

West Virginia Board of Public Works
Friday, March 11, 2022 – 9:30 a.m.
Governor’s Cabinet and Conference Room
Minutes

Attendees:

Members

Jim Justice, Governor
Patrick Morrissey, Attorney General
Mac Warner, Secretary of State
John B. McCuskey, State Auditor
Riley Moore, State Treasurer
Clayton Burch, State Superintendent of Schools
Jennifer Greenlief for Kent Leonhardt, Commissioner of Agriculture

Guests

Steve Leyh, Tucker County Development Authority
Wayne Smith, Tucker County Development Authority
Michael Rosenau, Tucker County Commission
Hampton Rose, Steptoe & Johnson
David Cramer, WV Aeronautics Commission
Nathaniel Tawney, Transportation
Chad Toney, Division of Highways
Stephanie Abraham, Dept. of Education
Brian Abraham, Governor’s Office
Berkeley Bentley, Governor’s Office
Garner Marks, Governor’s Office
Kathy Schultz, Attorney General’s Office
Sarah Canterbury, Treasurer’s Office
Russ Rollyson, Auditor’s Office
Donald Kersey, Secretary of State’s Office
Chuck Flannery, Secretary of State’s Office
Maureen Lewis, Secretary of State’s Office

The West Virginia Board of Public Works met on Friday, March 11, 2022 at 9:30 a.m. in the Governor’s Cabinet and Conference Room of the State Capitol Complex. The meeting was called to order and chaired by Governor Justice. A quorum of members was established.

The first item on the agenda was the approval of minutes from the January 5, 2022 West Virginia Board of Public Works meeting. Attorney General Morrissey made a motion to approve the minutes. Treasurer Moore seconded. The motion carried.

The second item on the agenda was the consideration for approval of a requested release of restrictive covenant contained in a deed to the County Commission of Tucker County, WV dated December 12, 1986. The transfer was approved by the Board of Public Works on February 2, 1987. The West Virginia State Aeronautics Commission has rescinded any right to enforce the covenant that restricts the use of the conveyed property for airport purposes and construction of an airport.

The Tucker County Commission has also approved a Release of Restrictive Covenant by resolution. Historical documents tracing the property have been distributed.

Hampton Rose addressed the Board. He explained that this property in Tucker County has been encumbered for decades with a restrictive covenant that it can only be used for an airport and airport related facilities. No airport has ever been built on the property. The Tucker County Development Authority has the opportunity to develop the property for general commercial use. They have been approached by developers interested in making a financial investment and creating jobs. They are prevented from moving forward because of the restriction. The Development Authority has negotiated with the Aeronautics Commission and Dept. of Transportation. They have all agreed on the release of the covenant.

Secretary Warner made a motion to approve the release of the restrictive covenant. Attorney General Morrisey seconded. The motion carried.

The third item on the agenda was consideration of the following deeds listed 1 through 5 seeking approval by the Board of Public Works.

1. Between the County Commission of Kanawha County, West Virginia and the West Virginia Department Transportation, Division of Highways, dated October 14, 2021, approved as to form by the Attorney General's office February 1, 2022.
2. Between the Board of Education of the County of McDowell and the West Virginia Department of Transportation, Division of Highways, dated February 2, 2022, approved as to form by the Attorney General's office March 9, 2022.
3. Between the City of Weston and the West Virginia Department Transportation, Division of Highways, dated February 7, 2022, approved as to form by the Attorney General's office March 9, 2022.
4. Between The Department of Agriculture of the State of West Virginia, successor in interest to the West Virginia Farm Management Commission and the Department of Veterans Assistance of the State of West Virginia, dated March 2, 2022, approved as to form by the Attorney General's office March 10, 2022.
5. Between the West Virginia Board of Education and the Board of Education of the County of Hampshire, dated March 9, 2022, approved as to form by the Attorney General's office March 10, 2022.

The Board started with deed number 4 on the agenda. Jennifer Greenlief addressed the Board. She explained that in 2014 the Legislature directed the Department of Agriculture to transfer the property to Veterans Assistance for the veterans nursing facility that's going to be built in Beckley. The Department of Agriculture has completed a number of surveys to make sure the property was appropriate for use. The deed does not contain a reverter clause because the transfer is agency to agency.

Treasurer Moore made a motion to approve the deed. Attorney General Morrissey seconded. The motion carried.

Stephanie Abraham addressed the Board regarding deed number five. She explained that the property is being transferred from the State Board of Education and West Virginia Schools for the Deaf and the Blind to the Hampshire County Board of Education. This property is not part of the contiguous campus. It is off campus and has not been used for some time by the school. There is not a need for the school to hold on to it, but there is a need on behalf of the Hampshire County Board of Education. It will be used as part of the site for a new elementary school. The State Board of Education has approved the transfer.

Jennifer Greenlief made a motion to approve the deed. Attorney General Morrissey seconded. The motion carried.

The Board went back to deeds number one, two and three on the agenda. Chad Toney addressed the Board. He explained that deed number 1 is for the Jefferson Road project, phase 2. It is a small piece of property containing a water boosting station. It involves compensation of \$6,500 to the Kanawha County Commission, which is fair market value. Deed number 2 involves the old Board of Education buildings in McDowell County. It is needed to further the Welch-Puncheon project. The buildings will be torn down to construct a new road. Deed number 3 involves a double arch bridge in Weston. It's on the FAN system, federal-aid project, for replacement of the bridge.

Treasurer Moore made a motion to approve deeds number one, two and three. Attorney General Morrissey seconded. The motion carried.

The final item on the agenda was an executive session to consider potential post judgment action. Attorney General Morrissey made a motion that the Board go in to executive session. Governor Justice seconded. The motion carried.

The Board came out of executive session. Governor Justice stated that no action had been taken.

Attorney General Morrissey stated he would like to update the Board on collection efforts for delinquent public utilities. They have received \$707,041 from a variety of utilities. This is a process that occurs every year. The utility collection effort remains ongoing.

With no further business, Attorney General Morrissey made a motion to adjourn the meeting. Treasurer Moore seconded. The motion carried. The meeting adjourned.


Mac Warner, Secretary of State and Ex-Officio
Secretary of the WV Board of Public Works