

**ORDERS—Mason County Commission, W. Va.**

TERMS \_\_\_\_\_

FEB 20 2025

CASTO &amp; HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

THE COUNTY COMMISSION OF MASON COUNTY met in the Commission room of the courthouse on Thursday, February 20, 2025, at 3:00 p.m. in regular session. Present were Rick Handley, President; Sam Nibert, Commissioner; Chris Johnson, Commissioner; Diana Cromley, County Clerk; and Jason Bechtle, Administrator.

Rick Handley called the meeting to order. Diana Cromley gave the opening prayer, and Rick Handley led the pledge of allegiance.

Kendra Park and others with Holzer Health System appeared before the Commission in support of Heart Month. Upon Motion by Nibert and unanimous agreement, the Commission signed a Proclamation declaring February 2025 as Heart Month, a copy of which Proclamation is attached.

Chris Rizer, Rivers to Ridges Chair, and Denny Bellamy, with Mason County Tourism, updated the Commission on tourism matters. A preservation project for inventorying the WV State Farm Museum was discussed with a request for a \$5,000 match. The same will be placed on the March 6, 2024 agenda for consideration.

Clerk Cromley notified the Commission of the ongoing remodel to her office.

Upon motion by Nibert and unanimous agreement, the Commission approved Estate Appointments, Affidavits for Small Estates, Orders Appointing Fiduciary Commissioners, Waivers of Final Settlement, Reports of Receipts and Disbursements, Commissioner's Reports of Claims and Final Settlement, and Applications for Corrections of Erroneous Assessments. Copies of which are attached hereto.

Upon motion by Johnson and unanimous agreement, the Commission minutes from the previous meeting were approved with no omissions or corrections thereto.

The Commission executed the Bills and Purchase Orders as required.

Upon motion by Johnson, the Commission approved the hire of Heather Spencer as a per-diem EMT with the EMS.

Upon motion by Nibert and unanimous agreement, the Commission approved the hire of Aaron Turner as a Deputy Sheriff beginning March 1, 2025.

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Upon motion by Nibert and unanimous agreement, the Commission approved payment of \$70,000 from Opioid Settlement funds to purchase and outfit a new vehicle for the Mason County Sheriff's Department.

Upon motion by Nibert and unanimous agreement, the Commission approved a \$2,500 contribution to the Point Pleasant Jr/Sr High School to fund Youth Leaders of America.

The Commission directed that a letter be sent to the Department of Highways expressing gratitude for clearing the roads over the past few months, a copy of which is attached.

Upon motion by Nibert and unanimous agreement, the Commission approved adding the former Hannan Library building to the DLAP Grant property list. Attached is a copy of the Unsafe Buildings and Land Complaint regarding the property.

The Commission also reviewed Senate Bill 211 introduced February 12, 2025 regarding County Commission authority to regulate unsafe or unsanitary structures, etc., a copy of which is attached.

The Commission was updated on the Courthouse Exterior Project, with work commencement projected to start on March 10, 2025 and finish between September 6, 2025 and October 6, 2025.

The Commission discussed the Mason Veterans Park Committee's request that the Commission take ownership and control of the Park. The Commission requested a meeting with the Committee on March 6, 2025 to further discuss the matter.

The Commission was notified by the US Postal Service of the possible relocation of the West Columbia Post Office due to an expiration of a real estate lease.

The Commission was advised that the Fire Marshall has rewritten fire code to allow Fair booths to continue operating under the previous guidelines set forth by the Fire Marshall.

Upon motion by Nibert and unanimous agreement, the Commission went into executive session to discuss personnel matters.

Upon motion by Nibert and unanimous agreement, the Commission returned to regular session.

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February is...

# Heart Month

## 2025 Heart Month Proclamation

**Whereas**, we the Mason County Commissioners, recognize the month of February as American Heart Month and February and do hereby encourage all citizens to wear red to raise awareness of cardiovascular disease; and

**Whereas**, we recognize the extraordinary progress in heart health and recognize that more needs to be done in Mason County to safeguard heart health for generations to come; and

**Whereas**, As stated by the American Heart Association, Heart Disease (including Coronary Heart Disease, Hypertension, and Stroke) continues to be the number one cause of death in the US and accounts for 1 in 5 deaths in the United States.

**Whereas**, The risk factors for heart disease are smoking, high blood pressure, high cholesterol and high triglyceride levels, overweight/obesity, physical inactivity, metabolic syndrome, diabetes and pre-diabetes, a family history of early heart disease, age, history of preeclampsia.

**Whereas**, Individuals can take action to protect their heart health and prevent heart disease by taking steps to prevent and control the risk factors for the disease. More than 70% of heart disease deaths could be prevented by lifestyle changes and medication

**Whereas**, keeping our communities healthy and promoting awareness of health issues including heart disease, is an important responsibility and depends on the actions of many organizations and groups in our community; and

**Whereas**, heart health remains a priority for families, communities, and government, and our commitment to keeping our citizens, especially our women, healthy is stronger than ever;

**Therefore**, be it resolved that in recognition of the ongoing fight against heart disease we do hereby proclaim February as American Heart Month in Mason County and urge everyone to show their support for the fight against heart disease.

*Rich Handley*

*[Signature]*

*SALE PIMH SA*

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RICK L. HANDLEY, President  
POINT PLEASANT, WV

DIANA N. CROMLEY, Clerk  
POINT PLEASANT, WV



CHRIS A. JOHNSON, Commissioner  
LETART, WV

SAM D. NIBERT, Commissioner  
GALLIPOLIS FERRY, WV

**THE COUNTY COMMISSION OF MASON COUNTY**  
**COURTHOUSE - 200 SIXTH STREET SUITE 2**  
**POINT PLEASANT, WEST VIRGINIA 25550**

PHONE (304) 675-1110  
FAX (304) 675-4982

Mason County Department of Highways

Jimmy Purett, District Superintendent

225 Fairground Road

Point Pleasant, WV 25550

February 20<sup>th</sup>, 2025

Dear

The Mason County Commission would like to extend our immense gratitude to the Mason County Department of Highways for your exceptional efforts in maintaining the cleanliness and safety of our roads over the past few weeks.

Your hard work and dedication have not gone unnoticed. The residents of Mason County have greatly benefited from your commitment to ensuring safe travel. We greatly appreciate the long hours and tireless efforts put forth by your staff.

Once again, thank you for your outstanding service and dedication to the well-being of our community.

Sincerely,

Rick L. Handley, President

Sam D. Nibert, Commissioner

Chris A. Johnson, Commissioner

CC: Stephen Rumbaugh, WV Secretary of Transportation

Stefan R. White, District 1 Manager

E E O./AFFIRMATIVE ACTION EMPLOYER

**ORDERS—Mason County Commission, W. Va.**

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CASTO &amp; HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

**MASON COUNTY UNSAFE BUILDINGS AND LAND COMPLAINT****DATE: February 13, 2025****LANDOWNER: Mason County Board of Education****PROPERTY ADDRESS: #1 Wildcat Way Ashton, WV 25503****PROPERTY DESCRIPTION: 26-06-0563-0040-000 DB 114 Page 276****DESCRIPTION OF COMPLAINT: Vacant building not in use and presenting potential safety and security concerns to the school, students and public.****DATE LAST INSPECTED: October 18, 2024****INSPECTED BY: Steve Cavender, Litter Control Officer****OTHER NOTES:**

- Property was used as a public library at one time and was owned by the Mason County Commission. The Commission transferred the property back to the Mason County Board of Education.
- The property has been vacant for several years and continues to be vacant and not used with the exception of some old furniture and other miscellaneous items owned by the Board of Education being stored.
- There are safety and security concerns that exist based on the location and proximity building to the school.

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- There are no interior flooring coverings. There is damage to some of the interior walls.
- The primary and secondary sources of ingress and egress are damaged and not safe and in need of replacement.
- There is a large amount of vegetation grown around the front of the building.
- The building sets very close proximity to entrance of the school causing significant safety and security concerns to staff and students.
- 

**BENEFITS OF DEMOLITION:**

- The overall appearance of the property would be enhanced.
- The building would not be at the entrance of the school property allowing for better visibility from the main school resulting in a safer environment.
- Would eliminate the potential for squatters or anyone hiding in or around the building.
- Would eliminate any potential danger for fire.
- Would eliminate any potential unsanitary conditions.
- Would allow potential growth or expansion of the existing school building and/or parking.
- Would eliminate the detriment to the general public safety and welfare.

**Steve Cavender**  
**Litter Control Officer**

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**Mason County Schools**

1 Education Lane, Point Pleasant, WV 25550  
Melissa Farmer, Superintendent

PHONE: 304-675-4540

January 17, 2025

Steve Cavender

Ref: Library located at Hannan High School

Sir,

This correspondence is in reference to the current condition of the library that sets on the property of Hannan Jr/Sr High School. Upon examining the current state the building it appears the building has significant structural issues that cannot be overcome in a prudent manner. This building also poses safety concerns for the students and staff at Hannan Jr/Sr High School. The building sets in very close proximity to the entrance and front parking lot of the school causing significant security issues at the school. Demolition of the building will assist in the security and safety of Hannan Jr/Sr High School.

Thank you for your time in this matter, if any additional information is needed please contact 304-675-4540 ext. 49150.

Danny Chapman

Safety Director

Mason County Schools



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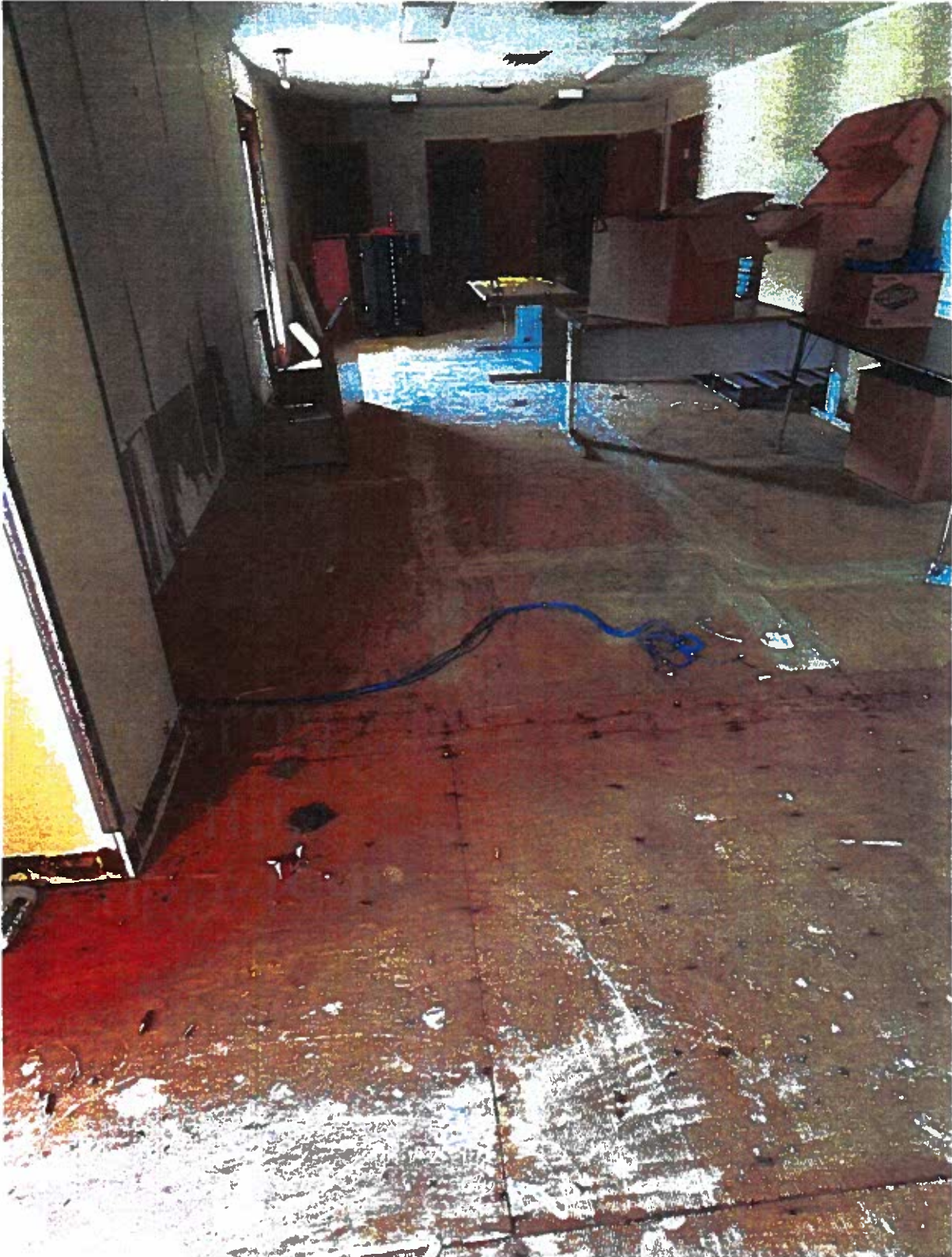
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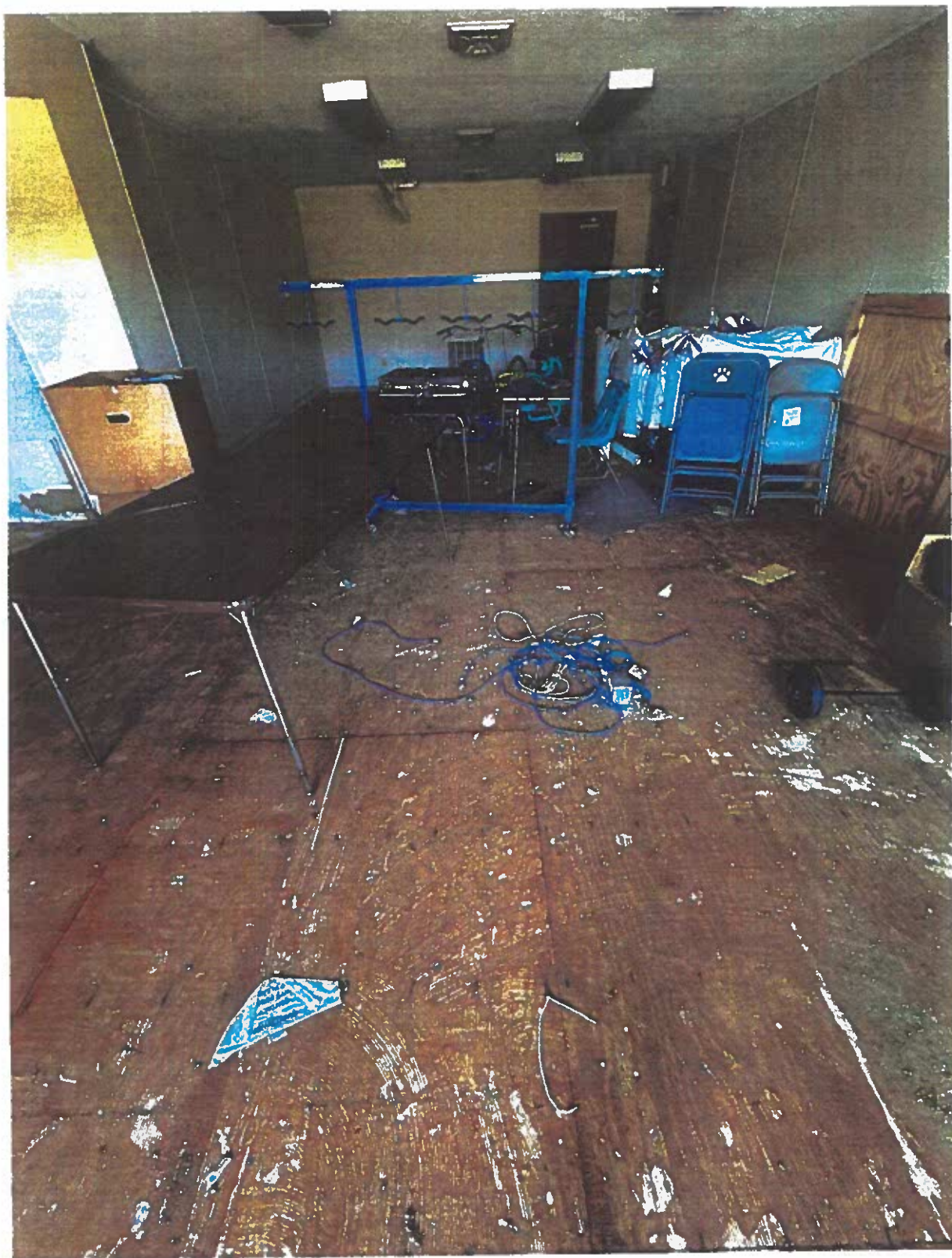


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CASO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 73930-99





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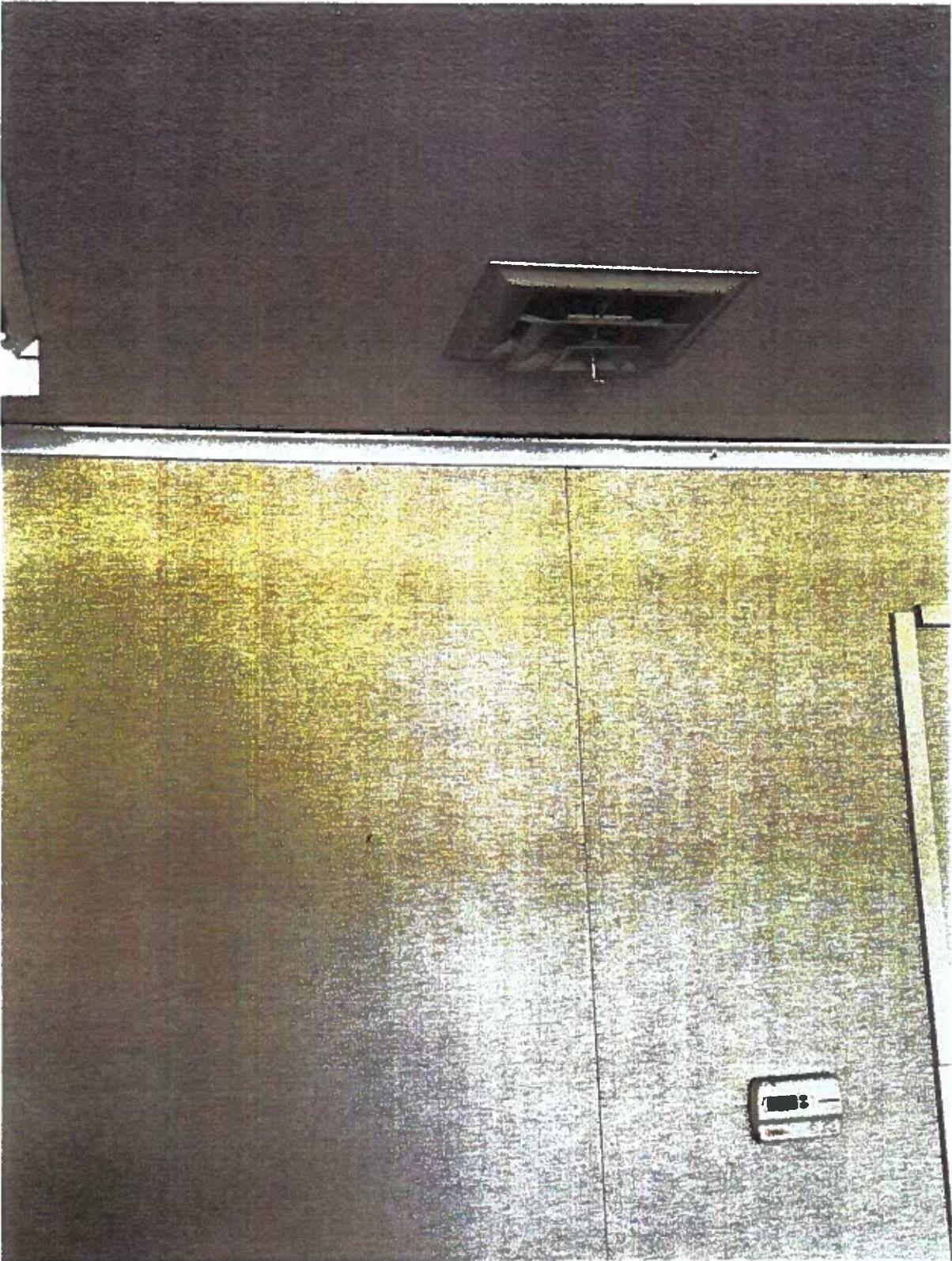
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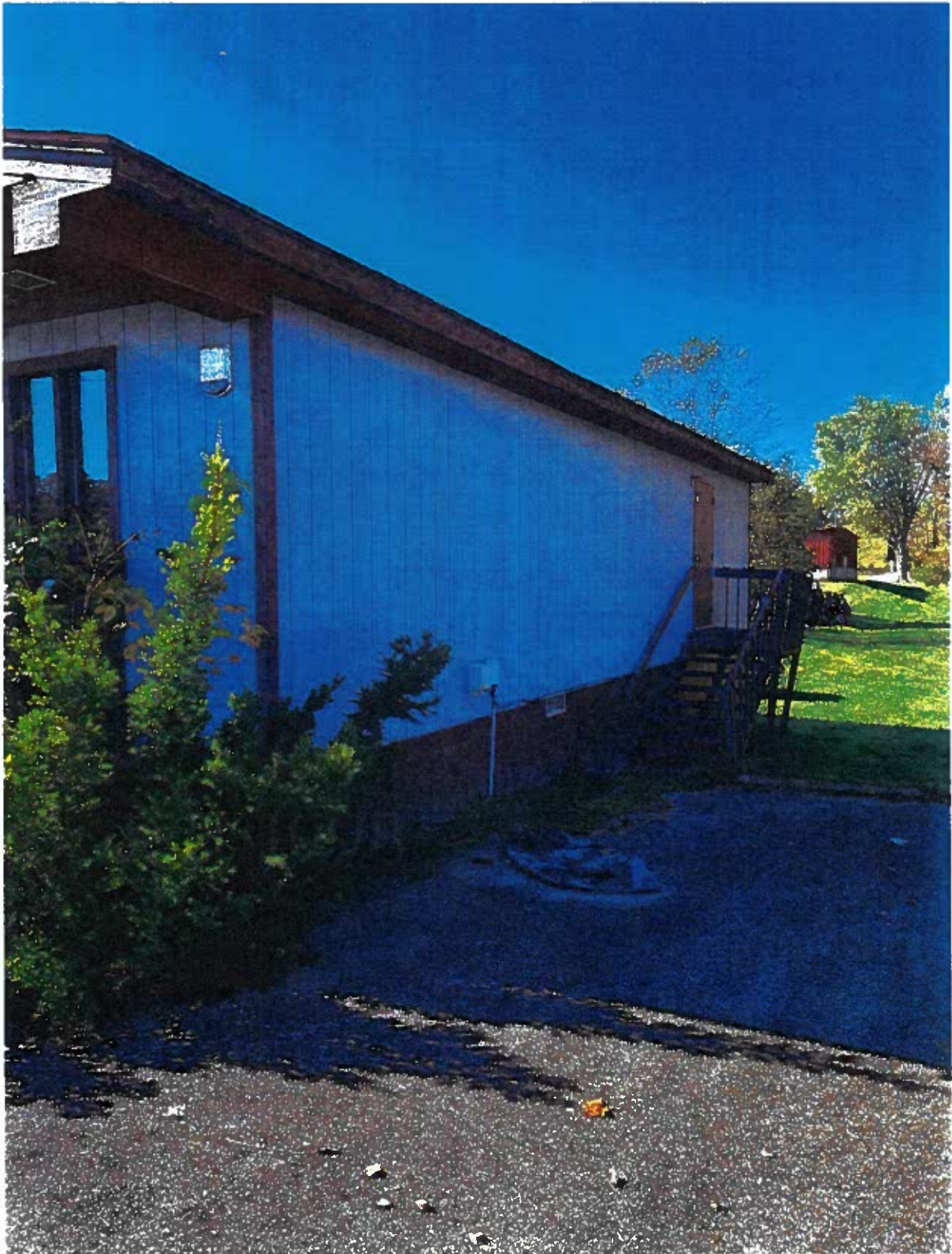
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CASTO &amp; HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

**WEST VIRGINIA LEGISLATURE****2025 REGULAR SESSION****Introduced****Senate Bill 211**

By Senator Woelfel

[Introduced February 12, 2025; referred  
to the Committee on Government Organization; and  
then to the Committee on the Judiciary]

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CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

Intr SB 211

2025R1047

- 1 A BILL to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended, relating to  
2 the procedure for citations issued by the county litter control officer.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

**§7-1-3ff. Authority of county commission to regulate unsafe or unsanitary structures and refuse on private land; authority to establish an enforcement agency; county litter control officers; procedure for complaints; lien and sale of land to recover costs; entry on land to perform repairs and alterations or to satisfy lien; receipt of grants and subsidies.**

- 1 (a) Plenary power and authority are hereby conferred upon every county commission to  
2 adopt ordinances regulating the repair, alteration, or improvement, or the vacating and closing or  
3 removal or demolition, or any combination thereof, of any dwellings or other buildings, except for  
4 buildings or dwellings on agricultural lands or operations as defined in §19-19-2 of this code, unfit  
5 for human habitation due to dilapidation, defects increasing the hazard of fire, accidents, or other  
6 calamities, lack of ventilation, light or sanitary facilities, or any other conditions prevailing in any  
7 dwelling or building, whether used for human habitation or not, which would cause the dwellings or  
8 other buildings to be unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare,  
9 whether the result of natural or manmade force or effect.

- 10 (b) Plenary power and authority are hereby conferred upon every county commission to  
11 adopt ordinances regulating the removal and cleanup of any accumulation of refuse or debris,  
12 overgrown vegetation, or toxic spillage or toxic seepage located on private lands which is  
13 determined to be unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare,  
14 whether the result of natural or manmade force or effect.

- 15 (c) The county commission, in formally adopting ordinances, shall designate an  
16 enforcement agency which shall consist of the county engineer (or other technically qualified  
17 county employee or consulting engineer), county health officer or his or her designee, a fire chief

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from a county fire company, the county litter control officer, if the commission chooses to hire one, and two members-at-large, one of whom has a background in, or knowledge of, agricultural operations as defined in §19-19-2 of this code, selected by the county commission to serve two-year terms. The county sheriff shall serve as an ex officio member of the enforcement agency and the county officer charged with enforcing the orders of the county commission under this section.

(d) In addition to the powers and duties imposed by this section, county litter control officers shall have authority to issue citations for open dumps, as prohibited by §22-15-10(a) of this code, unlawful disposal of litter, as prohibited by §22-15A-4 of this code, and failure to provide proof of proper disposal of solid waste, as prohibited by §22C-4-10(a) of this code, after completing a training course offered by the West Virginia Department of Environmental Protection: *Provided, That any litter control officer who is trained and certified as a law-enforcement officer and whose certification is active has the same authority as any other law-enforcement officer to enforce all litter laws in this code. Nothing in this subsection supersedes the authority or duty of the Department of Environmental Protection or other law-enforcement officers to preserve law and order and enforce the litter control program.*

(e) Any ordinance adopted pursuant to the provisions of this section shall provide fair and equitable rules of procedure and any other standards considered necessary to guide the enforcement agency, or its agents, in the investigation of dwelling or building conditions, accumulation of refuse or debris, overgrown vegetation, or toxic spillage or toxic seepage and shall provide for fair and equitable rules of procedure for instituting and conducting hearings in the matters before the county commission. Any entrance upon premises for the purpose of making examinations shall be made in a manner that causes the least possible inconvenience to the persons in possession.

(f) (1) Complaints authorized by this section shall be brought before the county commission. Complaints shall be initiated by citation issued by the county litter control officer or petition of the county engineer (or other technically qualified county employee or consulting

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44 engineer) on behalf of, and at the direction of, the enforcement agency, but only after that agency  
45 has investigated and determined that any dwelling, building, accumulation of refuse or debris,  
46 overgrown vegetation, or toxic spillage or toxic seepage is unsafe, unsanitary, dangerous, or  
47 detrimental to the public safety or welfare and should be repaired, altered, improved, vacated,  
48 removed, closed, cleaned, or demolished.

49 (2) The county commission shall cause the owner or owners of the private land in question  
50 to be served with a copy of the complaint. Service shall be accomplished in the manner provided in  
51 rule four of the West Virginia Rules of Civil Procedure.

52 (3) The complaint shall state the findings and recommendations of the enforcement  
53 agency and that unless the owner or owners of the property file with the clerk of the county  
54 commission a written request for a hearing within 10 days of receipt of the complaint, an order will  
55 be issued by the county commission implementing the recommendations of the enforcement  
56 agency.

57 (4) If the owner or owners of the property file a request for a hearing, the ~~county~~  
58 ~~commission~~ magistrate court shall issue an order setting this matter down for hearing within 20  
59 days. Hearings shall be recorded by electronic device or by court reporter. The West Virginia  
60 Rules of Evidence do not apply to the proceedings, but each party has the right to present  
61 evidence and examine and cross-examine all witnesses.

62 (5) The enforcement agency has the burden of proving its allegation by a preponderance of  
63 the evidence and has the duty to go forward with the evidence.

64 (6) At the conclusion of the hearing, the ~~county commission~~ magistrate court shall make  
65 findings of fact, determinations, and conclusions of law as to whether the dwelling or building: Is  
66 unfit for human habitation due to dilapidation; has defects that increase the hazard of fire,  
67 accidents, or other calamities; lacks ventilation, light, or sanitary facilities; or any other conditions  
68 prevailing in the dwelling or building, whether used for human habitation or not and whether the  
69 result of natural or manmade force or effect, which would cause the dwelling or other building to be

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unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare; or whether there is an accumulation of refuse or debris, overgrown vegetation, toxic spillage or toxic seepage on private lands which is determined to be unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare, whether the result of natural or manmade force or effect.

(7) The ~~county commission~~ magistrate court has authority to order the owner or owners thereof to repair, alter, improve, vacate, remove, close, clean up, or demolish the dwelling or building in question or to remove or clean up any accumulation of refuse or debris, overgrown vegetation, or toxic spillage or toxic seepage within a reasonable time and to impose daily civil monetary penalties on the owner or owners who fail to obey an order.

(8) Appeals from the ~~county commission~~ magistrate court to the circuit court shall be in accordance with the provisions of ~~§58-3-1 et seq.~~ §50-5-12 of this code.

(g) Upon the failure of the owner or owners of the private land to perform the ordered duties and obligations as set forth in the order of the ~~county commission~~ magistrate court, the county commission may advertise for and seek contractors to make the ordered repairs, alterations, or improvements or the ordered demolition, removal, or clean up. The county commission may enter any contract with any contractor to accomplish the ordered repairs, alterations, or improvements or the ordered demolition, removal, or clean up.

(h) A civil proceeding may be brought in circuit court by the county commission against the owner or owners of the private land ~~or other responsible party~~ that is the subject matter of the order of the county commission, or other responsible party, to subject the private land in question: (1) To a lien for the amount of the contractor's costs in making these ordered repairs, alterations, or improvements or ordered demolition, removal, or clean up, together with any daily civil monetary penalty imposed; (2) to order and decree the sale of the private land in question to satisfy the lien; (3) to order and decree that the contractor may enter upon the private land in question at any and all times necessary to make ordered repairs, alterations, or improvements, or ordered demolition, removal, or clean up; and (4) to order the payment of all costs incurred by the county with respect

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96 to the property and for reasonable attorney fees and court costs incurred in the prosecution of the  
97 action.

98 (i) County commissions may receive and accept grants, subsidies, donations, and services  
99 in kind consistent with the objectives of this section.

1

NOTE: The purpose of this bill is to change the procedure for citations issued by the county  
litter control officer.

Strike-throughs indicate language that would be stricken from a heading or the present law  
and underscoring indicates new language that would be added.



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Commission Meeting February 20, 2025

**ESTATE APPOINTMENTS**

ROSETTA D DURST

ROBERT G HOCKENBERRY

CINDA LOU KIMBLE

**AFFIDAVIT FOR SMALL ESTATE**

ERMA KAPP

**AFFIDAVIT AND WAIVER OF FINAL SETTLEMENT**

JUDITH ANN YOUNG

MARIANNA FLESHMAN

**FIDUCIARY COMMISSIONER'S WAIVER OF FINAL SETTLEMENT**

JOHN EUGENE THOMPSON

**APPLICATION FOR CORRECTION OF ERRONEOUS ASSESSMENT**

ROGERS JEFFREY SCOTT

ACCT: 06135390

ROGERS JEFFREY SCOTT

ACCT: 06135390

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CASIO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

Upon motion by Handley and unanimous agreement, this meeting was adjourned.

  
RICK HANDLEY, PRESIDENT

  
SAM NIBERT, COMMISSIONER

  
CHRIS JOHNSON, COMMISSIONER

  
DIANA N. CROMLEY, CLERK