three minutes, who will work directly with the ER doctor. The purpose of this is to avoid having people sitting in the waiting area for several hours.
- 4 - A cardiology clinic has been started using telemedicine.
- 5 - Dr. Jenny Cross is an ear, nose and throat doctor, as well as a sleep medicine doctor and an allergist. She will be at GMH every Monday beginning September 9, 2019.
- 6 - Renovation update: The long-term care unit, known as E wing was recently closed and transferred to the Grant Rehabilitation and Care Center. The hospital is preparing

to renovate the rooms to private rooms. Three bids were received, and a recommendation will be taken to the Board of Trustees on August 26. Mr. Milvet believes that the renovation will help with unnecessary transfer of patients.

Commissioner Miley asked what was done prior to purchasing the new CT scanner. Mr. Milvet said that they did currently have one. The new scanner is faster and takes a more precise image. Mr. Milvet stated that this is a revenue generating expenditure.

Commissioner Swick stated that he has heard positive comments regarding the hospital. He thanked Mr. Milvet and Mr. Applewood for everything that they are doing to get GMH back on the right path.

AGENDA ITEM: Convention & Visitor's Bureau Annual Report Change of Hotel/Motel Tax Payment to CVB

DISCUSSION: Donna Alexander, CVB representative, appeared before the Commission. Ms. Alexander is with Alexander Business Consulting Services. She does the accounting for the CVB and the South Side Depot.

Ms. Alexander had a summary for each Commissioner. She stated that most of the money spent was on advertising. She further stated that it was felt that the rate of return was worth the money being spent.

Ms. Alexander presented to the Commission a financial report for the fiscal year July 2, 2018 to June 30, 2019.

Ms. Alexander showed the Commission the form that hotels/motels use. She stated that she made some changes to the form to make it easier to complete. Ms. Alexander stated that she would like to have a meeting for hotels/motels to go over the form and proper procedures.

Ms. Alexander stated that currently the city and county pay the tax. The CVB would like the money paid monthly for cash flow purposes. Commissioner Swick stated that Alicia Reel, CFO, would need to be consulted regarding said tax payment.

ACTION: Commissioner Swick asked for a Motion permitting him to sign the letter that the CVB needs to mail to the county hotel/motel participants. **MOTION: Berg-Miley**

AGENDA ITEM: Financial Update

DISCUSSION: Seymour Fisher, Clerk, and Alicia Reel, CFO, were to appear before the Commission but they were at their annual conference.

ACTION: No action needed.

AGENDA ITEM: Discuss Who They Are and What They Do

DISCUSSION: Anne Jessop with Advantage Technology appeared before the Commission. This is an IT company based out of Charleston, West Virginia. They provide a full range of IT services.

ACTION: No action needed.

AGENDA ITEM: CDBG Updates & Approvals

DISCUSSION: There were no updates or any documents needing approval at this time.

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:
Cecilia Genevieve Miller

-Wills admitted to probate:
 Carl G. Kimble
 Joseph Sylvester Lazarowicz

-Qualification orders granted in the following estates:

Linda Struder, Administratrix in the Estate of Hobert Ray Woford, Sr.
 Carl G. Kimble, Jr., Executor in the Estate of Carl G. Kimble
 Donald Ray Boggs, Jr, Administrator in the Estate of Donald Ray Boggs, Sr.
 Christine Alicia Phillips, Executrix in the Estate of Joseph Sylvester Lazarowicz

MOTION: Swick-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 Gregory Charles Sherman **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Wallace S. Parker **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Mary H. Sherman **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Theodore Eugene Alexander **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Ruby B. Waldron **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Tammy Richardson **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Louretta F. Huffman **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Leonard Harrison Evans **MOTION: Miley-Berg**
 Waiver of Final Settlement in the Estate of Manie Lillian Evans **MOTION: Miley-Berg**

AGENDA ITEM: Exonerations

DISCUSSION: Having been filed by the Assessor and approved by the Prosecuting Attorney, exonerations were reviewed for David E. & Carla J. Berg, KJV Aviation, Inc., James Paul Geary (2), ACAR Leasing LTD (2)

ACTION: Commission approved the following exonerations:

David E. & Carla J. Berg	Milroy Corp. ('19)	\$1.80 ph	MOTION: Berg-Miley
KJV Aviation, Inc.	Milroy Corp. ('19)	\$162.96 ph	MOTION: Berg-Miley
James Paul Geary	Milroy District ('19)	\$44.82 ph	MOTION: Berg-Miley
James Paul Geary	Milroy District ('19)	\$25.47 ph	MOTION: Berg-Miley
ACAR Leasing LTD	Petersburg Corp ('19)	\$75.34 ph	MOTION: Berg-Miley
ACAR Leasing LTD	Petersburg Corp ('19)	\$92.17 ph	MOTION: Berg-Miley

AGENDA ITEM: Budget Revisions

DISCUSSION: There were no budget revisions presented this day.

ACTION: No action needed.

AGENDA ITEM: Board Appointments/Removals

DISCUSSION: There were no board appointments presented this day.

ACTION: No action needed.

AGENDA ITEM: Commissioner's Packet

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

- Sheriff's monthly settlement ending June 30, 2019;
- A Notice to the Commission that the Federal Aviation Administration will be conducting an study for the wind turbines in Keyser, WV;
- A Notice of the County Commission fall meeting to be held in Charleston on September 22 & 23, 2019, and the legislative meeting on January 26 -- 28, 2020 in Charleston;

- Notice that the WV Ethics Commission will hold an ethics training on September 11, 2019 at 1 p.m.;
- Division of Natural Resources permit regarding the clean water act for the rock removal;
- Thank you letter from the Tucker Community Foundation;
- Sherriff's monthly settlement;
- Letter from the Association of WV Solid Waste Authority regarding awareness of global and environmental issues.

AGENDA ITEM: Approval of Expenses

DISCUSSION: The Commission reviewed the expenses as presented.

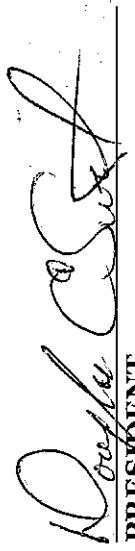
ACTION: Commission approved the expenses as presented **MOTION: Berg-Miley**

AGENDA ITEM: Adjournment

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

ATTEST:


CLERK OF THE COUNTY COMMISSION


PRESIDENT

8-27-19
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:

Ceclia Genevieve Miller

2. Wills Admitted to Probate:

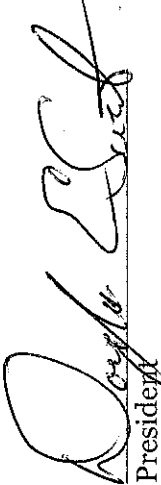
Carl G. Kimble

Joseph Sylvester Lazarowicz

3. Qualification Orders Granted in the Following Estates:

<u>Estate</u>	<u>Person Qualifying:</u>
Hobert Ray Wolford, Sr.	Linda Studer, Administratrix
Carl G. Kimble	Carl G. Kimble, Jr., Executor
Donald Ray Boggs, Sr.	Donald Ray Boggs, Jr, Executor
Joseph Sylvester Lazarowicz	Christine Alicia Phillips, Executrix

Approved this the 13th day of August, 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 **Berg, David E. & Carla J. in Milroy Corp.** amounting to **\$ 1.80 p h, Class 3** being taxes for the year of **2019** on **Personal Property account number 0969609** valued at **264** for the following reason:

Taxpayer was assessed with a Honda CRF and taxpayer had marked it off.

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 301621**

Exonerate: Value: 264 Taxes: \$ 1.80 p h Class III

Pay: Value: 8,040 Taxes: \$ 54.59 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 7/30/19
 Taxpayer Date

Ralph G. Layton 7/30/19
 Assessor Date

John G. Lewis 7/30/19
 Prosecuting Attorney Date
W. Doyle Smith 8-13-19
 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 **KJV Aviation Inc. John Crites** in **Milroy Corp.** amounting to **\$ 162.96 p h, Class 3** being taxes for the year of **2019** on **Personal Property account number 20000419** valued at **24,000** for the following reason:

Taxpayer has been assessed with an airplane hangar. Mr. Crites filed a building permit and the Assessor's office reported it on his personal property. Mr. Crites had a (20) year lease with the airport for free rent. The hangar belongs to the airport.

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 302428**

Exonerate: Value: 24,000 Taxes: \$ 162.96 p h Class III

Pay: Value: 110,351 Taxes: \$ 749.29 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 7/23/19
 Taxpayer Date

Ralph G. Layton 7/23/19
 Assessor Date

Prosecuting Attorney Date

David E. Smith 8-13-19
 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 **Geary, James Paul** in **Milroy District** amounting to **\$ 44.82 p h Class III** being taxes for the year of **2019** on **map 490, parcel 44** valued at **13,200** for the following reason:

The taxpayers filed the proper paper work for farm property but the transfer clerk missed changing the tax class.

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: 4252**

Exonerate: Value: 13,200 Taxes: \$ 44.82 p h Class III
Pay On: Value: 13,200 Taxes: \$ 44.81 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 8/6/19

Taxpayer Date

Ralph G. Layton
8/6/19

Assessor

Prosecuting Attorney Date

John A. S. Sano 8/6/19

Prosecuting Attorney Date

David C. Sano 8-13-19

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 **Geary, James Paul** in **Mitroy District** amounting to **\$ 25.47 p h Class III** being taxes for the year of **2019** on **map 490, parcel 46** valued at **7,500** for the following reason:

The taxpayers filed the proper paper work for farm property but the transfer clerk missed changing the tax class.

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: 4253**

Exonerate: Value: 7,500 Taxes: \$ 25.47 p h Class III
Pay On: Value: 7,500 Taxes: \$ 25.46 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 8/6/19
 Taxpayer Date

Ralph G. Layton
 Assessor Date

John V. S. Jones 8/6/19
 Prosecuting Attorney Date

Ronald Cook 8-13-19
 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 **ACAR Leasing LTD** in **Petersburg Corp.** amounting to **\$ 75.34 p h, Class 4** being taxes for the year of **2019** on **Personal Property number 20150116** valued at **7,395** for the following reason:

Taxpayer was assessed on a vehicle that was not on the list for 2018-2019.

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 303559**

Exonerate: Value: 7,395 Taxes: \$ 75.34 p h Class IV

Pay On: Value: 23,745 Taxes: \$ 241.92 p h Class IV

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 8/6/19
Taxpayer Date

Ralph G. Layton
Assessor 8/6/19 Date

John S. Shus 8/6/19
Prosecuting Attorney Date

Wayne Earl 8-13-19
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 **ACAR Leasing LTD** in **Petersburg Corp.** amounting to **\$ 92.17 p h, Class 3** being taxes for the year of **2019** on **Personal Property number 20170298** valued at **13,575** for the following reason:

Taxpayer was double assessed on a 2017 Chev Colorado.

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 301469***

Exonerate: Value: 13,575 Taxes: \$ 92.17 p h Class III

Pay On: Value: 123,585 Taxes: \$ 839.15 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 8/6/19

Taxpayer

Ralph G. Layton
 8/6/19

Assessor

Date

John X. Lewis 8/6/19

Prosecuting Attorney

Date

Donald C. Seal 8-13-19

President

Date

ORDER OF THE COUNTY COMMISSION OF GRANT COUNTY, WEST VIRGINIA, AUTHORIZING THE ISSUANCE OF A REVENUE NOTE TO EVIDENCE A LOAN FROM PENDLETON COMMUNITY BANK IN AN AMOUNT NOT TO EXCEED \$541,537.00 TO FINANCE THE ACQUISITION BY GRANT MEMORIAL HOSPITAL OF A CT SCANNER; AUTHORIZING GRANT MEMORIAL HOSPITAL TO ENCUMBER SUCH ITS NET REVENUES, INCLUDING ACCOUNTS RECEIVABLE, TO SECURE SUCH LOAN; AND DELEGATING TO OFFICERS OF GRANT MEMORIAL HOSPITAL CERTAIN AUTHORITY AND RESPONSIBILITY IN CONNECTION WITH SUCH LOAN

WHEREAS, Grant Memorial Hospital (the "Hospital") is a county hospital owned by the Grant County Commission (the "County Commission") and operated by a Board of Trustees appointed by the County Commission (the "Board of Trustees") pursuant to Sections 14 through 17, Article 3, Chapter 7 of the Code of West Virginia, 1931, as amended (the "Act");

WHEREAS, the Hospital needs a new CT scanner (the "Equipment") to better serve the citizens of Grant County and the surrounding area;

WHEREAS, the Hospital has received an offer of commitment from Pendleton Community Bank (the "Bank") for a loan in an amount not to exceed \$541,537.00 (the "Loan") to finance the Equipment, a copy of which offer of commitment is attached as Exhibit A hereto and incorporated herein by reference (the "Commitment");

WHEREAS, the Loan is to be evidenced by a "qualified tax-exempt obligation" within the meaning of Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, the Loan is to be secured by, among other things, a security interest in the net revenues, including accounts receivable, of the Hospital (the "Revenues");

WHEREAS, to facilitate the Loan and the use of the proceeds of the Loan to finance the Equipment, the Hospital has requested the County Commission to authorize issuance of a note to the Bank in the principal amount of not more than \$541,537.00, which note will constitute a revenue bond under the Act and a "qualified tax-exempt obligation" within the meaning of Section 265(b) of the Code (the "Note"), to evidence the Hospital's obligation to repay the Note;

WHEREAS, the County Commission finds that it is in the best interests of Grant County and the Hospital to authorize the transaction described above, including issuance of the Note for the acquisition of the Equipment (the "Transaction"); and

WHEREAS, the County Commission finds that it is necessary and desirable to delegate to the Chair or Vice-Chair of the Board of Trustees and the executive officers of the Hospital (each, an "Authorized Officer") the authority and responsibility to negotiate, execute and deliver the Note, a loan agreement, a security agreement and any other documents necessary and desirable for the Transaction (the "Loan Documents") and to take any and all other actions necessary and desirable to carry out the Transaction as described above.

NOW, THEREFORE BE IT ORDERED AND ENTERED OF RECORD BY THE COUNTY COMMISSION OF GRANT COUNTY, WEST VIRGINIA, AS FOLLOWS:

Section 1. The County Commission hereby authorizes, ratifies, approves and directs the Transaction, including specifically but not limited to:

- A. Issuance of the Note in a principal amount not to exceed \$541,537.00, which principal amount shall be determined by the Hospital. The Note shall comprise a revenue bond for purposes of the Act and, accordingly, shall state that payment or redemption of such Note and payment of the interest thereon is secured by the revenues pledged therefor and that such Note does not constitute an indebtedness of Grant County or the County Commission thereof within the meaning of any constitutional or statutory limitation or provision.
- B. The granting of a security interest in the Revenues, which shall be set apart in the amount prescribed by the Loan Documents as required to pay the principal of and interest on the Note as the same comes due.
- C. Delegation to each Authorized Officer of the authority and responsibility to negotiate, execute and deliver the Note and any other Loan Documents necessary and desirable for the Transaction and to take any and all other actions necessary and desirable to carry out the Transaction as described above.

Section 2. Anything to the contrary in this Order or the Loan Documents notwithstanding, the County Commission's and the Board of Trustees' obligations under the Loan Documents shall be limited special obligations of the County and the Hospital and shall in no way constitute indebtedness or an obligation of Grant County or the County Commission within the meaning of any constitutional or statutory limitation or provision. Further, none of the members of the County Commission shall be personally liable for any action taken in connection with the Transaction.


Section 3. The County Commission hereby states that it has not issued and does not anticipate issuing, or authorizing any issuers subordinate to it to issue, more than \$10,000,000 of tax-exempt obligations in calendar year 2019 and hereby specifically designates the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b) of the Code.

Section 4. In addition to the authority granted to the Authorized Officers, the President of the County Commission is hereby authorized and empowered, in the name of the County Commission, to take such actions and to execute, deliver or file any and all other documents, consents, agreements, certificates, applications, notices and any and all other instruments, deemed necessary, convenient or advisable, including but not limited to a Form 8038-G, in order to carry into effect the Transaction.

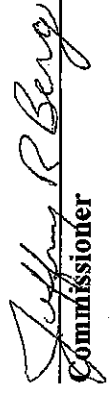
Section 5. This Order shall take effect immediately upon its entry.

ENTERED this 13 day of August 2019.

THE COUNTY COMMISSION OF GRANT
COUNTY, WEST VIRGINIA


Commissioner

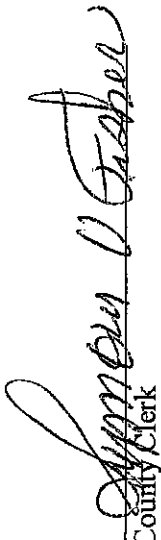

Commissioner


Commissioner

CERTIFICATION

Certified a true, correct, and complete copy of an Order duly entered by The County Commission of Grant County, West Virginia, at a regular meeting of the County Commission on August 13, 2019, pursuant to proper notice, at which meeting a quorum was present and acting throughout, and which Order has not been amended, modified, or revoked as of the date hereof.

Dated this 13 of August, 2019.

By: 
County Clerk