

Upshur County Commission Meeting Agenda



Location of Meeting: Upshur County Courthouse Annex
Date of Meeting: January 16, 2020

- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• January 8, 2020 – Special Meeting
• January 9, 2020
- 9:05 a.m. Laura B. Meadows, Executive Director of the Upshur County Convention and Visitors Bureau – Presentation of Quarterly Report (October -- December, 2019)
- 9:30 a.m. Consider Request for Hearing filed by Diane L. Riffle --- Case Number 61319-02 (Banks Tax District – Tax Map 3P – Parcel Number 20.1) Page 5-6
- 10:00 a.m. Public hearing, **second reading** and **adoption** of suggested revisions to the Upshur County Floodplain Ordinance, previously adopted on September 16, 2010. Page 7-39
- 10:15 a.m. Elkins Road PSD Phase III Water System Improvement Project Notice of Intent to Bid CDBG – Small Cities Project Page 40
- 10:45 a.m. Attorney Mark Colantonio of Fitzsimmons Law Firm PLLC - Update on pending opioid litigation via conference call
Item may lead to Executive Session per WV Code §6-9A-4
- 1:00 p.m. Supervisor Meeting
- 2:00 p.m. Policy Board Meeting
- 3:00 p.m. Court Security Advisory Board Meeting

Items for Discussion / Action / Approval:

1. Approval of Fiduciary Commissioner's Recommendation for Removal of Michael Dean as Administrator for the Estate of Patricia Beth Dean, deceased. * Page 41-43
2. Approval and signature of the WesMonTy Resource Conservation & Development Project Agreement for the James W. Curry Public Library Garden Project. This project was selected to receive funding in the amount of \$1,000 for FY20 and must be completed by June 15, 2020. * Page 44-46
3. Discuss Public Employees Insurance Agency (PEIA) plan options presented during the Special Meeting conducted on January 8, 2020. Consideration of transfer to PEIA effective July 1, 2020. *
4. Correspondence from Sara L. Collins requesting appointment to the James W. Curry Advisory Board. Upon approval, her term will begin immediately and expire on December 31, 2021. * Page 47

5. Correspondence from Hunter Fletcher, Deputy Sheriff, announcing his resignation effective January, 2020. * Under separate cover ②

Item may lead to Executive Session per WV Code §6-9A-4

6. Approval of advertisement for the Upshur County Civil Service Testing of Deputy Sheriffs. This testing will be part of the criteria used to establish an eligibility list for appointment to entry level positions as Deputy Sheriff. Applications will be accepted until the close of business on February 10, 2020. *

Page 48-49

7. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from Ora L. Ash, Deputy State Auditor for Local Government Services, announcing the upcoming Regional Budget Preparation Workshops. Page 50-51
2. Correspondence from Brad Ayers, Senior Director of Government Affairs for Suddenlink by Altice USA, notifying the Commission that effective February 1, 2020, there will be changes to certain video rates and surcharges. Page 52-54
3. Upshur County Fire Board, Inc. 4th Quarter Financial Reports FY19 Page 55-68
4. Lewis-Upshur Animal Control Facility Adoption Financial Transactions – December 2019 Page 69-70
5. Lewis-Upshur Animal Control Facility Cat Report for the month of December 2019 Page 71
6. Lewis-Upshur Animal Control Facility Animal Report for the month of December 2019 Page 72
7. Upshur County Animal Control/Humane Officer Monthly Animal Report for the month of December 2019 Page 73
8. Public Notices:
 - a. Newsletters and/or Event Notifications:
 - b. Agendas and/or Notice of Meetings:

• Buckhannon-Upshur Parks and Recreation Advisory Board	January 13, 202	<u>Page 74</u>
• Upshur County Public Library	January 15, 2020	<u>Page 75</u>
• Upshur County Senior Center	January 15, 2020	<u>Page 76</u>
• City Council of Buckhannon	January 16, 2020	<u>Page 77</u>
• Buckhannon-Upshur Chamber of Commerce	January 20, 2020	<u>Page 78</u>
• Elkins Road PSD	February 4, 2020	<u>Page 79</u>
 - c. Meeting Minutes:

• Buckhannon-Upshur Parks and Recreation Advisory Board	November 11, 2019	<u>Page 80</u>
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• Elkins Road PSD	December 3, 2019	<u>Page 81-82</u>
• Hodgesville PSD	December 3, 2019	<u>Page 83-84</u>
• Upshur County Solid Waste Authority	December 9, 2019	<u>Page 85-87</u>
• Upshur County Family Resource Network	December 9, 2019	<u>Page 88-89</u>
• Adrian PSD	December 11, 2019	<u>Page 90</u>
• Tennerton PSD	December 11, 2019	<u>Page 91</u>
• Upshur County Senior Center Board of Directors	December 11, 2019	<u>Page 92</u>

d. Meetings:

• 02/04/20	5:30 p.m.	Elkins Road PSD
• 02/04/20	4:00 p.m.	Hodgesville PSD
• 01/02/20	7:00 p.m.	Banks District VFD
• 01/02/20	7:00 p.m.	Selbyville VFD
• 01/13/20	12:00 p.m.	Upshur County Family Resource Network
• 01/13/20	4:30 p.m.	Upshur County Solid Waste Authority
• 01/13/20	5:30 p.m.	Buckhannon-Upshur Recreational Park Advisory Board
• 03/09/20	6:00 p.m.	Lewis-Upshur Community Corrections Board -- Lewis Co.
• 01/14/20	7:30 p.m.	Adrian VFD
• 01/02/20	6:00 p.m.	Buckhannon-Upshur Board of Health
• 01/15/20	7:00 a.m.	Upshur County Development Authority – Full Board
• 01/15/20	12:00 p.m.	Upshur County Senior Center Board
• 01/09/20	3:00 p.m.	Upshur County Conventions & Visitors Bureau
• 01/08/20	.00 p.m.	Warren District VFD
• 01/02/20	3:00 p.m.	Adrian PSD
• 01/08/20	3:00 p.m.	Tennerton PSD
• 01/09/20	4:00 p.m.	Upshur County Safe Sites & Structures Enforcement Board
• 01/09/20	7:30 p.m.	Buckhannon VFD
• 01/09/20	4:00 p.m.	Buckhannon Upshur Airport Authority
• 01/16/20	6:30 p.m.	Upshur County Youth Camp Board
• 01/19/20	6:00 p.m.	Washington District VFD
• 01/20/20	12:00 p.m.	Buckhannon-Upshur Chamber of Commerce
• 01/15/20	4:00 p.m.	Upshur County Public Library Board
• 01/21/20	10:00 a.m.	Wes-Mon-Ty Resource Conservation & Development Council
• 01/21/20	6:30 p.m.	Upshur County Fire Board, Inc.
• 01/21/20	5:00 p.m.	UC Enhanced Emergency Telephone Advisory Board
• 01/08/20	7:00 p.m.	Ellamore VFD
• 01/15/20	12:00 p.m.	Lewis Upshur LEPC --- Lewis location
• 01/16/20	2:00 p.m.	Upshur County Farmland Protection Board
• 03/25/20	10:00 a.m.	James W. Curry Advisory Board
• 01/27/20	7:00 p.m.	Upshur County Fire Fighters Association
• 01/08/20	6:00 p.m.	Buckhannon River Watershed Association - Farm Bureau
• 03/13/20	11:00 a.m.	Region VI Local Elected Officials
• 01/27/20	12:00 p.m.	Region VII Planning & Development Council

9. Appointments Needed or Upcoming:

- Buckhannon-Upshur Parks and Recreation Advisory Board (BOE appointee – 6/30/2020)

10. Board of Review & Equalization Meeting Schedule

- 01/30/2020 1:00 p.m. – 3:00 p.m. No appointments ---Review Property Books
- 02/05/2020 1:00 p.m. – 3:00 p.m.
- 02/11/2020 9:00 a.m. – 11:00 a.m. Coal, Oil & Gas and Industrial Appointments
- 02/18/2020 9:00 a.m. – 11:00 a.m. Adjournment

These meetings will take place at the Upshur County Administrative Annex

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

**Next Regular Meeting of the Upshur County Commission
January 23, 2020 --- 9:00 a.m.
Upshur County Courthouse Annex**

upshur County Safe
Structures & Sites

Jan. 8th 2020

Case Number 061319-01

Commissioners,

I, Diana L. Riddle request
a hearing with the County Commissioners
to explain why the clean up is not
done.

My daughter - Angela McCoy and her
husband Rodney McCoy live on said property
it is Rodney's items that are in question.

I have tried to do my best at getting
him to remove things. I would like for
you all to tell him in common words
~~ex~~ what is to be removed. Make him
understand what can happen if it's not
done. I have Even got Eric Gladwell
from Reap helping but Rodney wouldn't
let them take some things. They left
dump trailers for him to use with not
much done. Right away in road is ~~partly~~ ^{pretty}
done. Please help I don't want

Partly

(6)

my daughter to have to move. We
love them. They are trying to buy the
Property from us. We just have a
agreement between us that they
pay our mortgage on this property cant
put in Their ^{name} because Mortgage holder
said NO. Will be waiting for a
time To meet with you all.

Thank you

Diana L Riffe owner

Phone 336-681-1230
or 304-203-9980 husband's

PS. I will bring my daughter
and Son-in-law to meeting.

2020 JAN 10 P 12:17

UPSHUR COUNTY CLERK
BUCKHANNON, WEST VIRGINIA

UPSHUR COUNTY FLOODPLAIN ORDINANCE



AN ORDINANCE ESTABLISHING A FLOODPLAIN AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA);

REQUIRING ALL CONTRACTORS, PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ALL OF THE UNINCORPORATED AREAS OF UPSHUR COUNTY FOR ANY AND ALL DEVELOPMENT, SITE PREPARATION, CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR RELOCATION OF ANY BUILDING OR STRUCTURE;

PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS;

ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

AUTHORITY AND PURPOSE:

THE PROVISIONS OF THIS ORDINANCE HAVE BEEN PREPARED WITH THE INTENTION OF MEETING THE REQUIREMENTS OF SECTION 60.3 (d) OF THE NATIONAL FLOOD INSURANCE PROGRAM, THE NATIONAL FLOODPLAIN INSURANCE ACT OF 1968 (PUBLIC LAW 91-152) AMENDED BY THE CONGRESS OF THE UNITED STATES THROUGH THE 15TH. OF FEBRUARY, 1975, WEST VIRGINIA CODE 7-1-3v, 7-1-3n and 7-1-3kk and WEST VIRGINIA CODE 8A-4-2, 8A-5-7, 8A-7-2.

BE IT ENACTED AND ORDAINED by the County Commission, Upshur County as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Intent

The intent of this ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Require a building permit for all unincorporated areas of Upshur County and compliance with the Upshur County Building Permit Ordinance. Permit must be obtained before the start of the project
- C. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

- D. Minimize danger to public health and safety by protecting water supply and sanitary sewage disposal in cooperation with the County Sanitarian, and to protect natural drainage.
- E. Assure the County Assessor obtains information concerning improvement of real property as required by WV State Code 11-3-3A.
- F. Assure County E-911 addresses are obtained to maintain the currency of established emergency response dispatch systems.
- G. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

Section 1.2 Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood prone areas. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

Section 1.3 Applicability

It shall be unlawful for any contractor, person, partnership, business, or corporation to undertake or cause to be undertaken, any development, new construction, substantial improvement, repair of substantial damage, or the placement or relocation of any structure (including manufactured homes) within the unincorporated areas of Upshur County unless a permit application has been completed and a permit or certificate of compliance has been obtained from the Floodplain Administrator. For any site preparation and/or placement of fill material in any designated flood plain area an environmental assessment report / impact statement must be submitted to and approved by the Floodplain Administrator. In addition, where land partially or fully in the floodplain is to be developed, subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan with elevation data must be submitted to, and approved by, the Floodplain Administrator prior to any development. Provision of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this ordinance and the community's need to minimize the hazards and damage resulting from flooding.

Section 1.4 Matters not provided for specifically

Where conditions are encountered that are not specifically provided for herein, the Floodplain Administrator shall determine the applicability of the provisions of this ordinance in accordance with its intent, and shall require the applicant to take appropriate measures pursuant to such determination.

ARTICLE II - INTERPRETATIONS AND DEFINITIONS

Section 2.1 Interpretations

- A. For the purpose of this ordinance, the following interpretations shall apply:
 - 1. Words used in the present tense include the future tense
 - 2. The singular includes the plural.

3. The plural includes the singular.
4. The word "person" includes corporation, unincorporated association or partnership as well as an individual
5. The term "shall" or "will" is always mandatory.
6. The word "building" or "structure" shall be construed as if followed by the phrase "or part thereof".
7. The word "Ordinance" shall refer to the Floodplain Ordinance.

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Section 2.2 Definitions

General

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance it's most reasonable application.

Appurtenant Structure

A structure on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. This does not include a gas or liquid storage tank.

Base Flood

Means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation:

The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map, for the purposes of this ordinance, the one hundred (100) year flood or 1% annual chance flood.

Basement

Any area of the building having its floor sub grade (below ground level) on all sides.

Certificate of Compliance

A certification that the entire development, including the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Contractor - WV State Code 21-11-3(c)

A person who in any capacity for compensation, other than as an employee of another, undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, structure or excavation associated with a project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, where the cost of the undertaking is one thousand dollars or more. Contractor includes a construction manager who performs management and counseling services on a construction project for a professional fee.

Contractor does not include:

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(1) One who merely furnishes materials or supplies without fabricating or consuming them in the construction project.

(2) A person who personally performs construction work on the site of real property which the person owns or leases whether for commercial or residential purposes;

(3) A person who is licensed or registered as a professional and who functions under the control of any other licensing or regulatory board, whose primary business is real estate sales, appraisal, development, management and maintenance, who acting in his or her respective professional capacity and any employee of such professional, acting in the course of his or her employment, performs any work which may be considered to be performing contracting work

(4) A pest control operator licensed under the provisions of section seven, article sixteen-a, chapter nineteen of this code to engage in the application of pesticides for hire, unless the operator also performs structural repairs exceeding one thousand dollars on property treated for insect pests; or

(5) A corporation, partnership or sole proprietorship whose primary purpose is to prepare construction plans and specifications used by the contractors defined in this section and who employs full time a registered architect licensed to practice in this state or a registered professional engineer licensed to practice in this state. Contractor also does not include employees of such corporation, partnership or sole proprietorship.

Critical Facility

Any facility in which even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, storage of critical records, and similar facilities. These should be given special consideration when formulating regulatory alternatives and floodplain management plans. A critical facility should not be located in a floodplain if at all possible. If a critical facility must be located in a floodplain it should be provided a higher level of protection so that it can continue to function and provide services during a flood.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Flood

A general and temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency or Federal Insurance Administrator has delineated both the areas of special flood hazard areas and the risk premium zones applicable to the community

Flood Insurance Study:

The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and water surface elevations.

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Floodplain

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation;
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain Administrator

The Permit & Ordinance Officer shall be the Floodplain Administrator. The Floodplain Administrator may also be identified as the Floodplain Manager.

Floodway

The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

Flood Proofing

Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for unknown factors that may contribute uncertainty to flood heights of any given flood and floodway condition, such as wave action, blockage at stream crossings, and increased runoff from urbanization of the watershed.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed foundation of a structure.

Historic Structure

Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (i) By an approved state program as determined by the Secretary of the Interior; or,
 - (ii) Directly by the Secretary of Interior in states without approved programs.

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Licensed Manufactured Home Dealer

A business licensed to sell Manufactured Homes in the state of WV as set forth in the WV state code.

Licensed Manufactured Home Installer

A contractor licensed to install Manufactured Homes in WV as set forth in the WV State Code.

Licensed Professional Surveyor

Any person licensed by the WV state board of examiners of land surveyors to engage in the practice of land surveying as defined in WV state code.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished enclosure constructed with flood resistant materials as defined in FEMA Technical Bulletin 2-93 (FIA-TB-2) and usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New Construction

Structures for which the Start of Construction as herein defined commenced on or after July 01, 1987 and including any subsequent improvements to such structures.

One-Hundred (100) Year Flood

A flood that has one chance in one-hundred or a one percent chance of being equaled or exceeded in any given year.

Person

Any individual or group of individuals, corporation, partnership, association or other entity, including State and local governments and agencies.

Any service or creative work, as described in WV State Code Article 13, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems; planning the use of land and water; teaching of advanced engineering subjects, engineering surveys and studies; and the review of construction for the purpose of assuring compliance with drawings and specifications any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects. Any person who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a registered professional engineer, or by using another title implies that he or she is a registered professional engineer or that he or she is registered under WV State Code, Article 13 or who holds himself or herself out as able to perform, or who performs any engineering service or work or any other service designated by the practitioner which is recognized as engineering, is considered to practice or offer to practice engineering within the meaning and intent of WV State Code Article 13.

Principally Above Ground

Where at least 51 percent of the actual cash value of a structure, less land value, is above ground.

Recreational Vehicle

A vehicle which is:

- (a) built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Engineer

A person who has been duly registered or licensed as a registered professional engineer by the West Virginia state board of registration for professional engineers as required under WV State Code Article 13 et seq.

Remedy A Violation

To bring a structure or other development into compliance with the requirements of this ordinance or if full compliance is not possible to reduce the adverse impacts of the non-compliance to the greatest extent feasible.

Reasonably Safe From Flooding

Means that during the base flood, water should not damage structures and any subsurface waters related to the base flood should not damage existing or proposed structures.

Special Flood Hazard Area:

The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AO, A1-30, and A99. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in this ordinance.

Start of Construction *(The definition for start of construction is to be used only when calculating the starting time for expiration of a permit.)*

The date the permit was issued, including permits for substantial improvement or repair of substantial damage, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Although a permit must be obtained prior to beginning, permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Office

The West Virginia Division of Homeland Security and Emergency Management

Stream

As defined in WV State Code 7-1-3U, any watercourse, whether natural or man-made, distinguishable by banks and a bed, regardless of their size, through which water flows continually or intermittently, regardless of its volume.

Structure

A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means cumulative flood-related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each flood event equals or exceeds twenty-five (25) percent of the

market value of the structure before the damage occurred. See “Substantial Improvement.”

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Substantial Improvement

Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the Start of Construction of the improvement. This term includes structures, which have incurred “substantial damage”, as defined herein regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violation of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure. For the purpose of this definition improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure.

Top of Bank

The lines depicted on the FIRM maps delineating each side of a stream indicate the top of bank. In the field a professional familiar with fluvial geomorphology should document the top of bank. When a professional is not employed the top of the bank will be considered to be the top of the first significant slope landward of the waters edge when it is followed by at least 50 feet of relatively flat land.

Violation

The failure of any structure or development to be fully compliant with all requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE III - ESTABLISHMENT OF THE FLOODPLAIN AREA

Section 3.1 Identification

- A. The identified floodplain area shall be those areas of Upshur County which are subject to the one hundred (100) year flood, as shown on the Flood Insurance Rate Map (FIRM) and described in the Flood Insurance Study (FIS) prepared for Upshur County by the Federal Emergency Management Agency (FEMA) dated September 29, 2010 or the most recent revision thereof.

- B. The identified floodplain area shall also be those areas which have been identified as flood hazard areas by Upshur County by use of historic or other technical data and shown on Upshur County "Local Flood Hazards Map". These areas shall be designated as appropriate with the level of technical data described below and shall be managed accordingly.

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Section 3.2 Descriptions of Floodplain Areas

The identified floodplain shall consist of the following four specific areas:

- A. The Floodway area (F1) shall be those areas identified as such in the FIS and as shown on the FIRM. The term shall also include floodway areas identified in studies required to be used in the approximate areas as discussed below.
- B. The Floodway Fringe area (F2) shall be those areas for which specific one hundred (100) year flood elevations have been provided in the FIS but which lie beyond the floodway area.
- C. The AE Area without Floodway (F3) shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which 100-year flood elevations have been provided but no Floodway has been delineated.
- D. The Approximated area (F4) shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided.

Section 3.3 Changes in Designation of Area

1. The delineation of the identified floodplain area may be revised by Upshur County where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document the necessity for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
2. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable but, not later than six months after the date such information becomes available, the community shall notify the NFIP Administrator of the changes by submitting technical or scientific data.
3. Upshur County may identify and regulate new flood hazard or ponding areas. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks and/or approximate study methodologies.

Section 3.4 Elevations Prevail

- A. If the lowest natural grade adjacent to proposed development within an identified flood hazard area is at or above the Base Flood Elevation specified in the Flood Insurance Study, the structure shall not be required to conform to

the flood prevention design and construction standards or flood-related development codes in Article VI. Topographic data certified by a registered professional engineer or licensed professional surveyor shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator. The applicant is advised to apply for a Letter of Map Amendment (LOMA) from FEMA to have the Special Flood Hazard Area designation removed from the parcel or structure.

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- B. If the lowest natural grade adjacent to proposed development is below the Base Flood Elevation specified in the Flood Insurance Study, the site shall be considered to be within the floodplain area and the proposed structure shall be required to conform to all appropriate provisions of this ordinance.

Section 3.5 Boundary Disputes

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Floodplain Administrator and any party aggrieved by this decision may appeal to the County Commission of Upshur County, West Virginia. The burden of proof shall be on the appellant/applicant.

ARTICLE IV - UTILIZATION OF THE FLOODPLAIN AREA

Section 4.1 Floodway (F1)

- A. Within any floodway area (F1), no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the Base Flood Elevation.
- B. Because floodways present increased risk to human life and property due to their relatively faster and deeper flowing waters the Floodway shall be preserved to the greatest extent possible.
 - 1. New development shall not be permitted in the floodway where reasonable alternatives exist elsewhere. In addition to the requirements below the applicant shall demonstrate that there are no reasonable alternatives other than the floodway encroachment before a permit is issued.
 - 2. When the floodway is the only reasonable alternative the applicant shall demonstrate that the floodway encroachment is the minimum necessary to accomplish the project.
 - 3. All permitted uses, activities, and development shall be undertaken in strict compliance with the flood proofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations.

Section 4.2 Floodway Fringe (F2)

- A. Within any Floodway Fringe area any development and/or use of land shall be permitted provided that all such uses, activities and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.

Section 4.3 AE Zone without Floodway

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- A. Within any AE without Floodway area, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point. This requirement can be satisfied by utilization of the floodway area where determined.

Section 4.4 Approximated Floodplain (Zone A)

A. Within any Approximated Floodplain Area

1. The Floodplain Administrator shall use elevation and floodway information from Federal, State, or other acceptable sources when available to determine the elevation above which development will be reasonably safe from flooding.
2. When data from an acceptable source is not available, the Floodplain Administrator shall review, or shall cause to be reviewed; all proposed development to determine 1. The amount being invested and 2. The specific flood risk at the site. The Floodplain Administrator shall then require the applicant to determine the elevation above which the development will be reasonably safe from flooding using the techniques set forth in Upshur County's Approximate A zone administrative procedures. When hydrologic and hydraulic analyses are required, they shall only be undertaken by a registered professional engineer who shall certify that the methods used correctly reflect currently accepted technical concepts. The resultant study shall include a cover letter, signed by the responsible professional, providing a statement of findings in basic terms. In addition, studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the floodplain administrator.
3. Any development and/or use of land shall be permitted provided that all such uses, activities and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.

Section 4.5 Alteration or Relocation of a Stream

- A. Whenever a developer intends to alter or relocate a stream within the Floodplain Area the developer shall notify in writing, by certified mail, Upshur County's Floodplain Administrator, The State Coordinating Office, any adjacent communities and any adjacent property owners of all such intended activities prior to the alteration or relocation of the stream. Copies of all required notifications must be submitted to the Federal Insurance Administration. In addition prior to issuing the local permit the Floodplain Administrator shall require copies of all necessary permits from those governmental agencies from which Federal or State Law requires approval. Contact information for State and Federal permitting authorities as well as addresses for required notification of appropriate County, State & Federal government agencies are contained in Upshur County's Stream Alteration administrative procedures.

- B. The developer shall also assure Upshur County in writing that the flood carrying capacity within the altered or relocated portion of the stream will be maintained. The Floodplain Administrator may require the applicant to demonstrate that the altered or relocated portion of stream will provide equal or greater conveyance than the original stream segment. If hydrologic and hydraulic analyses are required, they shall only be undertaken by a registered professional engineer, who shall certify that the methods used correctly reflect currently accepted technical concepts. The resultant study shall include a cover letter, signed by the responsible professional, providing a statement of findings in basic terms. In addition, studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the floodplain administrator.
- C. Alteration of a stream includes placement of culverts, bridges or other stream crossings. The floodplain administrator may require the use of certain "best practice" techniques in the construction of bridges, culverts or stream crossings to prevent damage, loss of stream crossings and localized flooding caused by blockage. These techniques may include, but are not limited to, wing walls, trash grates or requiring openings to be of sufficient size to pass debris and/or anticipated future increases in flood heights.
- D. All new and replacement bridges, culverts and other stream crossings shall adhere to the relevant anchoring requirements contained in this ordinance.
- E. The developer is required to provide the community a legal agreement detailing all scheduled inspections and maintenance to be performed on altered or relocated watercourses including culverts, bridges and other stream crossings. It shall be the responsibility of the applicant to transfer this agreement to the new owner when the land associated with the watercourse alteration is transferred. A copy of all new agreements shall be provided to the floodplain administrator. Failure to transfer the agreement and provide a signed copy to the Floodplain Administrator shall subject the violator to the penalties set forth in Section 8.3 of this ordinance.
- F. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the Flood Insurance Study and/or Flood Insurance Rate Maps, when notified by the floodplain Administrator, and must pay any fees or other costs assessed by FEMA for this purpose.

ARTICLE V - CRITERIA FOR BUILDING AND SITE PLAN APPROVAL

Section 5.1 General

Permits are required in order to determine whether all new construction or substantial improvements are:

- A. Located in an identified Floodplain, Floodway or other flood hazard area.

- B. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- C. Constructed with material and utility equipment resistant to flood damage as outlined in FEMA Technical Bulletin 2-93 (FIA-TB-2) or the most recent revision thereof.
- D. Constructed by methods and practices that minimize flood damage.
- E. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. To comply with WV State Code §11-3-3a. concerning County Assessor “Building or real property improvement notice”
- G. Approved by County Health Department for Well, Septic and other permits to assure facilities are designed and located in compliance with the flood damage reduction requirements of this ordinance.

Section 5.2 Basic Format

The basic format of the permit shall include the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed development is to occur.
- C. Names, addresses, and valid WV license numbers of all contractors working at the building site, or affidavits stating that work is being performed by individuals exempt from contractor licensing as set forth in Title 28, Series 2, section 3.9 (b) of the West Virginia Code of state regulations or the most recent revision thereof.
- D. Copy of the following:
 - a. Contractors’ License
 - b. Proof of Workers’ Compensation Coverage
 - c. Certificate of Insurance Coverage
- E. A description of site location sufficient to locate the project including tax map and parcel number and most recent deed book and page number.
- F. A standard site plan showing size and location of the proposed development as well as any existing buildings or structures. The site plan shall also show all adjacent roads and watercourses with direction of flow, the lowest adjacent grade to the proposed foundation and/or toe of fill, the Base Flood Elevation and the location of the floodway boundary when applicable.
- G. An acknowledgement that the applicant agrees to pay any and all fees associated with the permitting process as set forth in Section 7.9 hereof.

H. An acknowledgement that the applicant agrees to allow authorized representatives of floodplain management programs access to the development to inspect for compliance.

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I. The contract required by WV Code of State Regulations, Title 28, Series 4, and all addendums to the contract(s) shall be presented to the floodplain administrator for review within five (5) business days of contract signing. The community does not require and will not keep copies of the contracts or addendums. Failure to present contract or addendums for review shall void the permit. If a licensed contractor is not involved, or the work is of an aggregate value of less than ten thousand dollars including materials and labor, a brief written description of proposed work and the estimated value will suffice.

Section 5.3 Elevation and Flood Proofing Information

All applicants are encouraged to exceed the minimum elevation requirements contained herein. Flood insurance rates can be lowered significantly by increasing the elevation of the lowest floor above the freeboard height required by this ordinance. Depending on the type of structure involved, the following information shall also be included in the application for work within the Floodplain Area:

A. For structures to be elevated two feet above the Base Flood Elevation:

1. A plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
2. A determination of elevations of the Base Flood, existing ground, proposed finished ground and lowest floor, certified by a registered professional engineer or licensed professional surveyor.
3. Plans showing the method of elevating the proposed structure including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Floodplain Administrator, a Registered Professional Engineer or Architect shall prepare these plans.
4. Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to two feet above the Base Flood Elevation at the building site.
5. During the course of construction, as soon as the basic elements of the lowest floor are in place and before further vertical construction, it is highly recommended that the applicant check for error by obtaining elevation data completed by a registered professional engineer or licensed professional surveyor certifying the height of the lowest floor. If a mistake in elevation has been made this is the best time to correct the error.
6. A finished construction elevation certificate must be prepared by a licensed professional surveyor or others of demonstrated qualification. The elevation certificate must confirm that the structure in question together with attendant utilities is elevated in compliance with permit conditions.

7. A Non-conversion Agreement shall be signed by the applicant whenever the community determines that the area below the first floor could be converted to a non-conforming use (generally applies to enclosed areas below base flood elevation that are 5 ft. high or more). This agreement shall state:


- (i) The area below Base Flood Elevation shall not be converted for use other than for parking, building access or for allowable storage as detailed in this ordinance.
- (ii) The applicant agrees to notify prospective buyers of the existence of the non-conversion agreement. It shall be the responsibility of the applicant to transfer the agreement at closing to the new owner via notarized signature, a copy of all new agreements shall be provided to the Floodplain Administrator. Failure to transfer the agreement and provide a signed copy to the Floodplain Administrator shall subject the violator to the penalties set forth in Section 8.3 of this ordinance.

B. For structures to be flood proofed to two feet above the Base Flood Elevation (nonresidential structures only):

All applicants are encouraged to exceed the minimum flood proofing requirements contained herein. Flood insurance rates can be lowered significantly by increasing the level of flood proofing above the height required by this ordinance. In order to obtain an "elevation credited" flood insurance rate on dry flood proofed buildings, flood proofing must extend at least one foot above the Base Flood Elevation.

- 1. Plans showing details of all flood proofing measures, prepared by a registered professional engineer, showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- 2. A determination of elevations of the Base Flood, existing ground, proposed finished ground, lowest floor, and flood proofing limits; certified by a registered professional engineer or licensed professional surveyor.
- 3. A Flood Proofing Certificate, FEMA 81-65, as revised by FEMA, shall be prepared by the registered professional engineer who prepared the plans in (1) above, stating the structure in question, together with attendant utility and sanitary facilities is designed so that:
 - (i) The structure is water tight with walls substantially impermeable to the passage of water from the lowest structural element to two feet above the Base Flood Elevation.
 - (ii) The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

C. For structures constructed of flood resistant materials – used solely for parking of vehicles, or storage, (Appurtenant Structures only)

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1. A site plan prepared by a licensed professional surveyor or others of demonstrated qualifications showing elevation of existing ground, proposed finished ground and lowest floor. The plan shall also show details of proposed flood resistant materials usage and the size of the proposed structure and its relation to the lot where it is to be constructed. The location of the floodway boundary shall be represented on the plan when a floodway is present on the site.
 2. An elevation certificate, based on finished construction, must be prepared by a licensed professional surveyor or others of demonstrated qualifications. This certificate or report must confirm that the structure in question, together with attendant utilities is designed so that:
 - (i) Flood resistant materials as detailed in FEMA Technical Bulletin 2-93 (FIA-TB-2) are used in the construction of the structure from the lowest structural element to two feet above the Base Flood Elevation and that all utilities are located at least two feet above the Base Flood Elevation.
 - (ii) Hydrostatic flood forces on exterior walls are equalized by allowing for automatic entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Professional Engineer or Architect or meet or exceed the following minimum criteria:
 - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b) The bottom of all openings shall be no higher than one foot above grade.
 - c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 3. In addition, the applicant shall sign a Non-conversion Agreement and notify prospective buyers of the existence of the agreement. It shall be the responsibility of the applicant to transfer the Non-conversion Agreement to any new owner at closing via notarized signature. A signed copy of the transferred Non-conversion agreement shall be provided to the floodplain administrator. Failure to transfer the agreement and provide a signed copy to the Floodplain Administrator shall subject the violator to the penalties set forth in Section 8.3 of this ordinance.

Section 5.4 Site Plan Criteria

Site plans are required for all development, new construction and substantial improvements determined to be located in a mapped floodplain area and all proposed Subdivisions and Manufactured Home Parks. These proposals shall be reviewed by the Floodplain Administrator to assure that they are consistent with the need to minimize flood damage.

The owner or developer shall submit a preliminary site plan to the Floodplain Administrator that includes the following information:

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- A. Name of registered professional engineer, licensed professional surveyor or other qualified person responsible for providing the information required in this section.
- B. A map showing the location of the proposed subdivision and/or development with respect to floodplain areas, proposed lot sites, and fills.
- C. Where the subdivision and/or development lies partially or completely in the floodplain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the floodplain areas. A registered professional engineer or licensed professional surveyor must certify the site plan.
- D. All subdivision proposals and other proposed new developments which are proposed to take place either fully or partially within the Approximated Floodplain area (F4) and which are greater than ten (10) lots or two (2) acres, whichever is the lesser, shall include base flood elevation data and shall delineate a floodway
 - 1. When a Flood Insurance Study (FIS) is available from FEMA, the data contained in that study must be used to substantiate the base flood.
 - 2. If a FEMA Flood Insurance Study is not available the required data may be available from an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, Natural Resource Conservation Service or state and local water resource department.
 - 3. If the required data is not available from other sources the applicant shall develop the technical data using detailed methodologies comparable to those contained in a Flood Insurance Study. This data shall be prepared and certified by a registered professional engineer, who shall certify that the methods used correctly reflect currently accepted technical concepts.
- E. Where the subdivision or other development site lies partially in the floodplain area and all proposed development including fill will take place on natural grade a significant vertical distance above the Approximated floodplain area (zone A) boundary depicted on the map, development of detailed Base Flood Elevation data may not be necessary. In these cases the site plan for the proposed development must show contours at intervals of two (2) or five (5) feet depending on the slope, and clearly delineate the area to be developed and the location of the floodplain boundary as scaled from the FEMA map. A registered professional engineer, licensed professional surveyor or others of demonstrated qualifications must certify the site plan.

Section 6.1 Design and Construction Standards

In order to prevent excessive damage to buildings, structures, and related utilities and facilities, the following restrictions apply to all development, subdivision proposals, manufactured home parks, new construction and to construction of substantial improvements, and the repair of substantial damage, to existing structures occurring in the Floodplain Area.

A. Basements and Lowest Floors

- a. Residential Structures - All new construction, relocation, substantial improvements, including repair of substantial damage, of residential structures must have the lowest floor, including basement, ductwork and utilities, elevated to two feet above the Base Flood Elevation.
- b. Non-residential Structures - All new construction, relocation, substantial improvements, including repair of substantial damage, of nonresidential structures must have the lowest floor, including basement, ductwork and utilities, elevated to two feet above the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that the structure is water tight with walls substantially impermeable to the passage of water from the lowest structural element to two feet above the Base Flood Elevation.
- c. Openings - For all new construction, relocation, substantial improvements, and repair of substantial damage, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Professional Engineer or meet or exceed the following minimum criteria:
 - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b) The bottom of all openings shall be no higher than one foot above grade.
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. A Non-conversion Agreement shall be signed by the applicant on all flood-proofed structures and any elevated structures when the community determines that the area below the first floor could be converted to a non-conforming use (generally applies to enclosed areas below base flood elevation that are 5 ft. high or more). This agreement shall state:

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1. The area below Base Flood Elevation shall not be converted for use other than for parking, building access or for allowable storage as detailed in this ordinance.
 2. The applicant agrees to notify prospective buyers of the existence of the non-conversion agreement. It shall be the responsibility of the applicant to transfer the agreement at closing to the new owner via notarized signature, a copy of all new agreements shall be provided to the Floodplain Administrator. Failure to transfer the agreement and provide a signed copy to the Floodplain Administrator shall subject the violator to the penalties set forth in Section 8.3 of this ordinance.

B. Manufactured Home Placement

Certain unique characteristics of manufactured homes installed in flood hazard areas pose an elevated risk of substantial damage to property.

1. All manufactured homes to be sited within the identified flood hazard areas of Upshur County shall be installed by a contractor possessing a valid WV Manufactured Home Installer's license. The installer shall use an installation design engineered to withstand flood hazards specific to the particular home site. Manufactured homes to be placed or substantially improved within the flood hazard areas shall be installed in accordance with the following standards:
 - a. The lowest floor, ductwork and utilities including HVAC/heat pump shall be elevated two feet above the Base Flood Elevation
 - b. Elevation shall be on reinforced piers on a permanent foundation or other foundation elements of at least equivalent strength engineered for use in a flood hazard area. Installation designs incorporating dry stacked block piers shall not be used in flood hazard areas.
 - c. All manufactured homes shall be securely anchored to an adequately anchored foundation system in compliance with the requirements of 42 West Virginia Code of State Regulations, Series 19, Sections 10.1, 10.2, and 10b as authorized by West Virginia Code § 21-9-4. The anchoring shall be adequate to resist flotation, collapse, or lateral movement. Methods of anchoring may include but are not limited to the over-the-top and frame ties, attached to permanent foundation elements. Ground anchors may not be adequate to satisfy flood specific anchoring requirements. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - d. Permanently attached rigid skirts and perimeter wall skirts of brick or block must have openings; this type of skirting can collapse during floods and compromise supporting piers. The openings must be designed to automatically equalize hydrostatic flood forces by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered


Professional Engineer or meet or exceed the following minimum criteria:

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- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- e. Any additions to a manufactured home shall be similarly anchored and vented.
2. The licensed WV Manufactured Home Installer placing the unit shall perform a site inspection and certify in writing that the manufactured home has been installed to the standards set forth in this ordinance.

C. Appurtenant Structures

1. Except as provided in subsection 2 below, appurtenant structures shall be located out of the floodplain area or elevated to two feet above the Base Flood Elevation.
2. Where appurtenant structures not connected to the principal structure are to be located on sites below the Base Flood Elevation, the following flood damage reduction provisions apply:
 - a. Structures shall be no more than six hundred (600) square feet in size and valued at less than \$10,000.00.
 - b. Floors shall be at or above grade on at least one side.
 - c. Structures shall be located, oriented and constructed to minimize flood damage.
 - d. Structures shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - e. Flood resistant materials as detailed in FEMA Technical Bulletin 2-93 (FIA-TB-2) shall be used in the construction of the structure from the lowest structural element to two feet above the Base Flood Elevation.
 - f. Machinery, electric devices or appliances, and all utilities shall be located at least two feet above the Base Flood Elevation.
 - g. The venting requirements contained in Section 6.1 (A) are applicable and shall be strictly adhered to.

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3. In addition, a Non-conversion Agreement shall be signed by the applicant stating that the use of the appurtenant structure or detached or attached garage shall not be changed from the use permitted, acknowledging that the structure may be subject to greater flood risk and that higher flood insurance premiums may be possible, and that a change in use may require full compliance with this ordinance. The applicant agrees to notify prospective buyers of the existence of this agreement. It shall be the responsibility of the applicant to transfer the agreement at closing to the new owner via notarized signature, a copy of all new agreements shall be provided to the floodplain administrator. Failure to transfer the agreement and provide a signed copy to the Floodplain Administrator shall subject the violator to the penalties set forth in Section 8.3 of this ordinance.


D. Recreational Vehicle Placement

1. Recreational vehicles to be placed within any floodplain area shall either:
- a. Be on site for fewer than one hundred eighty (180) consecutive days or,
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanently attached additions. or,
 - c. Be installed in accordance with the Manufactured Home Placement requirements and all other flood reduction requirements contained in this ordinance.

E. Fill

Upshur County officially recognizes the beneficial functions the floodplain serves in storage and transportation of water during floods. Placement of fill in the floodplain area is discouraged and should be minimized. No fill shall be permitted in the floodway. All fill placed in other floodplain areas shall meet or exceed the following standards:

1. Fill shall be used only to the extent to which it does not adversely affect adjacent properties. Upshur County may require the applicant to demonstrate through engineering reports that proposed fill would not adversely affect adjacent properties. When required, hydrologic and hydraulic analyses shall be undertaken only by professional engineers who shall certify that the technical methods used correctly reflect currently accepted technical concepts. The resultant study shall include a cover letter, signed and sealed by the responsible professional, providing a statement of findings in basic terms. In addition, studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Upshur County. During permit review the community shall consider the following issues that have the potential to cause adverse impact to adjacent properties:

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- a. Unacceptable increases in flood heights.
 - b. Blocking drainage from adjacent property.
 - c. Deflection of floodwaters onto adjacent existing structures.
 - d. Increases to stream velocity initiating or exacerbating erosion problems.
 - e. Other unique site conditions may be considered when determining whether fill will cause adverse impact to adjacent property including, but not limited to, subsidence areas, karst topography, stream blockages, and steep topography adjacent to the channel.
2. Fill shall be used only to the extent to which it does not adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
 3. Filled site must be contoured to drain properly (avoid ponding)
 4. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points before the start of sloping required in following subsection. For nonresidential structures, fill shall be placed to provide access acceptable for intended use.
 5. At grade access, with fill extending laterally fifteen (15) feet beyond the building line shall be provided to a minimum of twenty-five (25) percent of the perimeter of a nonresidential structure.
 6. Fill shall consist of soil or rock material only. Sanitary landfills shall not be permitted; no trash or woody debris shall be buried on site.
 7. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling. Fill compaction standards must be appropriate to proposed post fill use, particular attention is necessary when fill is being used to elevate a structure.
 8. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Floodplain Administrator.
 9. Fill site and fill must be protected from erosion.
 10. All applicants placing fill in a mapped flood hazard area must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA when directed to do so by the Floodplain Administrator before a permit can be issued. After fill is finished the applicant must convert the CLOMR to a Letter of Map Revision based on Fill (LOMR-F) before a certificate of compliance can be issued.
 11. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the Flood Insurance Study and/or Flood Insurance Rate Maps, when notified by the Floodplain Administrator, and must pay any fees or other costs assessed by FEMA for this purpose.

F. Placement of Structures and other development

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1. All structures and other development shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of floodwater.
 - i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and,
 - ii. So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.

G. Anchoring

1. All structures and other development including stream crossings shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
2. All air ducts, large pipes, and storage tanks located at or below the Base Flood Elevation shall be firmly anchored to resist flotation.

H. Flood Protection Setback

1. A Flood Protection Setback equal to twice the width of the watercourse channel measuring from the top of one bank to the top of the opposite bank or fifty (50) feet, whichever is less, shall be maintained from the top of the banks of all watercourses. To reduce erosion, natural vegetation shall be maintained in this area. Where natural vegetation does not exist along the watercourse and conditions for replanting are suitable, high priority shall be given to planting vegetation in the setback area to stabilize banks and enhance aquatic resources.
2. Necessary public works and temporary construction may be exempted from this subsection.
3. The Floodplain Administrator may consider an appeal to the Flood Protection Setback requirement if the applicant demonstrates that it is impossible to allow any development without encroachment into the Flood Protection Setback area. The appeal conditions shall be the minimum necessary and shall be made only after due consideration is given to varying other siting standards, such as side, front and back lot line setbacks.

I. Storage

1. No materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below Base Flood Elevation.

- (3)
2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.
 3. Due to the potential of masking the natural elevation and making it more difficult to enforce this ordinance, material that resembles “fill” material shall not be considered “storage” material for purposes of this subsection.

J. Utility and Facility Requirements

- A. All new or replacement water systems whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- B. All new or replacement sanitary disposal systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- C. All other new or replacement public and/or private utilities and facilities shall be located and constructed to minimize or eliminate flood damage.
- D. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

K. Drainage

Adequate drainage shall be provided to reduce exposure to flood hazard.

L. Backflow Preventers

Back flow prevention valves should be used for all enclosed structures with sewage or drainage facilities located in the floodplain.

ARTICLE VII - ADMINISTRATION

Designation of Floodplain Administrator

The Permit & Ordinance Officer is hereby appointed as Floodplain Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

Section 7.1 Development Permits and Site Plan Approvals Required

It shall be unlawful for any contractor, person, partnership, business, or corporation to undertake or cause to be undertaken, any development or the new construction, substantial improvement, repair of substantial damage, the placement or relocation of any structure (including manufactured homes) within the unincorporated areas of Upshur County unless a permit application and

standard site plan has been completed, and a permit has been obtained from the Floodplain Administrator. In addition, where land that is either partially or fully in the regulatory floodplain is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a detailed site plan must be submitted to, and approved by, the Floodplain Administrator prior to any development.

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Section 7.2 Approval of Permits and Plans

1. The Floodplain Administrator shall review, or shall cause to be reviewed; all permit applications and plans in order to determine whether proposed building sites are reasonably safe from flooding.
2. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the state and all other applicable codes and ordinances.
3. The Floodplain Administrator shall not issue a permit to any person who does not possess a valid contractor's license when a contractor's license is required by West Virginia State Code §21-11-10.
4. The Floodplain Administrator, before issuance of the permit, shall require the applicant to furnish satisfactory proof that such person is duly licensed as a contractor under the provisions of West Virginia State Code. If the applicant is not licensed a written affidavit that such person is not subject to licensure as a contractor or subcontractor as defined in §21-11-3 shall be provided to the Floodplain Administrator and placed in the permit file.
5. The Floodplain Administrator shall require copies of all necessary permits from those governmental agencies from which Federal or State Law requires approval.
6. The Floodplain Administrator shall provide a copy of all permits to the County Assessor as required by West Virginia State Code 11-3-3A.
7. The Floodplain Administrator shall provide a copy of all permits for new structures to the County E-911 addressing coordinator.
8. The County E-911 addressing coordinator shall provide a copy of all requests for addresses for new structures to the County Floodplain Administrator.
9. Upshur County shall provide sufficient space to allow the Floodplain Administrator to keep on file in perpetuity, in a location safe from natural hazards, all information collected during the course of the administration of this ordinance.

Section 7.3 Application Procedures

Application for a permit and/or site plan approvals shall be made, in writing, on the forms supplied by Upshur County and shall include all information stipulated under Article V of this ordinance.

Section 7.4 Changes

After the issuance of a permit or site plan approval by the Floodplain Administrator, no changes of any kind shall be made to the application, permit, or any of the plans, specification or other documents submitted with the application without the written consent or approval of the Floodplain Administrator.

Section 7.5 Permit Placards

- A. The Floodplain Administrator shall issue a permit placard, which shall be prominently displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Floodplain Administrator.

Section 7.6 Start of Construction

Work on the proposed development shall begin within 180 days after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. All work on the proposed development must be completed within 18 months of permit issuance, at which time the permit shall expire, unless a time extension is granted in writing by the Floodplain Administrator. The request for a time extension shall be in writing and shall state the reasons for the extension. When considering an extension, the Floodplain Administrator shall consider the following criteria:

- 1) Has the developer diligently pursued the completion of the proposed development during the 18 months?
- 2) Will the granting of the extension be detrimental to public safety, health, or welfare or injurious to other property?

Section 7.7 Stop Work Orders, Inspections and Revocations

A. Stop-Work Orders

1. The Floodplain Administrator shall issue, or cause to be issued, a "Stop Work Order Notice" for any development found ongoing without having obtained a permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 8.3 of this local law.
2. The Floodplain Administrator shall issue, or cause to be issued, a "Stop Work Order Notice" for any development found non-compliant with the provisions of this law and/or the conditions of the permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 8.3 of this local law.

B. Inspections and Revocations

- A. During the construction period, the Floodplain Administrator or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances.
- B. If the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances or that

there has been false statement or misrepresentation by any applicant, the Floodplain Administrator shall issue a "Stop Work Order Notice" revoke the permit and request a temporary injunction.

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- C. The Floodplain Administrator or other authorized official may inspect any development covered by this or previous ordinance to determine whether any portion of the development has been altered to be in non-compliance with the requirements of this ordinance.

Section 7.8 Certificate of Compliance

- A. In areas of flood hazard it shall be unlawful to occupy, or to permit the use or occupancy, of any building or premises, or both, or part thereof hereafter created, erected, installed, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Floodplain Administrator stating that the building or land conforms to the requirements of this local law. Occupying or using a building or premises in violation of this section shall subject the violator to the penalties described in Section 8.3 of this local law.
- B. In areas of flood hazard it shall be unlawful to inspect and approve a permanent utility connection to any building or premises, or both, or part thereof hereafter created, erected, installed or rebuilt until the inspector is in possession of a copy of the certificate of compliance issued by the Local Floodplain Administrator stating that the particular development being inspected conforms to the requirements of this local law. Inspection and approval of utilities in violation of this section shall subject the violator to the penalties described in Section 8.3 of this local law.
- C. In areas of flood hazard it shall be unlawful to install a permanent utility connection to any building or premises, or both, or part thereof hereafter created, erected, installed or rebuilt until a certificate of compliance has been issued by the Local Floodplain Administrator stating that the development conforms to the requirements of this local law. Installation of utilities in violation of this section shall subject the violator to the penalties described in Section 8.3 of this local law.
- D. A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- E. Issuance of the certificate shall be based upon the inspections conducted as prescribed in this ordinance or local administrative procedures, and any finished construction elevation certificate, hydraulic data, flood proofing certificate, or encroachment analyses which may have been required as a condition of permit approval.

Section 7.9 Fees

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- A. ~~Floodplain Determination Fee or Permit Fee shall be assessed on all proposed development. This shall be a flat fee approved by the Upshur County Commission.~~
- B. ~~In addition, the applicant shall be responsible for reimbursing Upshur County for any additional costs for services necessary for review and/or inspection of proposed development occurring in a flood hazard area. Services include, but are not limited to, additional site visits, reviews or inspections by the Flood Plain Administrator, professional engineering, surveying and/or contracted services. The Floodplain Administrator may require a deposit towards these additional costs.~~
- C. ~~Due to the increased cost of processing, when any work for which a permit is required by this ordinance is started or proceeded with prior to obtaining a permit the fees above specified shall be doubled. The additional fee is intended to partially reimburse the County for the additional cost of processing permits for work already underway. To more fully recover this cost the fees above shall be tripled for every subsequent occurrence by the same person. Payment of the increased fee shall not relieve any person from complying fully with the requirements of this ordinance in the execution of the work or from other penalties prescribed herein.~~

Section 7.9 Fees

- A. A floodplain assessment shall be determined on all proposed development in Upshur County.
- B. If the proposed development is determined to be in the special identified flood hazard area as determined by FEMA, the applicant shall be responsible for compensating Upshur County for the costs associated for the additional services necessary for review and/or inspection of the proposed development. The following fee(s) shall be applied:

Residential

Regardless of the cost of the project - \$75.00

Commercial

\$1.00-\$100,000.00 - \$100.00

\$100,001.00 + - additional 1/10th of 1 % (0.1%) based on cost of the project

examples:

Total cost of commercial project is \$33,000.00 = \$100.00 permit fee

Total cost of commercial project is \$250,500.00 = \$250.50 permit fee

- C. Due to the increased cost of processing, when any work for which a permit is required by this ordinance is started or preceded prior to obtaining a floodplain permit, the fee shall be tripled. The additional fee is intended to partially compensate Upshur County for the additional cost of processing permits for work already underway. Payment of the increased fee shall not relieve any person from complying fully with the requirements of this ordinance in the execution of the work or from other penalties prescribed herein.

Section 8.1 Appeals

1. Whenever any person is aggrieved by a decision of the Floodplain Administrator with respect to the provision of this ordinance, it is the right of that person to appeal to the County Commission of Upshur County which shall be known as the Appeals Board. Such appeal must be filed with the County Commission of Upshur County, in writing, within thirty (30) days after notification of the decision. Upon receipt of such appeal, the Appeals Board shall set a time and place not less than ten (10) nor more than sixty (60) days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties at which time they may appear and be heard. The determination by the Appeals Board shall be final in all cases.

Section 8.2 Appeal Review Criteria

- A. All appeals contesting only the permit fee, the cumulative substantial damage requirement, the flood protection setback requirement, or the freeboard requirements, may be handled at the discretion of the Appeals Board.
- B. All decisions on appeals to all other provisions of this ordinance shall adhere to the following criteria:
 - 1. Affirmative decisions shall only be issued by the Appeals Board upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinance.
 - 2. An affirmative decision shall be issued only upon determination that it is the minimum necessary, considering the flood hazard, to afford relief. Financial hardship, as a sole criterion, shall not be considered sufficient justification to grant an appeal.
 - 3. An affirmative decision shall be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - 4. The Appeals Board shall notify the applicant in writing over the signature of a community official that (i) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (ii) such construction below the Base Flood Elevation increases risk to life and property. Such notifications shall be maintained with a record of all decisions as required in paragraph (4) of this section; and

5. The Appeals Board shall (i) maintain a record of all decisions including justification for their issuance, and (ii) report such decisions issued in its biannual report to the Federal Insurance Administration.
6. An affirmative decision shall not be granted for any construction, development, use or activity within any floodway area that would cause any increase in the Base Flood Elevation.

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Section 8.3 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Floodplain Administrator, or any other authorized employee of the community, shall be unlawful and shall be referred to the Prosecuting Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, pay a fine to Upshur County of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus cost of prosecution. In default of such payment such person may be imprisoned for a period not to exceed ten (10) days. Each day during which any violation of this ordinance continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this ordinance shall not excuse the violation or non-compliance with the ordinance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this ordinance may be declared by the County Commission of the Upshur County to be a public nuisance and abatable as such.

ARTICLE IX – GOVERNMENT ACTIONS

Section 9.1 – Municipal Annexation

- A. The County Floodplain Ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program.
- B. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards.
- C. All plats or maps of annexation shall show the floodplain boundaries, base flood elevation and location of the floodway where determined.
- D. In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map

of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority must be included with the notification.

- E. NFIP participating communities must notify the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. A copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority must be included with the notification.

Section 9.2 – Permits for Government Entities.

- A. Unless specifically exempted by law, all public utilities and Municipal, County, State and Federal entities are required to comply with this ordinance and obtain all necessary permits. Any entity claiming to be exempt from the requirements of this ordinance must provide a written statement setting forth the rationale for exemption. In addition the entity claiming exemption shall provide copies of all relevant legal documentation demonstrating the exemption.

ARTICLE X - SEVERABILITY AND LIABILITY

Section 10.1 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and for this purpose the provisions of this ordinance are hereby declared to be severable.

Section 10.2 Liability

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area, shall not constitute a representation, guarantee, or warranty of any kind by Upshur County or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon Upshur County. All applicants proposing development in or near a flood hazard area are urged to locate development as far away from, and as high above, all flooding sources as possible.

ARTICLE XI - ENACTMENT

Passed on FIRST READING this the __ day of _____, _____.



Passed on SECOND AND FINAL READING this ____ day of _____, _____.

_____, President
County Commission of Upshur County, West Virginia

_____, Commissioner
County Commission of Upshur County, West Virginia

_____, Commissioner
County Commission of Upshur County, West Virginia

Attest: Carol J. Smith, Clerk for the
County Commission of Upshur County, West Virginia



**West Virginia CDBG-Small Cities Block Grant Program
NOTICE OF INTENT TO BID**

TO: West Virginia Development Office
Attention: Ryan Halsey
CDBG Project Manager
1900 Kanawha Boulevard, East
Building 3, Room 700
Charleston, WV 25305

FROM: Upshur County Commission
Commission President

DATE:

RE: NOTICE OF INTENT TO BID CDBG-SMALL CITIES PROJECT

It is our intention to advertise for bids for the Elkins Road PSD Phase III Water System Improvement Project based upon the plans and specifications and bidding documents prepared by Chapman Technical Group. (architect/engineer)

Bid opening will be held on February 2020 and contracts are expected to be awarded on May 2020.

I hereby certify that the bid documents include all of the attached provisions, that all pre-bid requirements have been accomplished, and that appropriate documentation is on file for review during the next monitoring visit.

We fully accept the responsibility to settle any and all bidding and/or contracting disputes that may arise. Prior to awarding the contracts, we will verify with your office that the bidder is not on the "List of Parties Excluded from Federal Procurement and Non-procurement Programs (Debarred Contractors)." We will provide your office with bid tabulations, justification for awarding the contract to other than the low bidder (if necessary) and/or justification for rejecting any or all bids.

Chief Elected Official

Date

In Re: The Estate of Patricia Beth Dean, deceased

RECOMMENDATION FOR REMOVAL OF MICHAEL DEAN AS ADMINISTRATOR

Now comes the undersigned Fiduciary Commissioner and recites the following **FACTS**:

1. On November 14, 2013, Michael Dean qualified as the Administrator of the Estate of Patricia Beth Dean, deceased, with bond.
2. On November 14, 2013, the Estate of Patricia Beth Dean, deceased, was referred to the undersigned Fiduciary Commissioner.
3. On July 2, 2014, the Appraisement for the Estate of Patricia Beth Dean, deceased, was recorded in the Office of the Clerk of the Upshur County Commission.
4. On December 3, 2014, the undersigned Fiduciary Commissioner mailed correspondence to the Administrator and his counsel, Richard Marsh, requesting that he file a Waiver of Final Settlement, an actual Final Settlement or a First Annual Settlement in the Estate of Patricia Beth Dean, deceased, by January 14, 2015.
5. On January 16, 2015, the First Annual Settlement in the Estate of Patricia Beth Dean, deceased, was filed and approved.
6. On April 14, 2016, the Second Annual Settlement in the Estate of Patricia Beth Dean, deceased, was filed and approved.
7. On April 26, 2017, the undersigned Fiduciary Commissioner mailed correspondence to the Administrator and his counsel, Richard Marsh, requesting that he file a Waiver of Final Settlement, an actual Final Settlement or a Third Annual Settlement in the Estate of Patricia Beth Dean, deceased, by May 18, 2017.
8. On May 16, 2017, Richard Marsh requested a four week extension of time via email correspondence to file the Third Annual Settlement in the Estate of Patricia Beth Dean, deceased. The undersigned Fiduciary Commissioner agreed to the same.

9. On August 3, 2017, the Third Annual Settlement in the Estate of Patricia Beth Dean, deceased, was filed and approved.
10. On September 6, 2018 the Fourth Annual Settlement in the Estate of Patricia Beth Dean, deceased, was filed and approved.
11. On August 27, 2019, the undersigned Fiduciary Commissioner mailed correspondence to the Administrator and his counsel, Richard Marsh, requesting that he file a Fifth Annual Settlement in the Estate of Patricia Beth Dean, deceased, by September 6, 2019.
12. On October 27, 2019, the undersigned Fiduciary Commissioner mailed correspondence to the Administrator and his counsel, Richard Marsh, warning that he must file a Fifth Annual Settlement in the Estate of Patricia Beth Dean, deceased, by November 9, 2019 or be removed.
13. On November 15, 2019, Richard Marsh erroneously mailed the Fifth Annual Settlement to the Upshur County Commission.
14. On November 21, 2019, the undersigned Fiduciary Commissioner mailed correspondence to the Administrator and his counsel, Richard Marsh, requesting a written explanation with supporting documentation about a discrepancy in the balances between the Fourth Annual Settlement and the Fifth Annual Settlement and requested payment for the outstanding balance in her office, by December 13, 2019 or be removed.
15. As of December 17, 2019, Michael Dean has not responded to the undersigned Fiduciary Commissioner's request.
16. Michael Dean should be removed as Administrator for the Estate of Patricia Beth Dean, deceased, as he has failed to comply with West Virginia Code 44-4-2.
17. Michael Dean should be denied any fee as Administrator pursuant to West Virginia Code 44-4-7.

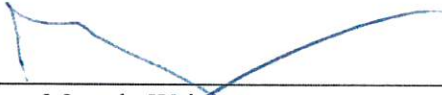
18. The Sheriff of Upshur County should be appointed as the Administrator of the Estate of Patricia Beth Dean, deceased, so that the Estate can be finalized.

Therefore, it is hereby **RECOMMENDED** that:

1. Michael Dean be removed as Administrator for Patricia Beth Dean, deceased, pursuant to West Virginia Code 44-5-5.
2. Michael Dean's bond as Administrator of the above referenced estate be revoked
3. Michael Dean be denied any fee as Administrator and required to reimburse any fee previously received as Administrator.
4. Michael Dean turn over and all documentation regarding the Estate of Patricia Beth Dean, deceased, to the Sheriff of Upshur County within ten (10) days of his removal.
5. The Sheriff of Upshur County be appointed as the Administrator of the Estate of Patricia Beth Dean, deceased.

ENTERED: _____

12/17/19



Daya Masada Wright
Fiduciary Commission
Upshur County, West Virginia



WesMonTy

Resource Conservation & Development
www.wesmontyrcd.org

January 10, 2020

Wes-Mon-Ty RC&D
16358 Barbour County Hwy
Philippi, WV 26416

James W. Curry Public Library:

Instructions: FY-20 project grants. Please read the following agreement and reporting guidelines and forms. If you agree to these requirements, then sign the final page of the agreement and return signature page to our office. A copy of the agreement will be returned to you once all signatures have been obtained.

Project Agreement

Below are some guidelines outlining the eligibility and reporting requirements. Also, your payment schedule is included below.

Your project James W. Curry Public Library Garden Project has been selected to receive funding of \$ 1000.00 for FY-20. This project must be completed by **June 15, 2020**, and a final report is due by **August 1, 2020**.

Eligibility

1. All projects must take place in the Wes-Mon-Ty RC&D area which includes Barbour, Upshur, Lewis, Taylor, Tucker, Randolph, Marion, Preston, Monongalia, Harrison, Doddridge, and Gilmer Counties.
2. All projects must address soil and/or water conservation.
3. Applications must have been approved by a Wes-Mon-Ty RC&D Board Member representing the county in which the project will take place before the project is approved for funding. A directory is available upon request.

Wes-Mon-Ty RC&D
16358 Barbour County Hwy
Philippi, WV 26416
wesmontyrcd@gmail.com



WesMonTy

Resource Conservation & Development
www.wesmontyrcd.org

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4. Applicants that completed a former project(s) on time and submitted a final report or returned funding to Wes-Mon-Ty RC&D for any uncompleted project are eligible to reapply.

Project Timeline and Reporting Schedule

Projects may begin the day you receive notification that your project has been selected to be funded and you accept the terms outlined in this document. When we receive this signed document, 25% of the requested funds, \$ 250.00, will be sent to you. A progress report will be due **April 15, 2020**. This report must document all work completed by this date. Upon approval of the progress report, an additional 25% of the funds, or \$ 250.00, will be sent to you. A final report documenting all completed work is due **August 1, 2020**. Upon successful completion of the project and approval of the final report, the remainder of funds will be available to you in the amount of \$ 500.00.

Progress Report

A progress report is due by **April 15, 2020**. In this report, document any work that has been completed. If no work has been completed, please explain the lack of progress. If you still plan to complete the project by **June 15, 2020**, please report your plans. Be specific by including dates, times, and locations where relevant. If funds have been spent, include what supplies and services have been purchased. If your project has been completed by this date, then please submit a final report (described below) rather than a progress report.

Final Report

A final report is required when the project is completed. Final reports are due no later than **August 1, 2020**. In the final report, you must document all work completed. **You must provide at least one photograph which documents implementation of your project.** For example: photographs that represent before and after completion, displays, field days, or other educational materials. In the written report, be specific, including dates, times, and locations.



WesMonTy

Resource Conservation & Development
www.wesmontyrcd.org

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Report how much funding was spent and for what. Again, be specific including how much of each item or service you purchased, and costs associated with each expense.

Extensions

An extension may be requested if project implementation is behind schedule. All extensions must be requested in writing. In the request, please explain the progress that has been made and the reason for not being able to complete the project on time. Also, suggest a timeline for completing the project. Extensions of up to one year may be granted if circumstances appear to be reasonable.

Failure to demonstrate progress

If no progress has been made on your project by **June 15, 2020**, you will be asked to repay any funding received, or you must submit a request for an extension. If an extension is rejected and funds are not returned to RC&D, you will not be eligible for future grants.

Your signature below indicates that you have read and understand the guidelines for funding and will abide by all requirements. Please return a signed original to the RC&D office. You will receive a copy with the first payment when all signatures have been acquired.

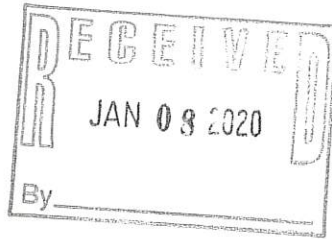
FY-20 Project Title: James W. Curry Public Library Garden Project

Grantee: _____ Date: _____

County RC&D Representative: _____ Date: _____

Wes-Mon-Ty Chairman: _____ Date: _____

Wes-Mon-Ty RC&D
16358 Barbour County Hwy
Philippi, WV 26416
wesmontyrcd@gmail.com



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Sara L. Collins
31 Collins Haller Drive
Rock Cave, WV 26234

January 6, 2020

Upshur County Commission
Upshur County Administrative Annex
Attention: Carrie Wallace
91 West Main Street, Suite 101
Buckhannon, WV 26201

To whom it may concern,

I, Sara L. Collins, would like to be considered for the open seat on the James W. Curry Advisory Board.

I am sorry to hear about your loss of one of your members; with that being said I know you now have an open seat on your board. Why would I be a good candidate?

A little bit about myself and why I believe I could fill your open seat. I have been a community member of Selbyville for 28 years. I belong to our local fire department since 2000. I was first a junior member then joined the regular department in 2008. Since then I have belonged to their fundraiser committee and for the past 3 years have held the position of their secretary. My family and myself frequent the library often:

- participate with my daughter
 - Tuesday for Story Time
 - Summer Reading Program
 - The Santa's Workshop Christmas activity
- participate in the adult quilting
- the workout program when my schedule allows
- a member of the James W. Curry Library Fundraiser Group

We love being able to come to the library and enjoy all the wonderful activities and atmosphere of the small town library.

Please consider me for your open seat. If you have any questions please feel free to contact me at 304-924-9120. Also feel free to contact me if you would like a list of references.

Sincerely,

Sara L. Collins

Upshur County Sheriff's Office



DAVID H. COFFMAN, SHERIFF

Heather D. Parke
Chief Deputy
Tax Division

38 W. Main Street, Room 101 • Buckhannon, WV 26201
Tax Office Phone: 304-472-1180 • Law Enforcement Phone: 304-472-1182
Tax Office Fax: 304-472-0937 • Law Enforcement Fax: 304-472-4547

Michael R. Kelley
Chief Deputy
Law Enforcement

January 16, 2020

Upshur County Commission
Upshur County Administrative Annex
91 West Main Street, Suite 101
Buckhannon, WV 26201

Dear Commissioners:

Please approve the advertisement for the Upshur County Civil Service Testing of Deputy Sheriffs. Such testing shall be part of the criteria used to establish an eligibility list for appointment to entry level positions of Deputy Sheriff.

Thank you for your support and consideration.

Respectfully,

David H. Coffman
Sheriff of Upshur County, WV

**UPSHUR COUNTY DEPUTY SHERIFF
POSITIONS
Sheriff of Upshur County**

The Upshur County Civil Service Commission for Deputy Sheriffs is announcing an open period for the purpose of accepting applications for admission to competitive examinations. Such examinations shall be part of the criteria used to establish an eligibility list for appointment to entry level positions of Deputy Sheriff.

The date for the physical agility test and written examination is set for Saturday February 29, 2020 at 9:00am at the Buckhannon Upshur High School Athletic Building. Applicants must show valid photo identification in order to complete testing. Applicants must be no less than 18 years of age nor older than 45 years of age per Civil Service guidelines. Salary will be based on experience and certification.

Individuals may obtain an application at the following address:

**Upshur County Sheriff's Department
LAW ENFORCEMENT DIVISION
38 W. Main Street Room 103
Buckhannon, WV 26201**

Monday -Friday 8am - 4:00 pm

**Applications must be RECEIVED in our
office no later than close of business
(4:00pm) on Monday February 10, 2020.**

Please do not make phone inquiries about this position. Employment with the Sheriff of Upshur County is available to all qualified applicants without regard to race, creed, color, national origin, sex, age or disability. Upshur County has established a drug free and tobacco free work environment.



State of West Virginia

John B. McCuskey

State Auditor

Office of the State Auditor
Local Government Services
153 West Main Street, Suite C
Clarksburg, West Virginia 26301



Toll Free: (877) 982-9148
Telephone: (304) 627-2415
Fax: (304) 627-2417
www.wvsao.gov

January 6, 2020

To All County Officials:

Once again, we will be conducting regional training workshops for county officials and their assistants. Over the last several years, we have provided detailed training to county officials on the budgeting process. We will also discuss some other issues that we believe will be useful to you.

I would encourage all county officials to attend one of these workshops. I feel these workshops can be a valuable tool to all county officials, and we have therefore waived any registration costs. This is a great opportunity for you to meet with other county officials and some of our staff.

We have included in this mailing a registration form that can be copied and used for each person planning to attend one of these trainings. In order to properly plan these trainings, we ask that you register as soon as possible.

If you should have any questions concerning these workshops, please call us at 304-627-2415.

Sincerely,

Ora L. Ash
Deputy State Auditor
Local Government Services



State Auditor's 2020 Budget Preparation Regional Workshops

John B. McCuskey, through his Local Government Services Division, is pleased to announce regional Budget Preparation Workshops for both county and municipal governments at convenient locations throughout West Virginia. These workshops will cover the basics of local government budget preparation in relation to preparing, approving and adopting a budget. There will also be a discussion concerning taxable fringe benefits and the difference between contracted labor and an employee.

City	Type	Workshop Date/Time	Location	Deadline
Martinsburg	County	Jan 30 9:00am-11:30am	Holiday Inn, Martinsburg 301 Foxcroft Avenue - (304) 267-5500	January 22
Beckley	County	Feb 6 9:00am-11:30am	Holiday Inn & Suites 114 Dry Hill Rd. - (304) 252-2250	January 29
So Charleston	County	Feb 12 1:30pm-4:00pm	Holiday Inn and Suites 400 Second Ave. - (304) 744-0854	February 5
Wheeling	County	Feb 20 9:00am-11:30am	Hampton Inn & Suites, Triadelphia 35 Bob Wise Drive - (304) 547-4222	February 12
Bridgeport	County	Feb 26 9:00am-11:30am	Best Western, Bridgeport 100 Lodgeville Road - (304) 842-5411	February 19

Note: At least ten participants must register for a workshop or we may be forced to cancel.

Please return the registration form no later than the **deadline** for the specific workshop. For questions concerning the content of the workshops, contact: Shellie Humphrey, (304) 627-2415, ext. 5119 Email: lgs@wvsao.gov

2020 BUDGET PREPARATION REGIONAL WORKSHOP Free to attend, but you must register!
ONE NAME PER FORM

Name: _____ County of: _____

Mailing Address: _____

Telephone: _____ Email: _____

Mail to: **Emily Parsons, Admin. Support**
Budget Prep. Regional Workshop
200 West Main Street
Clarksburg, West Virginia 26301

OR FAX TO: 304-627-2417

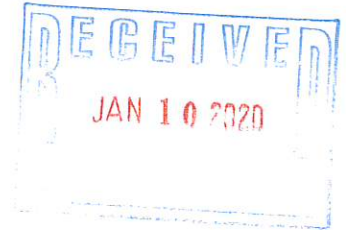
OR EMAIL TO: lgs@wvsao.gov

____ Martinsburg, January 30 ____ Wheeling, February 20
____ Beckley, February 6 ____ Bridgeport, February 26
____ So Charleston, February 12

**IMPORTANT: If unable to attend after registering, please call our
office at 304-627-2415 to cancel.**

December 26, 2019

Commission President
38 W Main St
Buckhannon WV 26201



Re: Changes to Video Rates

Dear Commission President:

Altice USA, Inc. (“Altice USA” or “the Company”) hereby notifies your office of the upcoming changes to certain video rates and surcharges, as noted below.

- Changes to Non-Promotional Rates – Align Rates Across Residential Customer Base:
Effective February 1, 2020, video package and premium channel rates for some existing residential customers – who are currently paying less than the advertised price – will increase. This activity is being done to align rates across the Suddenlink footprint and reflect the rising cost of programming – including sports and broadcast channels. Suddenlink pricing is competitive when compared to other providers, and the Company continues to offer a wide array of products to meet various consumer needs. Included in this notice, for reference, is the list of residential rates for affected video products and services.
- Sports Programming and Broadcast Station Surcharges – Align Surcharges Across All Customer Bases:
 - Residential: The current price of the Sports Programming (*not charged to Local Basic customers*) and Broadcast Station surcharges for new residential video customers is \$6.65/month and \$15.00/month, respectively. Effective February 1, 2020, these fees will be made uniform across the residential customer base.
 - Commercial: The current price of the Broadcast Station surcharge for commercial video customers is \$16.72/month. Effective February 1, 2020, this surcharge will increase for some existing commercial customers who are currently paying less than the advertised price.
- HD DigitaLink: Effective February 1, 2020, the monthly rate for the HD DigitaLink equipment will increase to \$5.00 for all commercial and residential customers.

To limit the increase to the bill, some customers who are impacted by multiple changes will see a special discount on their bill.

Customers are being notified at least 30 days in advance of the total increase to their bill through bill messages or inserts. In addition, current rate information is available on our website at www.Suddenlink.net. Additionally, for informational purposes only, Suddenlink.com/ourpromise has been updated to include the Company's many recent and upcoming service advancements and benefits available to customers.

Should you have any questions, please do not hesitate to contact me at 347-527-3424.

Sincerely,



Brad Ayers
Senior Director, Government Affairs

Pricing & Packages

TV Service & Packages	Monthly Rate
Local Broadcast	\$34.99
Standard Cable	\$50.00
Family Package	\$10.00
Movie Package	\$10.00
Sports & Information Package	\$10.00
Broadcast Station Surcharge*	\$15.00
Sports Programming Surcharge*	\$6.65
Premium Channels	Monthly Rate
HBO	\$19.00
Cinemax	\$17.00
Showtime/The Movie Channel	\$17.00
Starz/Encore	\$17.00
Equipment	Monthly Rate
HD DigitaLink	\$5.00 per

*Broadcast Station Surcharge is applicable to all TV customers and Sports Programming Surcharge is applicable to all Standard Cable and above customers.



Upshur County Fire Board, Inc.
4th Quarter Financial Reports
FY 19

Fire Board Financial Report 2019 - 2020

CARRYOVER BALANCE: \$76,335.56

<u>Item / Date</u>	<u>Amount</u>	<u>Financial Institution / Payee</u>	<u>Description / Source</u>
DEPOSITS			
Sheriff of Upshur County	\$360.08	First Community Bank	Fire Fee Collections through 6/30/2019
Sheriff of Upshur County	\$49,295.39	First Community Bank	Fire Fee Collections through 7/31/2019
Sheriff of Upshur County	\$1,479.90	First Community Bank	Corrected Fire Fee Collections August 2018
Sheriff of Upshur County	\$127,850.25	First Community Bank	Fire Fee Collections through 8/31/2019
Sheriff of Upshur County	\$30,012.99	First Community Bank	Fire Fee Collections through 9/30/2019
Sheriff of Upshur County	\$2,467.92	First Community Bank	Refund from General Accounting 10/21/2019
Sheriff of Upshur County	\$13,077.04	First Community Bank	Fire Fee Collections through 10/31/2019
Sheriff of Upshur County	\$8,520.65	First Community Bank	Fire Fee Collections through 11/30/2019
Sheriff of Upshur County		First Community Bank	Fire Fee Collections through 12/31/2019
Sheriff of Upshur County		First Community Bank	Fire Fee Collections through 01/31/2020
Sheriff of Upshur County		First Community Bank	Fire Fee Collections through 02/28/2020
Sheriff of Upshur County		First Community Bank	Fire Fee Collections through 03/31/2020
Sheriff of Upshur County		First Community Bank	Fire Fee Collections through 04/30/2020
Sheriff of Upshur County		First Community Bank	Fire Fee Collections through 05/31/2020

Total Deposits: \$233,064.22

Plus Carryover: \$76,335.56

Total: \$309,399.78

EXPENDITURES

<u>DATE</u>	<u>Amount</u>	<u>Check #</u>	<u>Payee</u>	<u>Description</u>
July 9, 2019	\$216.00	924	Software Systems	Invoice #32832
July 9, 2019	\$6,910.14	925	Upshur County Commission	Reimbursement Payroll-second quarter
July 9, 2019	\$6.50	926	Upshur County Commission	Reimbursement Postage-second quarter
July 9, 2019	\$1,470.00	927	WV CoRP	Insurance 2019-2020
August 20, 2019	\$3,000.00	928	Adrian VFD	2018 3rd Disbursement

August 20, 2019	\$3,000.00	929	Ellamore VFD	2018 3rd Disbursement
August 20, 2019	\$3,000.00	930	Banks District VFD	2018 3rd Disbursement
August 20, 2019	\$3,000.00	931	Buckhannon VFD	2018 3rd Disbursement
August 20, 2019	\$3,000.00	932	Washington District VFD	2018 3rd Disbursement
August 20, 2019	\$3,000.00	933	Selbyville VFD	2018 3rd Disbursement
August 20, 2019	\$3,000.00	934	Warren District VFD	2018 3rd Disbursement
August 20, 2019	\$511.00	935	Software Systems	Invoice #32962
August 20, 2019	\$4,993.56	936	Ralston Press	Invoice #86625
August 20, 2019	\$4,493.46	937	Ralston Press	Invoice #86626
August 20, 2019	\$138.04	938	Upshur County Commission	Reimbursement P-Card Purchases
August 20, 2019	\$148.84	939	Hart Office Solutions	Invoice # 19226
September 17, 2019	\$206.00	940	Software Systems	Invoice # 33040
September 17, 2019	\$38.63	941	Upshur County Commission	Reimbursement Mileage Ethics Training
October 15, 2019	\$206.00	942	Software Systems	Invoice # 33139
October 15, 2019	\$8,128.42	943	Upshur County Commission	Reimbursement Payroll-third quarter
October 15, 2019	\$189.65	944	Upshur County Commission	Reimbursement Supply Order Quill
October 15, 2019	\$1,114.95	945	Upshur County Commission	Reimbursement Postage-July-September
October 15, 2019	\$2,467.92	946	Upshur County Commission	Reimbursement Tax Deputy Incentive
October 15, 2019	\$2,520.00	947	Ferrari & Associates	2019 Audit
October 15, 2019	\$20,000.00	948	Adrian VFD	2019 1st Disbursement
October 15, 2019	\$20,000.00	949	Banks District VFD	2019 1st Disbursement
October 15, 2019	\$20,000.00	950	Buckhannon VFD	2019 1st Disbursement
October 15, 2019	\$20,000.00	951	Ellamore VFD	2019 1st Disbursement
October 15, 2019	\$20,000.00	952	Selbyville VFD	2019 1st Disbursement
October 15, 2019	\$20,000.00	953	Washington District VFD	2019 1st Disbursement
October 15, 2019	\$20,000.00	954	Warren District VFD	2019 1st Disbursement
October 15, 2019	\$41.33	955	The Record Delta	Class I Legal Advertisement
November 19, 2019	\$206.00	956	Software Systems	Invoice #33227
November 19, 2019	\$202.00	957	WV State Auditor	Invoice #18025
December 17, 2019	\$206.00	958	Software Systems	Invoice #33323
December 17, 2019	\$148.84	959	Hart Office Solutions	Invoice #198799
December 17, 2019	\$25.40	960	Upshur County Commission	Reimbursement travel audit training
December 17, 2019	\$892.24	961	Buckhannon Fire Dept	SCBA Callibration and Shipping invoice #122

Total Expenditures: \$196,480.92

CARRYOVER BALANCE: \$112,918.86

Carryover balance includes \$30,000 Emergency Fund

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
COUNTY SUMMARY

PAGE: 1

|-----UNPAID - CHARGES-----| |-----YEAR - TO - DATE - TAXES - PAID-----|

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	43190.00	.00	43190.00	223435.00	.00	.00	.00	.00	223435.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	43190.00	.00	43190.00	223435.00	.00	.00	.00	.00	223435.00
PERCENTAGE OF UNPAID & PAID CHARGES			015%	085%					
PRIOR YEAR REAL	159960.00	.00	.00	3645.00	.00	.00	.00	.00	8530.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT:

PAGE: 1

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	50.00	.00	50.00	.00	.00	.00	.00	.00	.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	50.00	.00	50.00	.00	.00	.00	.00	.00	.00
PERCENTAGE OF UNPAID & PAID CHARGES			100%	000%					
PRIOR YEAR REAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT: BANKS

PAGE: 2

	-----UNPAID - CHARGES-----			-----YEAR - TO - DATE - TAXES - PAID-----					
	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	4715.00	.00	4715.00	33590.00	.00	.00	.00	.00	33590.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	4715.00	.00	4715.00	33590.00	.00	.00	.00	.00	33590.00
PERCENTAGE OF UNPAID & PAID CHARGES			012%	088%					
PRIOR YEAR REAL	22270.00	.00	.00	835.00	.00	.00	.00	.00	1485.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT: BUCKHANNON

PAGE: 3

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	10005.00	.00	10005.00	56290.00	.00	.00	.00	.00	56290.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	10005.00	.00	10005.00	56290.00	.00	.00	.00	.00	56290.00
PERCENTAGE OF UNPAID & PAID CHARGES			014%	086%					
PRIOR YEAR REAL	35975.00	.00	.00	605.00	.00	.00	.00	.00	1695.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT:

PAGE: 4

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	.00	.00	.00	.00	.00	.00	.00	.00	.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	.00	.00	.00	.00	.00	.00	.00	.00	.00
PERCENTAGE OF UNPAID & PAID CHARGES			000%	000%					
PRIOR YEAR REAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT: MEADE

PAGE: 5

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	7430.00	.00	7430.00	28100.00	.00	.00	.00	.00	28100.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	7430.00	.00	7430.00	28100.00	.00	.00	.00	.00	28100.00
PERCENTAGE OF UNPAID & PAID CHARGES			020%	080%					
PRIOR YEAR REAL	29060.00	.00	.00	440.00	.00	.00	.00	.00	1610.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT: UNION

PAGE: 6

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	9705.00	.00	9705.00	48325.00	.00	.00	.00	.00	48325.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	9705.00	.00	9705.00	48325.00	.00	.00	.00	.00	48325.00
PERCENTAGE OF UNPAID & PAID CHARGES			016%	084%					
PRIOR YEAR REAL	33395.00	.00	.00	540.00	.00	.00	.00	.00	1295.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT: WARREN

PAGE: 7

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	4690.00	.00	4690.00	21795.00	.00	.00	.00	.00	21795.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	4690.00	.00	4690.00	21795.00	.00	.00	.00	.00	21795.00
PERCENTAGE OF UNPAID & PAID CHARGES			017%	083%					
PRIOR YEAR REAL	16260.00	.00	.00	530.00	.00	.00	.00	.00	1270.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						

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DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT: WASHINGTON

PAGE: 8

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	6595.00	.00	6595.00	35335.00	.00	.00	.00	.00	35335.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	6595.00	.00	6595.00	35335.00	.00	.00	.00	.00	35335.00
PERCENTAGE OF UNPAID & PAID CHARGES			015%	085%					
PRIOR YEAR REAL	23000.00	.00	.00	695.00	.00	.00	.00	.00	1175.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						



DATE: 1/14/20

CUMULATIVE POSITION REPORT
7/01/2019 - 12/31/2019
DISTRICT: UPSHUR COUNTY DIST 8

PAGE: 9

|-----U N P A I D - C H A R G E S-----| |-----Y E A R - T O - D A T E - T A X E S - P A I D-----|

	REAL	PERSONAL	TOTAL	CHARGE AMOUNT	DISCOUNT	INTEREST	PUB FEE	DIFFERENCE	COLLECTION
REGULAR CHARGES	.00	.00	.00	.00	.00	.00	.00	.00	.00
SUPPLEMENTAL CHARGES	.00	.00	.00	.00					.00
TOTAL CURRENT CHARGES	.00	.00	.00	.00	.00	.00	.00	.00	.00
PERCENTAGE OF UNPAID & PAID CHARGES			000%	000%					
PRIOR YEAR REAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
PRIOR YEAR PERSONAL	.00	.00	.00	.00	.00	.00	.00	.00	.00
CANCELLATIONS	.00	.00	.00						



LEWIS-UPSHUR ANIMAL CONTROL FACILITY		
MONTH OF December 2019		
	UPSHUR	LEWIS
ADOPTIONS		
CASH	\$150	\$130
CHECK	\$50	\$30
E STORE CREDIT CARD	\$195	\$70
SUBTOTAL	\$395	\$230
SPAY/NEUTER DEPOSIT		
CASH	\$100	\$100
CHECK	\$50	\$0
E STORE CREDIT CARD	\$150	\$200
SUBTOTAL	\$300	\$300
BOARD RESCUE		
CASH	\$0	\$0
CHECK	\$0	\$0
E STORE CREDIT CARD	\$10	\$30
SUBTOTAL	\$10	\$30
MICRO-CHIPPING		
CASH	\$0	\$0
CHECK	\$0	\$0
E STORE CREDIT CARD	\$26	\$0
SUBTOTAL	\$26	\$0
DONATIONS		
CASH	\$0	\$0
CHECK	\$820	\$0
E STORE CREDIT CARD	\$75	\$0
SUBTOTAL	\$895	\$0



OTHER		
TOTAL	\$1,626	\$560

EXPLANATION:

(71)

LEWIS-UPSHUR ANIMAL CONTROL FACILITY REPORT
ACCOUNT OF CATS
JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES
(December) 2019

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	6	0	6
Cats brought in by Animal Control Officer	0	0	0
Cats brought in by County Residents	20	6	26
Cats brought in by Law Enforcement	0	0	0
Cats in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	0	0	0
Cats Escaped	0	0	0
Adoptions:			
With Charge	10	1	11
Without Charge	0	0	0
Rescues:			
With Charge	0	0	0
Without Charge	12	5	17
Euthanasia:			
Owner Request	0	0	0
Other	0	3	3

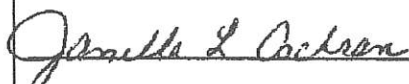
Janelle Cochran
 Signature

1-7-2020
 Date

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LEWIS - UPSHUR ANIMAL CONTROL FACILITY
ANIMAL REPORT (January 7, 2020)
ACCOUNT OF ANIMALS HOUSED AT THE LEWIS - UPSHUR ANIMAL CONTROL FACILITY
FOR THE MONTH OF (December) 2019

TRANSACTION	UPSHUR	LEWIS	TOTAL
Dogs brought in by Animal Control Officer	11	14	25
Other Animals brought in by Animal Control Officer	0	0	0
Dogs brought in by County Residents	13	4	17
Dogs brought in by Law Enforcement	0	0	0
Dogs in Drop Box	0	0	0
Dogs Quarantined	0	0	0
Dogs Returned to Owner	2	0	2
Dogs Escaped	0	0	0
Adoptions:			
With Charge	10	8	18
Without Charge	0	0	0
Rescues:			
With Charge	1	3	4
Without Charge	12	3	15
Euthanasia:			
Owner Request	1	1	2
Other	0	0	0



Signature

1-7-2020

Date

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DUSTIN HOLLEN, ANIMAL CONTROL / HUMANE OFFICER

MONTHLY ANIMAL REPORT

December 2019

TRANSACTION	#
Animals picked up by ACO:	11
Dogs	11
Other	0
Animals returned to Owner by ACO:	1
Dogs	1
Other	0
Animals Delivered to LUACF:	11
Dogs	11
Other	0
Animals Quarantined by ACO:	0
Dogs	0
Other	0
Animals Terminated:	0
Dogs	0
Other	0
Total Number of Hours Involved	154

Dustin L. Hollen
Signature

1-2-20
Date

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Notice of Meeting

Buckhannon-Upshur Parks and Recreation Advisory Board

Agenda

January 13, 2020 5:30pm

Location: Annex Building

1. Call meeting to order.
2. Approve November 11, 2019 minutes
3. Election for Parks and Recreation President
4. Public comment
5. Open Governmental Meetings Act Review
6. Discussion of Kiosk for Trails
7. Discuss objectives and goals (1 yr. vs. next 5 yrs.) of the Board
8. Adjournment

Next Meeting: [5:30 PM, February 10, 2020](#) at Upshur County Administrative Annex



UPSHUR COUNTY PUBLIC LIBRARY
Board of Directors Meeting Agenda
Wednesday, January 15, 2020, 4:00 p.m.

Agenda

- I. Call to Order
- II. Reading/Approval of Minutes
- III. Review/Approval of Monthly Financial Report
- IV. Librarian's Report – **see attachment**
- V. Unfinished Business
 - A. Status of Parking Lot
 - B. Personnel manual revisions
- VI. New Business
 - A. Audit report
 - B. MOE issues
 - C. Ramp Dinner preparations (any changes from last year?)
 - D. Meeting Room Policy issues pertaining to Secondary Meeting Room
 - E. Review of Materials Selection Policy
- VII. Friends of the Library update – Ann Slaughter
- VIII. Setting date of next Board meeting
- IX. Director's evaluation (Executive Session)
- X. Adjournment

UPSHUR COUNTY SENIOR CENTER



TO: Upshur County Senior Center Board of Directors

FROM: Sarah Campbell/Ransom Hackett

MEETING: Senior Center Board of Directors

DATE: January 15, 2019

TIME: 12:00 PM

PLACE: Board Room

Lunch: 11:30 in Nutrition Site

Minutes Attached

Director's Report Attached

Finance Report Attached

AGENDA

Call to Order

Roll Call

Approval of Minutes

Guest: Laura Ward, Country Roads Transit/ RCSC

Directors Report

Public Comments

Financial Report

Previous Business

Christmas Family Fundraiser Report

New Business

Community Spelling Bee

Financial Manual Review

Personnel Matters

Next Meeting

Adjournment

**City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Thursday, January 16, 2020**

A. Call to Order

- A.1 Moment of Silence
- A.2 Pledge to the Flag of the United States of America
- A.3 Mayor's Greetings

B. Recognized Guests

- B.1 Recognition of January BEST Award Winner-Allen Nash
- B.2 Laura Meadows-Executive Director-UCCVB- Fall Quarterly Report

C. Department & Board Reports

- C.1 Information Coordinator/Grant Researcher- Callie Cronin Sams
- C.2 SYCC Director-Debora Brockleman
- C.3 Public Works Director- Jerry Arnold
- C.4 Finance Director- Amberle Jenkins
- C.5 Police Chief-Matthew Gregory
- C.6 City Attorney- Tom O'Neill

D. Correspondence & Information

- D.1 State Auditor's 2020 Budget Preparation Regional Workshops
- D.2 FOIA Request-SmartProcure for PO/Vendor Information
- D.3 COB FOIA Request to Hodgesville P.S.D & Tennerton P.S.D (Supplemental)
- D.4 Thank you letter to Tim Critchfield/High Point Construction-SYCC Capital Campaign Gift
- D.5 Thank you letter to Weyerhaeuser Trus Joist-SYCC Gift Supporting
- D.6 Letter from Suddenlink Altice USA RE: Changes to Video Rates
- D.7 Email from WVDOH RE: 33 West Traffic Study available in February
- D.8 City Attorney's Comments at the UCC Public Hearing Tennerton P.S.D. Expansion on 01/06/2020
- D.9 Saint-Gobain dba Corhart Refractories Notice of Planned Layoff

E. Consent Agenda

- E.1 Approval of Minutes-Regular meeting 01/02/2020
- E.2 Approval of Building and Wiring Permits
- E.3 Approval of Payment of the Bills

F. Strategic Issues for Discussion and/or Vote

- F.1 Approval Ordinance No. 440-City Recorder Salary Increase-2nd & Final Reading
- F.2 Approval Ordinance No. 441-Prohibiting the Award of Living Animals as Prizes-1st Reading
- F.3 Approval Ordinance No. 442-Amending Animal Care & Control Commission Membership-1st Reading
- F.4 Retirement of Municipal Public Safety Complex Fee
- F.5 Discussion/Possible Action Public Safety Maintenance Fee
- F.6 Discussion/Possible Action Stockert Youth & Community Center Maintenance Fee
- F.7 Select where Sales Tax Interest Checking will be opened

G. Comments and Announcements

- G.1 Mary Albaugh
- G.2 Pamela Bucklew
- G.3 C J Rylands
- G.4 Robbie Skinner
- G.5 David Thomas
- G.6 Randall Sanders

H. Mayor's Comments and Announcements

I. Adjournment

Posted 01/13/2020 Next Regular Scheduled City Council Meeting Thursday, February 6, 2020



Buckhannon-Upshur Chamber of Commerce
Meeting Agenda
January 20, 2020

Welcome and Introductions

Pledge of Allegiance

Review of Minutes from Previous Meeting

Treasurer's Report

Old Business:

- We still have 1 website banner ad available. The banner ad is located on the directory page of the website. We are able to provide the numbers for both impressions and clicks at the end of the year. Cost is \$500 for 12 months.

New Business:

- We are updating the directory map for downtown and WVWC. Today is the last day to pay your 2020 membership to be included on the map.
- If your Chamber Business or Organization has an upcoming event, please forward your flyer and/or information to us. We would love to include it on our website event calendar!

Reports from Collaborative Organizations and Standing Committees:

West Virginia Strawberry Festival – Sandra Bennett

Economic Development Authority – Rob Hinton

Southern Upshur Business Association (SUBA) - Glen Hawkins

Upshur County Convention and Visitor's Bureau (CVB) - Laura Meadows

Create Buckhannon – C.J. Rylands

City of Buckhannon – Amby Jenkins

County Commission – Carrie Wallace

Mountain Cap of WV- Kathy McMurray

WVWC- Bob Skinner

St. Joseph's Hospital- Lisa Wharton

Rotary- Rich Clemens

Announcements

Closing Prayer- Adjourn

Next Meeting- February 17, 2020

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**THE ELKINS ROAD PUBLIC SERVICE
DISTRICT WILL HOLD ITS REGULAR
MONTHLY MEETING ON TUESDAY,
FEBRUARY 4, 2020 @ 5:30 P.M.**

**ANYONE WISHING TO ADDRESS THE BOARD SHOULD REQUEST TO BE PUT ON THE AGENDA BY FRIDAY, JANUARY 31, 2020
FOR ADDITIONAL INFORMATION, PLEASE CALL 304-472-3008 MONDAY THRU FRIDAY 9-1.**

Buckhannon-Upshur Parks and Recreation Advisory Board Minutes
11/11/19



Attending: Hannah Lively, J.J.Ford, Josh Hinchman, Katie Loudin, Dennis Cortez, Mary Hull
Absent: Tabitha Perry
Guests: Kristie Tenney, Laura Meadows, Sean Harris

The meeting was held at the Upshur County Administrative Annex

1. The meeting was called to order at 5:35 p.m.
2. The Special Meeting minutes were approved on motion by JJ. Ford and seconded by Josh Hinchman.
3. Public Comment
 - a. Laura Meadows and Sean Harris were present to discuss kiosks. They had the idea of rack cards with maps and information for people to take. Laura spoke of a \$1,000 grant the county was willing to offer and fund a portion of the rack cards.
 - b. Ralston Press said they would do 10,000 cards for \$650. We can start working on this now.
 - c. There was a motion to approve the CVB grant options by Katie Loudin and seconded by JJ. This included the holder for the cards.
 - d. Laura will also submit a design to the Parks and Rec Committee for approval.
 - e. Todd Zickefoose has suggested selling his walking sticks. We will get more information soon enough.
 - f. We are considering partnering with Kiwanis for fundraising events. They want to help with community engagement.
4. Discuss Boat launch sign input
 - a. Kristie put together a group for a photo in front of the kiosks.
 - b. Hannah created more flyers/signage for the kiosk users.
5. Discuss objective and goals (1 yr. vs. next 5 yrs.) of the Board
 - a. Ideas are still the same and we are making decisions on what "larger projects" are in place.
 - b. Floatables for the pool were brought up and liked by most. The simplest floatable is \$6k.
6. Adjournment- The next meeting will be held on December 9, 2019 at 5:30 at 91 W. Main Street office.

With no further business, the Board adjourned at 6:40.

Approved by:



Mary Hull



~~J.J. Ford (Vice Chairperson)~~
Josh Hinchman

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**Elkins Road Public Service District
Board of Directors' Regular Meeting
December 3, 2019**

The regular monthly meeting of the Elkins Road Public Service District (ERPSD) Board of Directors was held on Tuesday, December 3, 2019.

Chair, Carey Wagner, called the meeting to order at 5:30 p.m. and led the group in the Pledge of Allegiance.

Members Present were: Chair-Carey Wagner, Secretary-Larry Heater and Board Member-Sonny Matthews

Staff Present were: Office Manager-Carolyn Douglas, Billing Clerk-Linzy Wilson, System Operator-David Wamsley

Unless otherwise stated all motions passed by vote 3-0.

Recognize that two (3) customers were present.

APPROVAL OF MINUTES

Minutes of November 5, 2019 Regular Monthly Meeting were presented for approval. Sonny Matthews made a motion to approve the minutes of the meetings as presented. Larry Heater seconded the motion. Motion carried

APPROVAL OF FINANCIAL REPORTS/BILLS TO DATE

Carey Wagner presented the Financial Report. Sonny Matthews made a motion to approve the financial report and pay the bills to date. Larry Heater seconded the motion. Motion carried

ADD OFFICE MANAGER AS CHECK SIGNER

The Board discussed adding Carolyn Douglas, Office Manager on as a check signer due to it sometimes being difficult to get two board members in to sign checks during the month. Sonny Matthews made a motion to add the Office Manager as a check signer. Larry Heater seconded. Motion carried

PHASE III EXTENSION PROJECT

No invoices were presented by Region VII for payment.

Elkins Road Public Service District
Board of Directors' Regular Meeting
December 3, 2019



PHASE III EXTENSION PROJECT

Carolyn Douglas brought the Board members up to date on Phase III Extension progress. We now have 100% of ROW's and land acquisitions. David Glover will prepare the Final Title Opinion when the deeds have been recorded and forward to WDA and IJDC for review. After review is completed/approved then we will be ready to set a bid date for our project. She also told the Board that the binding commitment extension had been approved.

MAINTENANCE

Dave Wamsley, System Operator, discussed the November Maintenance Report which he had prepared for the meeting. Dave explained that we had installed four (4) more taps, two of which were road bores, repaired several more leaks and replaced a couple of barrels. He told the Board he had taken 16 meters to the City for testing and replaced six (6) meters which had bad registers with new ones.

PERSONNEL

Sonny Matthews made a motion to enter into Executive Session under WV Code 6-9A-4 at 5:50 p.m. Larry Heater made a motion to come out of Executive Session at 6:15 p.m. Seconded by Sonny Matthews. No decisions were made while in executive session. The Board approved a Christmas Bonus for the employees to be paid on their next paycheck.

There being no further business, the meeting adjourned on motion made by Sonny Matthews and seconded by Larry Heater. Meeting adjourned at 6:19 p.m.

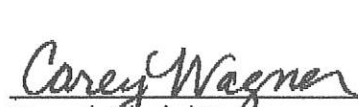
The next regular monthly meeting will be held on Tuesday, January 7, 2020 at 5:30 p.m.

Respectfully submitted:

ERPSD Board of Directors Secretary, Larry J Heater//CD

Attachments: Agenda
Sign In Sheet

Approved By:


Board Chair/Treasurer
Carey Wagner


Secretary
Larry Heater


Board Member
Sonny Matthews

Note: Recorded Meeting

HODGESVILLE PSD
MONTHLY MEETING
DECEMBER 3 2019
4:00PM

The regular monthly meeting of the Hodgesville PSD was called to order at the District Office at 188 Fayette St. Buckhannon WV on the above date and time.

In attendance were Robert Wright, Chairman; Howard Cutright, Member; Terry Gould, Manager; and Barbara Curry, UBS, Inc. Roger Ward, Secretary was not in attendance.

The reading of the November 6, 2019 minutes were read and approved.

Terry Gould presented the monthly financial reports and bills to be paid. A motion to pay bills by Robert Wright, seconded by Howard Cutright.

The monthly billing and accounts receivable were reviewed by all members present.

The Board reviewed the shut offs for past due payments for the month of November 2019. Nineteen customers were shutoff and the amount collected was 2234.23

Credit memos for the month of November 2019 were reviewed and approved.

Terry Gould discussed the following topics:

- *Annual report was completed and filed with the PSC. The report was available at the meeting and was reviewed by the Board.

- *Leigh Tap was completed on the Red Rock Rd.

- *Leaks fixed in November included Rt 20 North just past the Fire Station, Hunter Long line replacement, Rt 20 N past Lowes at the log cabin, Deadwood Drive on Turkey Run, Camelot Drive and Hall Rd Struble residence.

- *A discussion was held in regard to a road to the Shumaker Tank.

- *November had 19 shutoffs and collected \$2234.23 in past due.

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*7 customers applied for service.

*3 customers applied for New Service, one being the Leigh tap that is already installed. the other two taps to be installed are located on Sauls Run but are for the same customer.

* PSC complaint filed by Mary Savage a jogger on Rt 20 who reported the leak and said we had not fixed. April Minor called the PSC in regard to when her meter had been changed. It is due to be changed in 2020.

*Spoke with John Burdette of Burdette and Associates and signed an engagement letter for the audit period July 1, 2018-June 30, 2019 in the amount of \$6000.00. A motion by Robert Wright to accept and seconded by Howard Cutright.

The meeting adjourned at 5:05PM

Signed:

Howard Cutright



Upshur County Solid Waste Authority
Board of Directors Meeting
MINUTES
December 9, 2019

Chair Joyce Harris-Thacker called the regularly scheduled meeting to order in the Conference Room of the UCSWA (located at 380 Mudlick Road, Suite 102, Buckhannon, WV 26201) at 4:30 PM on December 9, 2019.

Present at the meeting were: Joyce Harris-Thacker, Mary Gower, G. Paul Richter, James S. "Jay" Hollen, III, Jacqueline (Jackie) McDaniels and Director Burl Smith. A quorum was present. There was one guest, Jeff Wamsley, Supervisor of the City of Buckhannon Waste Collection Department.

Minutes of the November 4, 2019 meeting had previously been sent to the members and were part of the Agenda packet. A motion to accept the minutes by Jackie and second by Jay. Motion carried. The minutes were signed by the Chair and Director.

The Financial Report for November was presented by the Treasurer, Jay. Register Reports for the four bank accounts with First Community Bank covering November, 2019 were presented. The ending balances for the accounts are as follows:

- | | |
|---------------------|--------------|
| • REAP Account | \$ 100.00 |
| • SWMB Account | \$ 7,799.00 |
| • Money Mkt Account | \$ 19,553.14 |
| • Operating Account | \$ 13,697.77 |

A motion to accept by Paul and seconded by Mary. Motion carried.

Director's Report:

Burl Smith presented a written copy of the Director's Report for the Period from November 5, 2019 to December 9, 2019, a copy of which is attached as part of the minutes. Additionally, Burl noted that some items he had been working on will be covered under Old and New Business.

Recognition of Guests:

Jeff Wamsley presented a copy of the November recycling report for the City. Jeff noted that the market for all materials is slow and the prices down. Particularly, mixed paper has no market now and the price of cardboard is very low. They are trying to market newsprint now instead of mixed paper. He is hopeful that in time the recycling market will rebound. Jeff also discussed April activities. With Easter being the second weekend of the month, the free cleanup days for residential customers will be the 1st, 3rd and 4th Saturdays with the Celebration of Recycling at Crossroads Recycling being the 4th Saturday.

Old Business:

None.

- **FY 2020 REAP Grant Award---** Burl reported that Governor Justice announced at the AWVSWA Conference the award of \$4165.00 to the UCSWA. He showed an award picture recently received from the WV DEP. The paperwork for the grant was received via email. The award included three items: Spring and Fall Free 3hr Paper Shred Events, \$2200.00; Office Telephone, \$800.00; and, Promo Items for Youth, Silicone Wristbands, \$1165.00. A motion by Jay to accept the grant award and authorize the Chair to sign the necessary contract documents. Second by Mary. Motion Carried.

Burl noted that he had contacted Shred-It, the firm that has performed the shredding services in the past and they had presented a contract proposal to do each event for \$900.00 plus a fuel surcharge. A motion by Jackie to allow Burl to proceed with engaging Shred-It and confirming the two days for the free shred events. Second by Paul. Motion carried. After discussion the two days will be Saturday, April 25, 2020 from 9-12 (coincides with Celebration of Recycling) and Saturday, September 12, 2020 which is the first Saturday after Labor Day.

- **Personnel, Director Replacement---** The board discussed advertising the Director position in the local newspaper with the thought being to do something specific at the January meeting. The job description and a proposed advertisement had been emailed to each board member in November by Burl.

None.

With no further business, the meeting adjourned at 5:00 PM.

Respectfully Submitted,

Signature Copy to be maintained in the UCSWA Office)

Joyce Harris-Thacker, Chair

The Director's Report is attached on Pages 3 of 3.

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UPSHUR COUNTY SOLID WASTE AUTHORITY

DIRECTOR'S REPORT---Burl Smith

Period from November 5, 2019 to December 9, 2019

Activities include:

- Prepared and distributed by email the minutes of the 11/4/19 meeting.
- Checked upshurwa@yahoo.com email daily.
- Checked mail at Post Office 2 or more times per week.
- Received email of Direct Deposit to Operating Account of SWMB Assessment check (\$2164.17) on 11/14/19. I made copies of the notice and put in file.
- No Upshur County Magistrate Court checks during this time period.
- Received monthly bank statements on the four accounts and reconciled balances. Everything is okay for November, 2019. I printed Register Reports for the bank accounts showing current month transactions for the Operating and Money Market accounts and all transactions for REAP and SWMB accounts for the current Grants. No activity in REAP account, \$100.00 minimum balance.
- Prepared checks for payment of bills for the December meeting.
- Cleaned office.
- Prepared Agenda and meeting package for the 12/9/19 meeting. Posted Agenda on the office window and emailed to UCSWA Board, Upshur County Commission, press, etc.
- Pickup of litter at Crossroads Recycling Center was done two times this month.
- Received notice at the AWVSWA Conference of award to the UCSWA of the FY 2020 REAP Grant. Governor Justice presented the award and a picture was taken. The picture is in the conference room I received by email the documents and prepared documents for acceptance and signing at the December 9th meeting.
- Received notice from the WV State Auditor of some recent legislative requirements concerning grants. I believe we are in compliance and need to do nothing other than required in our grants.
- Contacted Shred-It about paper shred events. The FY 2020 REAP Grant funded two. Would like to do the 1st on Saturday, the same day as Celebration of Recycling at Crossroads in April and the 2nd, the first Saturday after Labor Day. I have proposed contracts from them for review at the December meeting.

Thanks---Burl



**Upshur County Family Resource Network
General Membership Meeting
December 9, 2019
Meeting Minutes**

Board Members present: Jodi McQuillan, Tina Helmick, Kristie Tenney, Beth Rogers, Dr. Joseph Reed, Debora Brockleman, Addie Helmick, and Tonya Kittle.

Board Members not present: Jodie Akers, Matt Kerner, and Susan Duranti. Phyllis Sembello is on leave.

Staff: Lori Ulderich Harvey, and Ginny Dixon.

- **Community Members present:** Mary Blake (BUMFS-SAH), Delora Kittle (BUMFS-SAH), Angie Hinchman (BTT), Danielle Torrez (ACHC), Sarah Campbell (UCSC), Megan Bruffey (BUMFS-RFTS), Emma Rexroad (Unicare), Laura McDaniels (Mtn.CAP CAC), Anne Chopyak (community), and Amanda Hayes (Inter Mountain).

Opening/Invocation: Dr. Joseph Reed, Board chair, opened the meeting and provided the blessing before we shared a delicious potluck meal.

Introductions: Introductions were made around the room, each sharing his or her group affiliation where appropriate.

FRN Director's Report: On 12/11 from 6:30-8:00 pm, support group party (foster care/adoption) at SYCC. On 12/16 at 11:30 am, Family Connections Social at SYCC. We're continuing to accept donations for warm wishes tree. Ginny will send another reminder to take the CQI survey, used for our DHHR grant. Next meeting of Healthy Grandfamilies steering committee will be 12/19 at 12:00 noon at the Senior Center. Sarah Campbell, director of Senior Center, added that they have a therapy dog at the center now, and that they are looking for instructors for this initiative, which will include a social worker's services (to determine the families' needs). Currently there are over 400 families in Upshur County where children are being raised by grandparents or great-grandparents. Other counties that have this program are Barbour, Preston, Monongalia and Harrison. The Band of Brothers, a local mission group, is helping out this year with the Healthy Grandfamilies.

Information Sharing:

- **Beth Rogers** shared that the Upshur County Public Library (UCPL) was recently awarded a \$10,000 health and wellness grant from the Pallottine Foundation, which they plan to use to benefit Healthy Grandfamilies and other organizations.
- **Kristie Tenney**, Upshur County Commissioner, shared that the county police teamed up with Unicare for their Comfort Cases (backpack program), which provides some extra support in various schools every couple months. One may apply every month and receive up to 50 backpacks to be distributed. The first event in Upshur County will be on 12/20/19.
- **Laura McDaniels** reminded us that sexual abuse training is mandated in schools. Funding comes from the Board of Education, and Mountain CAP manages the social workers, wherever the need is. She also noted the SHINE campaign, which offers support for child abuse survivors.
- **Sarah Campbell** shared that there will be a fundraiser at the Senior Center on 12/20/19, entitled A Christmas Night For the Whole Family, and she distributed a flyer (which the FRN will scan and send to its entire email list).



- **Delora Kittle** shared that BUMFS (Burlington United Methodist Family Services) has completed a food drive which will get distributed to families which they serve. Additionally, an historic building in Burlington is going to be renovated to a boys home.
- **Lori Ulderich Harvey**, UCFRN director, shared some information regarding PIP: March 21, 2020 will be the date for the Community Baby Shower in Upshur County. Also, our PIP team will need to purchase brand new flags with a new design, to replace the children's memorial flags.

Our next meeting will be January 13, 2019 at 12:00 noon.

Respectfully submitted,

Ginny Dixon, Administrative Assistant
Upshur County FRN

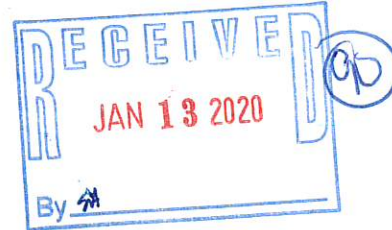
Board Member

Board Member

Adrian Public Service District

December 11, 2019

Monthly Board Meeting



Present from Adrian PSD: Paul Spencer, Kelly Arnold, Carolyn Douglas, Lindsey Woody, and Eric Brunn.

Visitors: None

All motions were unanimous unless otherwise noted.

The meeting was called to order at 3:00 pm by Chairman Spencer.

Minutes of the November 7th meeting were read. Paul made the motion to approve the minutes and Kelly second.

Invoices were presented – Motion to pay was made by Paul, second by Kelly.

Old Business

- Adrian PSD's attorney, Norm Farley, is going over the Development Authority's revisions of the Rock Cave Tower Broad Band Lease agreement.
- Customer Craig Bessinger attempted to reopen a closed formal complaint with the Public Service Commission against Adrian PSD. The PSC has closed the case stating that Bessinger is to satisfy the 2017 mediation results within six months. He has yet to satisfy any requirements from mediation.

New Business

- None

Items for Discussion/Action/Approval

- A company credit card policy was presented again. A motion was made by Carolyn to approve the policy and was then second by Kelly with a minor change to the policy.
- An employee evaluation adjustment was approved by the board for each employee with a motion made by Carolyn and a second by Kelly.
- A motion was made by Carolyn for the PSD to be closed on Christmas Eve and New Year's Eve and was second by Kelly.

Maintenance – Eric

- Installed one new service and one tap to still be installed.
- Some plumbing is being replaced at pump stations and PRV stations.
- The starter motor burned up at the Hinkleville pump station along with some wiring. The wiring, fuse panel, starter, and possibly the motor will have to be replaced.
- Rock Cave tank lost power and are working to restore power. Tank is currently running off battery power.


Office Report


- Renewal of Eric's Class 1 operator's license
- Business as usual

The meeting adjourned at 3:50 pm. Next regular meeting will be January 8, 2019 at 3:00 pm.

Board of Directors


Paul Spencer, Chairman


Carolyn Douglas, Vice Chairman


Kelly Arnold, Sec., Treas.

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Tennerton Public Service District
Monthly Meeting
December 11, 2019

The regular monthly meeting of the Tennerton Public Service District was held at the District office at 188 Fayette Street, Buckhannon West Virginia on December 11, 2019

In attendance were Joe Tenney, John Barnes, Terry Gould, and Vickie Dean. Elmer Tenney absent.

The meeting was called to order promptly at 2:00 pm by Joe Tenney chairman. The minutes of the previous meeting held on 11/13/19 were read, there being no corrections or additions, motion to approve was made by Joe Tenney seconded by John Barnes.

Terry Gould presented the monthly financial reports and the bills to be paid. A motion to pay the invoices was made by Joe Tenney and seconded by John Barnes.

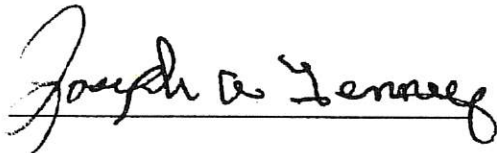
The board reviewed and approved the previous month's credit memos.

Terry Gould reported on the following:

- There will be a public hearing on Thursday January 9, 2020 at the County Commission Room. Notices will be sent to customers to attend the meeting in regards to checking the feasibility of providing sewer service to their locations.
- January, will request an emergency rate increase Rule 19A
- FOID, Freedom of Information Act. We have now complied with all the information requested by the City. Our attorney will contact the judge to check on the court date.
- John Burdette will be doing our audit. Fee will be \$6000.00. John Barnes made motion to approve, seconded by Joe Tenney.

There being no other business to discuss, motion was made by Joe Tenney to adjourn, seconded by John Barnes.

Approved



UPSHUR COUNTY SENIOR CENTER

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UPSHUR COUNTY SENIOR CENTER

BOARD OF DIRECTORS

MINUTES: December 11, 2019

CALL TO ORDER: President Ransom Hackett called the meeting to order at 12:03 PM.

THOSE ATTENDING: Ransom Hackett, Becky Swisher, Sarah Campbell, Terry Cutright, Tim Rock, Joy Shingleton, Jim Vance

APPROVAL OF MINUTES: Becky Swisher motioned to approve the minutes. Joy Shingleton seconded the motion. Motion Passed Unanimously.

DIRECTOR'S REPORT: Director Campbell presented her report. Tim Rock provided an update during discussion on funding options being provided by the Band of Brothers. Discussion occurred.

PUBLIC COMMENTS:

FINANCIAL REPORT: Director Campbell presented the financial report. Becky Swisher motioned to accept the report. Terry Cutright seconded the motion. Motion passed unanimously.

PREVIOUS BUSINESS:

NEW BUSINESS:

- Director Campbell presented EVV company options. Becky Swisher motioned to stay with CoPilot until more direction is provided by the state. Tim Rock seconded the motion. Motion passed unanimously.
- Director Campbell presented more information regarding the Christmas Fundraiser.

PERSONNEL:

NEXT MEETING: January 15, 2020 at 12:00 PM

ADJOURNMENT: Joy Shingleton motioned to adjourn at 12:45 PM. Becky Swisher seconded the motion.