

Upshur County Commission Meeting Agenda

Agenda packets are available electronically at http://www.upshurcounty.org/agenda_and_minutes/index.php or by request to the Upshur County Commission Office at 304-472-0535.

Location: Upshur County Courthouse Annex
If you prefer to participate by telephone, please dial 1-408-650-3123 Access Code: 272 564 045 to enter the conference call

Date of Meeting: September 29, 2022

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• September 22, 2022

9:15 a.m. Laurel Metheney, 4-H Teen Ambassador – Presentation of Proclamation declaring the week of October 2-8, 2022 as 4H week in Upshur County. * Page 4

Craig Presar – WVU Extension Service Agent, on behalf of the Community Educational Outreach Services (CEOS) – Presentation of Proclamation declaring October 2022 as Breast Cancer Awareness month in Upshur County. * Page 5

Items for Discussion / Action / Approval:

1. Approval of the 2022 Board of Assessment Appeals Schedule * Page 6
2. Review and approval of Notice of Public Auction. * Page 7
Item may lead to Executive Session per WV Code §6-9A-4(9)
3. Consider Application for Community Use of Buildings, Equipment and Grounds filed by Jason Campbell on behalf of BMC Productions, JC Films. This organization is requesting use of the Circuit Courtroom Friday, October 14, 2022 for a movie filming. A Certificate of Liability Insurance has been included with the request. * Under separate cover
4. Approval and signature of Resolution of Participation for the West Virginia Certified Development Community (CDC) Program for the Upshur County Development Authority. * Page 8
5. Approval and Signature of 2022 – 20th Grant Cycle WV Courthouse Facilities Improvement Authority Application for Funding Assistance in the amount of \$27,728.51. The maximum grant award is \$100,000 with a 20% match. The project consists of removing the doors on both the main Courthouse and Annex facilities and replacing them with commercial storefront entrance replacements. * Pages 9-26
6. Approval and signature of 2022-2023 fiscal year Prevention Resource Officer Agreement by and between the Upshur County Board of Education, Upshur County Commission and Upshur County Sheriff's Office for the Prevention Resource Officer located at Buckhannon-Upshur High School. * Pages 27-32
7. Approval and signature of correspondence to Robert & Regina Crawford regarding improper utilization of Commission owned FEMA property located on Camp Road. * Pages 33-68
8. Appointment of Commissioner Douglas K. Bush to the community board appointments previously assigned to the late Commissioner Terry Cutright * Page 69

9. Consider request of Sheriff to hire Cameron A. Forte as full-time Deputy Sheriff for a period of 90 days, effective October 2, 2022 as permitted under WV Code 7-14-12.*

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

[Under separate cover](#)

10. 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 Samantha L. Woods, Deputy State Auditor for the WV State Auditor Chief Inspector Division, enclosing the audit report of the Upshur County Commission for the fiscal year ended June 30, 2021. Report is available for public review in the Upshur County Commission Office.

[Under separate cover](#)

2. New River Engineering, Inc. legal advertisement for Carter Roag Coal Company. Carter Roag Company is applying for Phase 1 Release for Permit No. U-1043-91, Pleasant Hill Deep Mine, currently issued for 37.59 acres, in compliance with the surface mining laws of WV. The site is located in Middle Fork and Washington District of Randolph and Upshur County, WV.

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For Your Information:

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

3. Public Notices:

a) Newsletters and/or Event Notifications:

- | | | |
|--|-------------------|----------------|
| • James W. Curry Library October Calendar of Events | October 2022 | Page 71 |
| • Mark Petrosky Memorial Hunger Walk | October 1, 2022 | Page 72 |
| • WVU Extension Office Breast Cancer Awareness Day | October 3, 2022 | Page 73 |
| • Upshur County Family Resource Network-
Trunk or Treat Event | October 28, 2022 | Page 74 |
| • Lewis-Upshur Animal Control Brisket Dinner Fundraiser | December 17, 2022 | Page 75 |

b) Agendas and/or Notice of Meetings:

- | | | |
|--------------------------------------|--------------------|----------------|
| • Upshur County Public Library | September 21, 2022 | Page 76 |
| • Lewis-Upshur Community Corrections | September 26, 2022 | Page 77 |

Meeting Minutes:

- | | | |
|--|---------------|--------------------|
| • Upshur County Family Resource Network | July 11, 2022 | Pages 78-79 |
| • Upshur County Public Library Board of Trustees Meeting | July 20, 2022 | Page 80 |

c) Meetings: *CHANGES ARE NOTED IN BOLD TYPE

Adrian PSD	Thu	10/6/2022	3:00 PM
Banks District Volunteer Fire Department	Thu	10/6/2022	7:00 PM
City Council of Buckhannon	Thu	10/6/2022	7:00 PM
Selbyville VFD	Thu	10/6/2022	7:00 PM
Washington District VFD	Sun	10/9/2022	6:00 PM

Upshur County Family Resource Network	Mon	10/10/2022	12:00 PM
Buckhannon-Upshur Airport Authority	Mon	10/10/2022	4:00 PM
Upshur County Solid Waste Authority	Mon	10/10/2022	4:30 PM
Buckhannon-Upshur Recreational Park Advisory Board	Mon	10/10/2022	5:30 PM
Upshur County Senior Center Board	Tue	10/11/2022	12:00 PM
Hodgesville PSD	Tue	10/11/2022	4:00 PM
Elkins Road PSD	Tue	10/11/2022	5:00 PM
Warren District VFD	Tue	10/11/2022	7:00 PM
Adrian VFD	Tue	10/11/2022	7:30 PM
Buckhannon-Upshur Chamber of Commerce	Wed	10/12/2022	12:00 PM
Upshur County Convention and Visitors Bureau	Wed	10/12/2022	3:00 PM
Tennerton PSD	Wed	10/12/2022	3:00 PM
Buckhannon River Watershed Association	Wed	10/12/2022	6:00 PM
Ellamore VFD	Wed	10/12/2022	7:00 PM
Upshur County Development Authority-Full Board	Thu	10/13/2022	7:00 AM
Upshur County Safe Sites & Structures Enforcement Board	Thu	10/13/2022	3:00 PM
Buckhannon VFD	Thu	10/13/2022	7:30 PM
Upshur County Fire Board, Inc. @Adrian VFD	Tue	10/18/2022	6:30 PM
Upshur County Public Library Board	Wed	10/19/2022	4:00 PM
Upshur County Farmland Protection Board	Thu	10/20/2022	6:00 PM
Upshur County Youth Camp Board	Thu	10/20/2022	6:30 PM
Wes-Mon-Ty Resource Conservation & Development Council	Fri	10/21/2022	10:00 AM
UC Enhanced Emergency Telephone Advisory Board	Tue	10/25/2022	3:00 PM
Upshur County Fire Fighters Association	Wed	10/26/2022	7:00 PM
Lewis-Upshur Community Corrections Board-Upshur County Location	Mon	11/14/2022	6:00 PM

4. No Appointments Needed or Upcoming.

****If you are interested in serving on an Upshur County board, please submit your letter of interest to the Commission Office at 91 W. Main St., Suite 101, Buckhannon, WV 26201 or trperry@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment. ****

Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: http://www.upshurcounty.org/agenda_and_minutes/index.php

Tabled Items

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

1. Bid opening and potential award for Community Corrections Roof Replacement Project* (tabled 9/22/2022)

Next Regular Meeting of the Upshur County Commission
October 6, 2022 --- 9:00 a.m.
Upshur County Courthouse Annex



Proclamation

WHEREAS, 4-H is a community of young people learning citizenship, leadership and life skills; and,

WHEREAS, 4-H is one of the largest youth development organizations in West Virginia, with nearly one in every four West Virginia youth involved in 4-H; and,

WHEREAS, 4-H in Upshur County claims over 340 members and more than 40 volunteers; and,

WHEREAS, 4-H, as a part of the Extension Service of West Virginia University, is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, technology, engineering, and math (STEM); healthy living; and citizenship; and,

WHEREAS, 4-H has connected youth and their communities with the innovative research and resources from our nation's 106 land-grant universities and colleges for more than 100 years;

THEREFORE, BE IT RESOLVED, that the UPSHUR COUNTY COMMISSION, West Virginia, in a regularly scheduled meeting held on September 29th, 2022, hereby proclaims October 2-8, 2022, as National 4-H Week throughout Upshur County. We urge the citizens of our community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interest in their future as part of Upshur County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our state University System.

Signed this 29th Day of September, 2022

Kristie G. Tenney, President
Upshur County Commission

Douglas K. Bush, Commissioner

Samuel R. Nolte, Commissioner

PROCLAMATION

West Virginia Breast Cancer Awareness Day and Breast Cancer Awareness Month

In 2022, an estimated **1,470** West Virginia women will be diagnosed with breast cancer and approximately **290** women will die from the disease. Breast cancer continues to be a leading cause of cancer related deaths among WV women. A woman has about a 1 in 8 (13%) chance of developing breast cancer in her lifetime and about a 1 in 39 (3%) chance of dying from the disease.

Currently, the best method to reduce deaths due to breast cancer is through early detection of the disease. Women age 50 and older should have a mammogram every year. Women ages 40-49 should talk with their health care provider about their screening schedule.

Mammograms can save lives. Women should talk to their health care provider about their individual screening schedule.

In recognition of the important lifesaving early detection practices available for breast cancer, we the Commissioners of Upshur County, do hereby proclaim October 3, 2022, as West Virginia Breast Cancer Awareness Day and October 2022 as Breast Cancer Awareness Month. We urge all Upshur County women to become aware that they are at risk for developing breast cancer and to discuss screening with their health care providers.

Kristie Tenney, President

Sam Nolte

Doug Bush

Date

2022 Board of Assessment Appeals Schedule

October 17, 2022

Upshur County Administrative Annex

91 W. Main St., Suite 101, Buckhannon, WV 26201

1:00 pm – Diversified Energy Company DBA: Diversified Production LLC

2:00 pm - Pringle House LP

**Upshur County Commission
Notice of Public Auction**

The Upshur County Commission will be auctioning a 2005 Chevy Equinox with over 90k miles; a 2009 Ford Focus with over 130k miles; a 2000 Ford E150 Cargo Van with over 88k miles, a 2013 Chevy Sonic with over 210k miles, and a 225 KVA Square D Company Pad Mount Transformer. The Commission will be utilizing Public Surplus, the internet based public auction service at www.publicsurplus.com, search keywords "Upshur County Commission" or utilize the "Browse auctions within area" feature by selecting "West Virginia" and then "Upshur County Commission". Online bidding will be open from Wednesday October 5, 2022 until November 1, 2022 at 4:00 p.m. Onsite viewing available by appointment only, please call Rodney Rolenson at (304) 472-9548 to make arrangements to view vehicles or Greg Harris (304) 472-6717 to view the Pad Mount Transformer. Winning bidder must supply all equipment to transfer the purchased items. All sales are final. Full terms and conditions can be found at www.publicsurplus.com. Please direct any questions to Cindy Hughes at (304) 472-0535 ext. 3 or cmhughes@upshurcounty.org.

Publish 10/05 and 10/12/2022

WEST VIRGINIA
CERTIFIED DEVELOPMENT COMMUNITY (CDC)
PROGRAM

RESOLUTION OF PARTICIPATION

WHEREAS, the governing body of Upshur County is interested in the economic well being of its citizens and community at-large; and

WHEREAS, the governing body is prepared to support appropriate efforts within the community to become totally prepared to promise economic development; and

WHEREAS, the West Virginia Chamber of Commerce, the West Virginia Economic Development Council and the Governor's Office of Community and Industrial Development are offering a program that is especially designed to help West Virginia communities become better prepared for industrial and related economic development; and

WHEREAS BE IT RESOLVED, by the Upshur County Commission that our community and/or region wishes to participate in the Certified Development Community program and that the leadership of this community fully realizes this program requires dedicated efforts; and

BE IT FURTHER RESOLVED, that by making entry into this program, we are pledging our honest efforts to continue to be designated a "Certified" community, and

BE IT FURTHER RESOLVED, that the program requires the existence or formation of a Local Economic Development Organization, and this governing body designated the Upshur County Development Authority as representing or community for the purpose of participation in this program.

This resolution is in full effect upon its adoption the 29th day of September, 2022.

Approval:

Attest:

KRISTIE G. TENNEY
President, Upshur County Commission

CAROL J. SMITH
Clerk, Upshur County Commission

2022 – 20th Grant Cycle



Application for Funding Assistance

Application Postmark Deadline: OCTOBER 7, 2022

Contact Information:

Melissa Garretson Smith, Executive Director
2003 Quarrier Street, Charleston, WV 25311
Telephone (304) 558-5435
Facsimile (304) 558-9174
Email: melissa.smith@wvcfia.com
www.cfia.wv.gov

Courthouse Facilities Improvement Fund

Application for Funding Assistance - Instructions

The application must be completed in its entirety in order to be considered for funding. Focus your application on only ONE category. Incomplete applications will not be considered.

Each application shall consist of 7 tabs:

- I. County Applicant Information and Category Selection
- II. Define the Project
- III. Describe the Proposed Improvements
- IV. Project Budget
- V. Historical Significance / SHPO contact
- VI. Letters of Support
- VII. Supporting Documents, including pictures

Application Review. The Authority staff shall receive all applications and date-stamp them. All grants shall stand as received on the grant deadline date. If an application is incomplete as of the deadline, it will not be considered for funding.

Draft Review: To take advantage of the Draft Review, an applicant may submit a completed application by September 9th to the CFIA. The application must be received in the CFIA office by September 9th to take advantage of this review, not postmarked by that date. Staff will review the submitted application and contact the Grant Manager to let them know if information is missing. Staff will not provide feedback on ways to improve the application, but simply on its completeness. Grants received after the Draft Review deadline must stand as received. Staff will NOT contact grant applicants to notify of missing information within two weeks of the postmark deadline.

Application Postmark Deadline: October 7, 2022

Total number of pages submitted should not exceed fifty (50) pages. Do NOT staple any part of your application. Upon completion, please forward the original application, with blue ink signatures, and two (2) copies (for a total of 3) to:

WV Courthouse Facilities Improvement Authority
2003 Quarrier Street
Charleston, WV 25311

Tab I. County Contact Information and Category Selection

1. County Applicant: Please list county name, complete mailing address, and general telephone number for county applicant.

**Upshur County Commission, Upshur County Administrative Annex
91 West Main St., Suite 101,
Buckhannon, WV 26201
(304) 472-0535**

2. Project Director: Name, mailing address, email address and telephone number of individual responsible for the daily implementation of the project. This person **cannot** also be listed as the Authorized Official or the Fiscal Director.

**Cindy M. Hughes, Assistant County Administrator
91 West Main Street, Suite 101
Buckhannon, WV 26201
(304) 472-0535 ext. 2**

Email Address is Required: cmhughes@upshurcounty.org

3. Grant Manager: Name, mailing address, email address and telephone number of the individual responsible for submitting quarterly progress reports should the project receive funding. This person will be the contact person regarding the project who will communicate with the CFIA Director, if funded.

**Cindy M. Hughes, Assistant County Administrator
91 West Main Street, Suite 101
Buckhannon, WV 26201
(304) 472-0535 ext. 2**

Email Address is Required: cmhughes@upshurcounty.org

4. Fiscal Director: Name, mailing address, email address and telephone number of the individual responsible for the financial records of the project. This person **cannot** also be listed as the Project Director or the Authorized Official.

**Tabatha R. Perry, County Administrator
91 West Main Street, Suite 101
Buckhannon, WV 26201
(304) 472-0535 ext. 2**

Email Address is Required: trperry@upshurcounty.org

5. Authorized Official: Name, mailing address, email address and telephone number of County Commission President. This is the individual who would be authorized to enter into a contractual agreement.

Kristie G. Tenney, Commission President
91 West Main Street, Suite 101
Buckhannon, WV 26201
(304) 472-0535

Email Address is Required: kgtenney@upshurcounty.org

6. Federal Employer's Identification Number (F. E. I. N. #):

55-6000406

7. Are you applying for grant funds that will be applied to the main courthouse building?

☒ Yes

☐ No, please explain _____

8. Provide a brief description of your construction project in the space below:

The Upshur County Commission wishes to remove the existing, aged exterior doors to improve and maintain the integrity of the foyers leading into both the Upshur County Courthouse and Annex buildings. While appropriate doors were installed when the Annex building was constructed 28 years ago, due to age and frequent use, the doors are no longer adequately functioning. They are not as tolerant in preventing the elements from entering the building, therefore causing the floor and drywall inside the foyer to acquire water damage. The Courthouse doors are equally aged and in need of upgrading as well. These doors provide the only public access into both the main Courthouse and Annex. Employees also use these doors as they enter and exit the buildings which are vital to County business and are most frequented by visitors utilizing the locations to vote in elections, obtain voter registration cards, birth certificates, death certificates, deeds, handle estates, and attend Court Hearings or County Commission meetings.

9. Applicants May Only Apply for Funding under one Category. Please place an X in the box next to the category for which you are requesting funding assistance.

Project Categories:

☐ Life Safety

☐ Accessibility

☐ Structural Improvements

- ☐ Roofing
- ☐ Electrical
- ☐ Communications Cabling
- ☐ Exterior Improvements
- ☐ Interior Improvements
- ☐ Mechanical (HVAC/Plumbing)
- ☒ Doors and Windows
- ☐ New Construction / Space

Tab II and Tab III should be consistent with the category that you have indicated above.

Category 10: Doors and Windows

Types of Projects:

Exterior Door Repair and/or Replacement, Exterior Window Repair and/or Replacement, Skylight Repair and/or Replacement, Door Lintel Repair, Window Lintel Repair, Window Flashing Repair, Door/Window Caulking

Tab II: Define the Project

- Is the project occurring at the main courthouse facility? If not, describe the facility.

The project request includes two locations: one being the main Upshur County Courthouse and the other being the Courthouse Annex that attaches to and compliments the existing main Courthouse facility.

- Are the current doors/windows original to the facility?

The doors affixed to the main Courthouse are not original to the facility; however, they are aged. The doors on the Annex are original to the facility; which was constructed in 1994, making them 28 years old.

- Describe the scope of the proposed improvements. Document the project with photographs and attach them to the application.

The integrity of the floors and dry wall in the foyer of the Annex is becoming an increasing concern. There has been damage incurred to the drywall directly inside the facility on both the right and left sides. The floor is also showing wear and tear from water, snow, sleet and ice entering the building through the poor sealing of the doors. They also lack gaskets to properly secure the door when they are closed. Furthermore, the doors on this facility face North-West, which receives the brunt of the weather elements. Replacement doors are necessary to prevent further damage in the Annex and also to the Courthouse. Noteworthy, maintaining the visual appeal in updating both doors simultaneously is important to keep both buildings looking similar. Citizens utilize both buildings to obtain birth certificates, marriage licenses, death certificates, voter registration, handle estates, record deeds and attend Court County Commission Meetings.
Photos included.

- Is the current door/window problem causing damage to other building systems (interior finishes, exterior masonry, etc.)? If yes, describe and document the damage.

The current doors are lacking in weather-proofing and causing water, sleet, snow and ice to enter the building causing interior drywall and floor damage. The goal is to prevent further damage to the drywall and floors and also maintain the integrity of security equipment that is located within a few feet of the interior entrance into each facility. See photos.

- Have the exterior doors/windows been tested for hazardous materials (i.e. lead paint, asbestos caulking)?
The exterior doors have not been tested for hazardous materials because of the time period in which the doors were installed. The Annex doors are original to the facility and installed in 1994, therefore not being in the timeframe of concern for asbestos or lead paint.
- Does the current condition of the doors/windows create a security problem? If yes, document the security issues.
The doors are failing in ways that are causing deterioration and damage to the interior of the foyers, but they are not a security concern at this time. The foyers do house the security systems/cameras/screening devices/etc. within the boundaries of the space, making the protection of the security equipment an important goal for this project.
- Are the exterior doors and windows insulated?

Consulting Greg

Tab III: Describe the Proposed Improvements

- Describe the proposed improvements.
The proposed improvements to the exterior doors include complete removal of the doors on both the main Courthouse and Annex facilities and replacing them with commercial storefront entrance replacements.
- Provide information about the door/window system that will be used in the project. If possible, provide product data and/or architectural drawings of the proposed improvements.
The doors will be an unequal pair with an active leaf concealed rod panic hardware and one-inch Low-E Tempered Glazing. They will have a stationary leaf top and bottom flush bolts, with each frame size customized necessary to fit the separate buildings. A new SDC Auto Low Energy Swing Door Operator and 1200lb Maglock will also be installed. The unit operators will have all new hardware and a push to open plate on each door. The doors will be reconnected to access controller and be re-wired. **See detailed specifications and drawings attached.**

Tab IV. Project Budget Information

Attach an overall detailed budget for the proposed improvements. Consider the requirements listed within the "Special Conditions and Assurances" section of this application when developing your project budget. Include testing, design fees, demolition costs, construction costs, and a project contingency in the budget. Indicate whether the project is a phased project and what phase you are seeking funding for with this application.

1. Provide an estimated total cost of the proposed project:

The estimated total cost for the project, including a 10% contingency, advertising costs, and B&O taxes imposed by the City of Buckhannon, is \$34,660.64.

2. Provide the amount of funding assistance requested (cannot exceed \$100,000):

Upshur County Commission requests \$27,728.51 of WVCFA funding to be used for this project, which represents 80% of the proposed project cost. The Commission will provide 20% or \$6,932.13 in matching funds to complete the proposed project.

3. Please list or attach a detailed project budget:

Proposed detail budget is attached.

Tab V. Historical Significance

1. Provide proof that SHPO has been contacted regarding your potential project. Provide a letter from SHPO, name of a contact person at SHPO or a general statement that explains your communication with SHPO.

Attached is an email from Stephen Gifford, Structural Historian, Section 106 Review & Compliance for the WV Department of Arts, Culture, and History verifying communication with SHPO.

2. Attach a description of how the proposed project will impact the historic characteristics of the courthouse facility and how the project will either maintain or enhance the historic characteristics.

The Upshur County Courthouse and Administrative Annex are located in the center of downtown Buckhannon, West Virginia, at the intersection of Main Street and Locust Street. The Upshur County Courthouse was constructed between 1899-1901. Directly beside the Courthouse, is the Courthouse Annex, constructed in 1994. The Courthouse was listed on

the National Register of Historic Places on December 31, 2009 as part of the Downtown Buckhannon Historic District. The Courthouse Annex mimics the Courthouse architecture featuring a brick exterior adorned with white accents and a beautiful entrance with concrete pillars on either side of the main doors. Preserving the architecture of both facilities and replacing the exterior doors will allow the facility to remain intact and continue to add historical significance to our quaint community.

Tab VI. Letters of Support

See attached.

Tab VII. Supporting Documents – resolution, statement of need, etc...

Signature Page

Provide the signature and printed name of the Authorized Official (County Commission President) and the names, signatures, official positions (of elected officials) whose areas of responsibility are affected by the requested improvements. For clarification purposes, the signatures could be those of the Circuit Judge, Sheriff, Circuit Clerk, Assessor, County Clerk, Magistrate, Family Court Judge, Prosecuting Attorney, or any combination depending on the improvements anticipated. The County Administrator/Manager may not sign as the Authorized Official. The Commission President must sign this page.

Signature and Position/Title – Printed Name

Signature and Position/Title – Printed Name

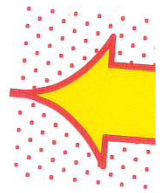
Signature and Position/Title – Printed Name

Signature and Position/Title – Printed Name

Signature and Position/Title – Printed Name

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Signature and Position/Title – Printed Name



Special Conditions and Assurances

The applicant hereby certifies and assures that it shall comply with the following special conditions, regulations, policies, guidelines, and requirements of the Courthouse Facilities Improvement Authority. These policies, Special Conditions, and Assurances apply to all funds expended for purposes associated with this project.

1. **Commencement within 60 days:** The funded project must be initiated within 60 days of the project starting date specified in the contract agreement. If the project has not been initiated within 60 days of the specified project starting date, the Authority may accept a written explanation of the delay by the county applicant to terminate the funding agreement.
2. **Project Completion:** If the funded project is incomplete by the end date specified in the contract agreement, the county applicant must submit to the Authority a written explanation of the delay. The Authority may either accept the written explanation for the delay or it may cancel the project and redistribute the funds to other projects.
3. **Press Release:** Any release of funding information must include the funding amount and the name of the “West Virginia Courthouse Facilities Improvement Authority”. Please forward a copy of these to the CFIA office.
4. **Procurement Procedures:** County applicants are required to solicit and consider competitive proposals from a minimum of three qualified vendors, utilizing a public bidding format. The applicant shall be governed in all respects by the laws of the State of West Virginia. At a minimum, an advertisement must be placed in a public, printed newspaper. A copy of the ad must be forwarded to the CFIA office.
5. **Wage Rate:** Any wages paid by contractors must meet any governing West Virginia Department of Labor regulations.
6. **Green Buildings Minimum Energy Standards:** In accordance with §22-29-4, all new building construction projects of public agencies that have not entered the schematic design phase prior to July 1, 2012, or any building construction project receiving state grant funds and appropriations that have not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed complying with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007: Provided, That if any construction project has a commitment of federal funds to pay for a portion of such project, this provision shall only apply to the extent such standards are consistent with the federal standards.

7. **Legal Authorization:** The county applicant hereby certifies it has the legal authority to apply for funding assistance; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizing the person identified as the official county representative of the applicant to act in connection with the application and to provide such additional information as may be required.
8. **Relationship:** The relation of the county applicant to the Authority shall be that of an independent contractor, not that of a joint enterprise. The county applicant shall have no authority to bind the Authority for any obligation or expense without the express prior written approval of the Authority.
9. **Laws of West Virginia:** Any funding application/contract shall be governed by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the Courthouse Facilities Improvement Authority.
10. **Access to Records:** The Courthouse Facilities Improvement Authority, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the funds distributed, and to relevant books and records of contractors.
11. **Use of Funds:** Funds awarded through the Courthouse Facilities Improvement Fund may be expended only for the purposes and activities specifically covered by the county applicant's approved project agreement. The funds may only be used on property legally owned and occupied by the county and county officials.
12. **Sanctions for Noncompliance:** In the event of the county applicant's noncompliance with the terms, conditions, covenants, rules, or regulations of this funding assistance, the Courthouse Facilities Improvement Authority may impose such contract sanctions as it may deem appropriate, including, but not limited to the following:
 1. Withholding of payments to the applicant until the applicant complies, or
 2. Cancellation, termination, or suspension of the contract, in whole or in part, or
 3. Refrain from extending any further assistance to the applicant until satisfactory assurance of future compliance has been received.
13. **Written Approval of Changes:** The county applicant must obtain prior written approval from the Courthouse Facilities Improvement Authority for all project changes.

14. **Contracts:** No contract or agreement may be entered into by the county applicant for the execution of the project activities or provisions of service which is not incorporated in the approved agreement, and without the prior written approval of the Courthouse Facilities Improvement Authority
15. **Accounting Requirements:** County applicant agrees to record all project funds and costs following generally accepted accounting procedures. A separate account number or cost recording must separate all project costs from the county's other or general expenditures. Adequate documentation for all project costs and income must be maintained. All relevant information must be retained for audit purposes.
16. **Obligation of Project Funds:** Funds may not, without prior written approval from the Courthouse Facilities Improvement Authority, be obligated prior to the effective date or subsequent to the termination date of the project period. Obligations outstanding as of the termination date shall be liquidated within thirty days.
17. **Program Accountability:** Fund accounting, auditing, monitoring, and evaluation procedures will be conducted by the applicant to assure fiscal control, proper management and efficient distribution of funds.
18. **Reporting of Irregularities:** Applicants are responsible for reporting promptly to the Courthouse Facilities Improvement Authority the nature and circumstances surrounding any fiscal irregularities discovered. Failure to report known irregularities may result in suspension of funding or other remedial action.
19. **Public Availability of Information:** The applicant agrees to comply with the terms and conditions of pertinent state Freedom of Information Acts, and to require its contractors comply with these requirements.
20. **Conflict of Interest:** No public official or employee of the applicant agency, who performs any duties under the project may participate in an administrative decision with respect to the project if such a decision can be expected to result in any benefit or remuneration to him/her or his/her immediate family.
21. **Release of Information:** If requested, all records, papers, and other documents kept by recipients of financial assistance are required to be made available to the Courthouse Facilities Improvement Authority or its representative.
22. **Inspection and Audit:** County applicants and sub-applicants have the responsibility to provide for an audit of their activities. The county applicant agrees to submit a copy of each audit conducted to the Courthouse Facilities

Improvement Authority along with a method for timely and appropriate resolution of audit findings and recommendations.

23. **Discrimination Prohibited**: No person shall, on the grounds of race, religion, color, national origin, sex, or handicap, be excluded from participation in, be denied benefits, or be otherwise subjected to discrimination under, or denied employment in connection with assistance awarded pursuant to the Anti-Drug Abuse Act of 1986. The applicant assures that it will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safety Streets Act, as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G; and, Executive Order 11246, as amended by Executive Order 11375; and their implementing regulations, as well as the West Virginia Human Rights Act, as amended (Section 5-11-1 of the Code of West Virginia), and 41 CFR Pat 60.1 et.seq., as applicable to construction contracts.
24. **Equal Employment Opportunity Program**: Each county applicant certifies that it has executed and has on file, an Equal Employment Opportunity Program which conforms with the provisions of 28 CFR Section 42.301 et.seq., Subpart E, or that in conformity with the forgoing regulations, no Equal Employment Opportunity Program is required.
25. **Confidentiality of Research Information**: Pursuant to Section 229 of the Act, research information identifiable to an individual, which was obtained through a project funded wholly or in part with Courthouse Facilities Improvement Funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22). Confidential Information- The applicant should only include the program description, the funds involved, and the number of projects. The unit of local government implementing the program will be made known to the Courthouse Facilities Improvement Authority upon request or upon completion of the project.
26. **Criminal Penalties**: Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of grant or contractor or other form of assistance pursuant to this title, whether received directly or indirectly from the administration; or whether receives, conceals, or retains such funds, assets, or property to use his/her gain, knowing such funds, assets, or property to have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be

fined not more than \$10,000 or imprisoned not more than five years or both.

Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act shall be subject to prosecution under the provisions of Section 1011 of Title 18, United States Code. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant or contract or other form of assistance pursuant to this Act, whether received directly or indirectly from the administration, shall be subject to the provisions of Section 871 of Title 18, United States Code.

27. **Patents and/or copyrights and rights in data:** Where activities supported by this funding assistance produce original graphical, pictorial, written, and/or similar works for which a patent, or copyright application, is contemplated, the Courthouse Facilities Improvement Authority should be contacted for further instructions.
28. **Time Extensions:** Time extensions for this program are unallowable unless written extensions are submitted by the county applicant and approved in written form by the Courthouse Facilities Improvement Authority. Any funds remaining at the conclusion of the contract period shall be deobligated unless otherwise determined by the Courthouse Facilities Improvement Authority.
29. **Cost Overruns:** Any cost overruns incurred by the county applicant in conjunction with the completion of a project funded, wholly or in part, by the Courthouse Facilities Improvement Fund will be the responsibility of the applicant. Any changes or upgrades to a funded project that have not been approved by the Courthouse Facilities Improvement Authority are the responsibility of the county applicant.
30. **Project Reporting:** Progress reports are required. They are to be submitted to the Authority by the 20th of the month following the end of each quarter during the project period. Progress reports must also accompany each request for reimbursement. Within 30 days of completion, a Project Completion Report must be submitted to the Authority. This report will be available on the website: www.cfia.wv.gov. Information to be included is as follows: Cost comparisons, Quality of workmanship, Quality of materials used, Employee/Courthouse visitor benefits, Timeliness of contractors/materials, Problem areas and County applicants project overview/recommendations. A Project Completion Report must accompany the final request for reimbursement. Failure to submit any of the reports listed above is considered a violation of the signed contract and may result in contract termination.

20th Cycle Funding Application Requirements Checklist

- ___ Tabs I - VII
- ___ Included pages 3, 4, 30 and 31
- ___ Appropriate, single category narrative for Tab II and Tab III
- ___ Original, signed in blue ink signature page
- ___ 2 copies of the completed application, in its entirety, plus the original (total of 3)
- ___ Detailed Budget
- ___ SHPO contact information
- ___ Letters of Support
- ___ Before photos on thumb drive or email jpg photos to melissa.smith@wvcfia.com (no cds accepted)
- ___ Original, signed in blue ink, completed resolution

Remember, all completed application materials must be postmarked by October 7, 2022. All the items listed above in the checklist and identified on page 2 are required for an application to be considered complete. Please do NOT staple any portion of the application.

If you have any questions, please do not hesitate to call CFIA staff at (304) 558-5435, (304) 380-4032 or email: melissa.smith@wvcfia.com.

Important note: Please submit only pages that require a response from the application packet and any required supporting documentation. Do not return the instructional portion of the packet to us, the various category sheets or the special assurances section. This will reduce paper usage and mailing costs. These sections are for your information only and to assist you with completing the application. The special assurances section becomes part of your contract provided the project is funded.

RESOLUTION

The County Commission of Upshur County met on September 29, 2022 (date) with a quorum present and passed the following resolution.

Be it resolved that the County Commission hereby authorizes Kristie (first name) Tenney (last name), Commission President of the Upshur County Commission, to act on its behalf to enter into a contractual agreement with WV Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provisions of the WV Courthouse Facilities Improvement Fund program.

Signed: _____
County Clerk



***Please complete and return this form with your completed application. ***

Upshur County Exterior Door Replacement Detailed Budget

Courthouse Annex Exterior Replacement Door

• Commercial Storefront Entrance	\$8,334.38
• Installation Labor	\$1,500.00
• Materials and Labor for Swing Door Operator including Maglock	\$5,750.00

Main Courthouse Exterior Replacement Door

• Commercial Storefront Entrance	\$8,334.38
• Installation labor	\$1,500.00
• Materials and Labor for Swing Door Operator including Maglock	\$5,750.00

Subtotal:	\$31,168.76
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Contingency (10%)	\$3,116.88
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Building Permit from City of Buckhannon	Exempt
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B&O Tax (City of Buckhannon)	\$0
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**First \$50,000 exempt then 2% of project value thereafter*

Advertising	\$375.00
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(Class II-O Legal Advertisement in the Record Delta, Inter-Mountain and Charleston Gazette newspapers for request for bids)

Total:	\$34,660.64
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CFIA Portion:	\$27,728.51
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UCC Portion:	\$6,932.13
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This projected budget was calculated by using one vendor estimate. Should this project be funded, competitive bids would be sought through the bidding process approved by the state of WV.

PREVENTION RESOURCE OFFICER AGREEMENT

Between:

- The Upshur County Board of Education,
- The Upshur County Sheriff's Office, and
- The Upshur County Commission

For Fiscal Year 2022-2023 Prevention Resource Officer located at
Buckhannon Upshur High School

This agreement made and entered into this 21 th day of September, 2022 by and between the Upshur County Board of Education (hereinafter referred to as "BOARD"), the Upshur County Commission, (hereinafter referred to as "COMMISSION", and the Upshur County Sheriff's Office, hereinafter referred to as "SHERIFF").

WITNESSETH

WHEREAS, the BOARD has established a Prevention Resource Officer Program (hereinafter referred to as "PRO Program"); and

WHEREAS, the BOARD, the COMMISSION and the SHERIFF understand that the Program is established for the purpose of assistance in the prevention of juvenile delinquency through programs specifically developed to respond to those factors and conditions which give rise to delinquency; and

WHEREAS, the BOARD, the COMMISSION and the SHERIFF realize the PRO program is a great benefit to school administration, students and the community as a whole; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1. DUTIES AND RESPONSIBILITIES OF THE COMMISSION and SHERIFF

1.01 The COMMISSION and SHERIFF shall provide one Deputy Sheriff, assigned as a Prevention Resource Officer, (hereinafter referred to as PRO") to the Buckhannon-Upshur High School operated by the BOARD.

1.02 PRO shall abide by the Upshur County Board of Education policies and procedures, as they relate to School Prevention Resource Officers. The PRO shall

consult and coordinate instructional activities through the applicable principal. Activities conducted by the PRO, which are part of the regular instruction program of the school, shall be under the direction of the principal. The Upshur County Board of Education shall approve the content of educational programs and instructional materials used by the PRO.

- 1.03 The PRO will provide to student's instruction in various aspects of law enforcement, public safety and education as requested and supervised by the principal and teachers.
- 1.04 The SHERIFF shall be responsible for the control and direction of all aspects of employment of the Deputy Sheriff assigned to the PRO Program. The Deputy Sheriff shall adhere to the Policy and Procedures Manual of the Upshur County Sheriff's Office.
- 1.05 The SHERIFF shall ensure that the exercise of the law enforcement powers by the PRO is in compliance with the authority granted by law.
- 1.06 The PRO will be expected to be available to work the BOARD's approved school calendar, 200-day school term, except for excused absences and emergency situations. In addition, the PRO will work in the summer months to provide services during summer school terms, scheduled summer activities, attend PRO training and assist with safety related planning activities and other such activities as agreed upon by the BOARD and the SHERIFF.
- 1.07 The SHERIFF shall be responsible for all non-salary expenses (excluding benefits billed to the Board of Education) related to the PRO position: to include Travel, Law Enforcement Training, Gasoline, Equipment, Uniforms, Office Space, Telephone, supplies, Vehicle and Vehicle Maintenance.
- 1.08 The SHERIFF and the COMMISSION shall hold harmless the BOARD for any injuries suffered by the Prevention Resource Officer arising under their employment with the PRO program. The COMMISSION shall provide worker's compensation insurance coverage for the Deputy Sheriff at all times.
- 1.09 The PRO shall not function as a school disciplinarian, or safety officer. It is not the responsibility of the PRO to intervene with the normal disciplinary actions of the school system or to be used as a witness to disciplinary procedures in the school. The PRO will, at all times, be expected to act within the scope of authority granted by law. The PRO will perform duties according to the following:
 - a) Perform law enforcement functions within the school setting.
 - b) Identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.
 - c) Foster a better understanding of the law enforcement function.
 - d) Develop a better appreciation of citizen's rights, obligations and responsibilities.
 - e) Provide information about crime prevention.
 - f) Provide assistance and support for crime victims identified within the

- school setting.
- g) Promote positive relations between students and law enforcement officers.
- h) Enhance knowledge of the fundamental concepts and structure of law.
- i) Adhere to confidentiality requirements.

- 1.1. The Deputy Sheriff may not be changed during the course of the agreement by the COMMISSION and the SHERIFF unless the substitute officer has received the required training or mutually agreed upon training in lieu thereof. The PRO shall be on duty at the school in adherence to the Board's approved school calendar during regular school hours when students are required to attend and when the required PRO training programs are conducted, unless a police emergency arises, law enforcement requirements prohibit such duty assignment, or when needed for training.
- 1.2. The PRO will not be required to attend extracurricular activities, which are held beyond his/her regular workday, nor require the PRO to leave his/her jurisdiction, but the PRO shall have the option, if they choose to do so, with the approval of the SHERIFF. The BOARD shall be responsible for any and all costs associated with the PRO attendance at these types of events.

SECTION 2. DUTIES AND RESPONSIBILITIES OF THE BOARD

- 2.01 The principal at Buckhannon Upshur High School shall be the on-site contact person for the PRO. The Superintendent shall designate the Prevention Resource Officer Coordinator to serve as the BOARD liaison for the program.
- 2.01 Payments to the COMMISSION from the BOARD shall be made in quarterly installments upon submission of quarterly invoices by the COMMISSION and certification by the principal or his/her designee that the services were rendered. The quarterly payment shall be based on the annual salary expense and benefits for the time worked by the PRO on behalf of the BOARD during the quarter. The Board will be responsible for the full amount of benefits that are fixed as to their annual amount, including but not limited to, items such as health, dental, vision and life insurance, other post-employment benefit liability charges, health care reimbursement account charges, and health care retirement subsidies (if applicable); benefits that vary with the rate of pay such as FICA and Workers Compensation will be prorated between the BOARD's share and the SHERIFF's share of the calculated cost. Overtime will be the responsibility of the BOARD only when it relates to activities of the officer in performance of duties defined under the PRO agreement. Compensatory time may be accrued upon the execution of the Compensatory Time Agreement. All other overtime is the responsibility of the SHERIFF and the COMMISSION. The BOARD's approved school calendar including legal school holidays, will be the basis for calculating the amount of reimbursement due to the COMMISSION. On days when school is closed or curtailed due to inclement weather or other conditions, the school principal and the SHERIFF will mutually agree as to work assignment for the PRO and the resultant portion of the officer's time to be billed to the BOARD. As

mutually agreed, to by the school principal and the SHERIFF, the PRO may need to work in the school for other needed tasks. The quarterly payment shall be offset by any applicable grant funding available for the PRO program. Payment shall be made within thirty (30) days of receipt of the invoice.

SECTION 3. TERM OF AGREEMENT

- 3.01 This agreement shall be made for a twelve (12) month term beginning the 1st day of July 2022, through the 30th day of June 2023.
- 3.02 This agreement shall continue in effect until the duration of the term as described in paragraph 3.01 or until terminated by either of the parties in accordance with the term listed in Section 4.01 below.

SECTION 4. TERMINATION

- 4.01 Either party may terminate this agreement by serving written notice upon the other party at least thirty (30) days in advance of such termination. In the event that the BOARD terminates this agreement and/or does not renew an agreement for the PRO position for an upcoming fiscal year, the BOARD shall be responsible for any and all costs associated with the closing of the PRO officer position. Such cost shall include, but not be limited to, any unemployment compensation due to a reduction in force in the law enforcement area of the COMMISSION and SHERIFF as a result of the closing of the PRO position or program as outlined in Section 6.02.

SECTION 5. INVALID PROVISION

- 5.01 Should any part of this Agreement be declared invalid by a court of law, such decision shall not affect the validity of any remaining portion which shall remain in full force and effect as if the invalid portion was never a part of this Agreement, materially affect any other rights or obligations of the parties hereunder, the parties hereto will negotiate in good faith to amend this Agreement in a manner satisfactory to the parties.

SECTION 6. INDEMNIFICATION

- 6.01 The BOARD agrees to indemnify and save harmless the COMMISSION and the SHERIFF for any liability whatsoever arising out of the negligent acts of the Board's employees or agents in directing the PRO in the performance of their instructional programs. The COMMISSION agrees to indemnify and save harmless the BOARD of any liability whatsoever arising to employment as defined by county ordinances and state statutes. Nothing in this Agreement shall be construed

to affect in any way the BOARD or the COMMISSION'S rights, privileges, and immunities.

6.02 The BOARD agrees to indemnify the COMMISSION and the SHERIFF for any costs associated with the elimination of this position should the BOARD no longer wish to employ a PRO at the end of the term of this agreement or renewal as outlined in Section 4.01 above. The BOARD understands that the SHERIFF and the COMMISSION have created a new position in the Sheriff's Office at the BOARD's request and for their benefit; therefore, any costs associated with the termination of this position at the end of this contract or renewal, including but not limited to unemployment compensation expenses, shall be reimbursed to the COMMISSION by the BOARD. Furthermore, should the COMMISSION and/or the SHERIFF be prohibited by law from eliminating this position from the Sheriff's Office, the BOARD agrees to indemnify the COMMISSION and the SHERIFF for the continuing costs associated with salary and benefits of the position until such time as the position can be lawfully eliminated.

SECTION 7. ASSIGNMENT

7.01 Neither party to the Agreement shall, directly or indirectly, assign or purport to assign this Agreement, or any of its rights or obligations, in whole or in part, to any third party without the prior written consent of the other party.

SECTION 8. NO WAIVER

8.01 The failure of either party to enforce at any time any of the provisions, rights, or elections shall in no way effect the validity of this Agreement. The failure to exercise, by either party, any of its rights herein contained, shall not preclude or prejudice it from exercising the same or any other right it may have under this Agreement, irrespective of any previous action or proceeding taken by it hereunder.

SECTION 9. COMPLETE AGREEMENT

9.01 This Agreement is the complete Agreement of the parties; may be amended or modified only in writing; and supersedes, cancels, and terminates any and all prior agreements or understandings of the parties, whether written or oral, concerning the subject matter hereof.

SECTION 10. CHOICE OF LAW


10.01 This Agreement shall be governed by and construed and interpreted according to the laws of the State of West Virginia. It shall be binding upon and inure to the benefit of the successors of the BOARD, the COMMISSION and the SHERIFF,

SECTION 11. NOTICES

11.01 All notices or other communications required or permitted by this Agreement shall be in writing and deemed effectively delivered upon mailing by certified mail, return receipt requested, or delivered personally to the following persons and addresses unless otherwise specified herein:

Upshur County Board of Education (Signature and Title of Board Officer) Date

Upshur County Commission (Signature and Title of Commission Officer) Date

 9/21/2022
Upshur County Sheriff (Signature and Title of Sheriff) Date

UPSHUR COUNTY COMMISSION

Upshur County Administrative Annex
91 West Main Street, Suite 101 • Buckhannon, West Virginia 26201

Telephone: (304) 472-0535
Telecopier: (304) 473-2802

TDD Numbers
Business: 472-9550
Emergency: 911

September 29, 2022

Robert & Regina Crawford
123 Camp Road
Buckhannon, WV 26201

Certified Mail with Return Receipt

Re: FEMA Property (Parcel Number 6-7E-64)

Mr. and Mrs. Crawford:

In 1999 the parcel of land adjoining your property was acquired by the Upshur County Commission through a cooperative grant agreement with the WV Office of Emergency Services and are held to strict conditions and restrictions due to being in the floodplain. The land is meant to be used for open space / recreation and may be leased to a private individual; however, there is no Land Use Agreement on file for this property.

After inspecting the property, it appears a fence has been erected for the purpose of planting and maintaining a garden. While this is a permissible use of the property with an executed Land Use Agreement, neither a Building Permit nor a Floodplain Permit was obtained prior to doing so. Due to the property being within the floodplain, at a minimum, the four (4) corner posts should be concreted into the ground in addition to the posts holding a gate, the fence must be one (1) foot off the ground, and all posts must be placed at a minimum of 18", the suggested frost line. These restrictions are in place to prevent or minimize flood damage in the future. The enclosed Building Permit Applications, Floodplain Permit Applications and Contractor Licensure Affidavits must be completed in their entirety and returned to the Upshur County Addressing and Mapping, Building Permit and Floodplain Office within 30 days. Please also remit a check in the amount of ninety dollars (\$90.00) for both the building permit fee and floodplain fees; wherein, a building permit costs fifteen dollars (\$15) and the floodplain fee is seventy-five dollars (\$75) as reflected in Section 7.9 of the enclosed Ordinance. Once the paperwork and fees have been received and processed by the Upshur County Addressing and Mapping, Building Permit and Floodplain Office Coordinator, our office will coordinate a date and time for photographs to be taken of the property and a Land Use Agreement to be executed.

If the above referenced corrections are not made within thirty (30) calendar days, the fencing must be removed and the site must be returned to neat and orderly condition with the ground graded, seeded and returned to a mowable condition. If you have any further questions or concerns, feel free to contact the Office of the Upshur County Commission.

Sincerely,

Kristie G. Tenney
Commission President

Enclosure: Photographs, Ordinance, Applications
Cc: Terri Jo Bennett, Upshur Co. Floodplain Coordinator

An Equal Opportunity Employer

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.

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:

- (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.

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.

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.

Practice of Engineering

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."

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.

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.
- 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

- 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.
- 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)

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:

- 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.

ARTICLE VI - SPECIFIC REQUIREMENTS

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:
 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:
 - (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.
- 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:
 - 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.

- c. 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

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.

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.

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.
- 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

- 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.

ARTICLE VIII - APPEALS AND PENALTIES

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.

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.

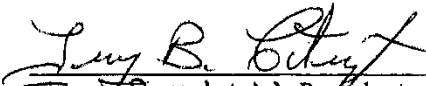
Section 10.2 Liability

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 9th day of January, 2020

Passed on SECOND AND FINAL READING this 16th day of January, 2020


 Terry B. Cutright, President
 County Commission of Upshur County, West Virginia

Kristie G. Tenney
Kristie G. Tenney, Commissioner
County Commission of Upshur County, West Virginia

Samuel R. Nolte
Samuel R. Nolte, Commissioner
County Commission of Upshur County, West Virginia

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



2022 Commission Board Appointments

Commissioner Tenney:

Upshur County Fire Board, Incorporated (monthly)
Upshur County Farmland Protection Board (monthly)
Upshur County Family Resource Network (monthly)
Mountain CAP of West Virginia, Inc (bi-monthly)
Upshur County Enhanced Emergency Telephone Advisory Board (monthly)
*Buckhannon Upshur Parks & Rec – (monthly)
Upshur County Development Authority (monthly)

Commissioner Bush:

Region VI Workforce Investment Board – LEO (quarterly)
Region VII Planning & Development Council (quarterly)
Upshur County Senior Center Board (monthly)
Upshur County Extension Service Committee (annually)
Lewis Upshur Community Corrections Board (monthly)
Court Security Advisory Board (monthly)
Emergency Food and Shelter Program – Parish House (annually)

Commissioner Nolte:

Upshur County Youth Council, Incorporated (SYC) (monthly)
Lewis-Upshur Local Emergency Planning Committee (monthly, alternates Lewis/Upshur)
Upshur County 4H Foundation (up to 3x's per year)
Buckhannon Upshur Airport Authority (monthly)
Corridor H Authority Board (as needed, teleconference is available)

Tabatha Perry:

Chamber of Commerce (monthly)
James W. Curry Advisory Board (monthly March – October) - Secretary
Court Security Advisory Board (monthly) – Secretary
Chamber of Commerce Board of Directors (quarterly)
Convention & Visitors Bureau (monthly)

Cindy Hughes:

*Safe Sites & Structures (monthly) – Secretary

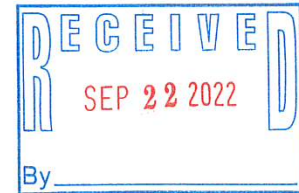
*Attends, not a member of the Board



NEW RIVER ENGINEERING, INC.
202 School Drive, Shrewsbury, WV 25015
304-595-3290 nrei@nrei-wv.com

September 15, 2022

Upshur County Commission
91 West Main Street, Suite 101
Buckhannon, West Virginia 26201



RE: Carter Roag Coal Company
Permit No. U-1043-91, Pleasant Hill Deep Mine
Phase I Release
CERTIFIED MAIL: 7017 1450 0000 9292 4663 / 9590 9402 4023 8079 4996 23

To Whom It May Concern:

Notice is hereby given Carter Roag Coal Company is applying for Phase I Release for Permit No. U-1043-91, Pleasant Hill Deep Mine, currently issued for 37.59 acres. The permit is located in Middle Fork and Washington District of Randolph and Upshur County, West Virginia.

If you have any questions or comments, or if you require additional information, please feel free to contact me at the above address or by calling 304-595-3290.

Sincerely,

Benjamin Treadway
New River Engineering, Inc.



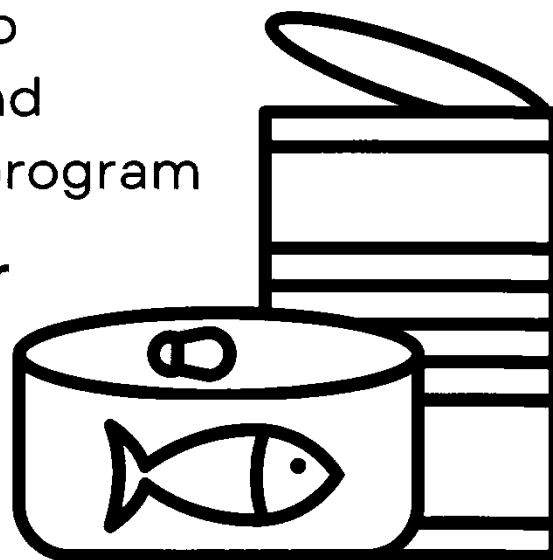
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p>OCTOBER 29TH SELBYVILLE JUNIOR/AUXILIARY HAYRIDE 6-8 PM \$2.00 DANCE 7-10 PM \$2.00</p> <p>Ride to the library for a Halloween Story Trail and fun!</p> 		<p>COMMUNITY TRICK OR TREAT 6-8 PM</p> 		<p>WANTED! GROUPS, INDIVIDUALS, FAMILIES, BUSINESSES TO DECORATE SITES FOR CHRISTMAS @ CURRY FESTIVAL OF LIGHTS! \$100.00 PRIZE FOR BEST SITE (POPULAR VOTE) CALL 304-924-6724 FOR DETAILS</p> 		
2	3	<p>FAMILY FUN NIGHT 5:30 - 7:00 pm Games, crafts, activities</p> 	5	6	7	8
9	<p>Christopher Columbus Day Indigenous People's Day</p>  <p>LIBRARY CLOSED</p>	<p>FAMILY FUN NIGHT 5:30 - 7:00 pm Games, crafts, activities</p> 	12	13	14	15
16	17	<p>FAMILY FUN NIGHT 5:30 - 7:00 pm Games, crafts, activities</p> 	19	20	21	22
23	24	<p>FAMILY FUN NIGHT 5:30 - 7:00 pm Games, crafts, activities</p> 	26	27	28	<p> SELBYVILLE JUNIOR/AUXILIARY HAYRIDE 6-8 PM DANCE 7-10 PM</p>
30	<p>COMMUNITY TRICK OR TREAT 6PM - 8 PM</p> 					

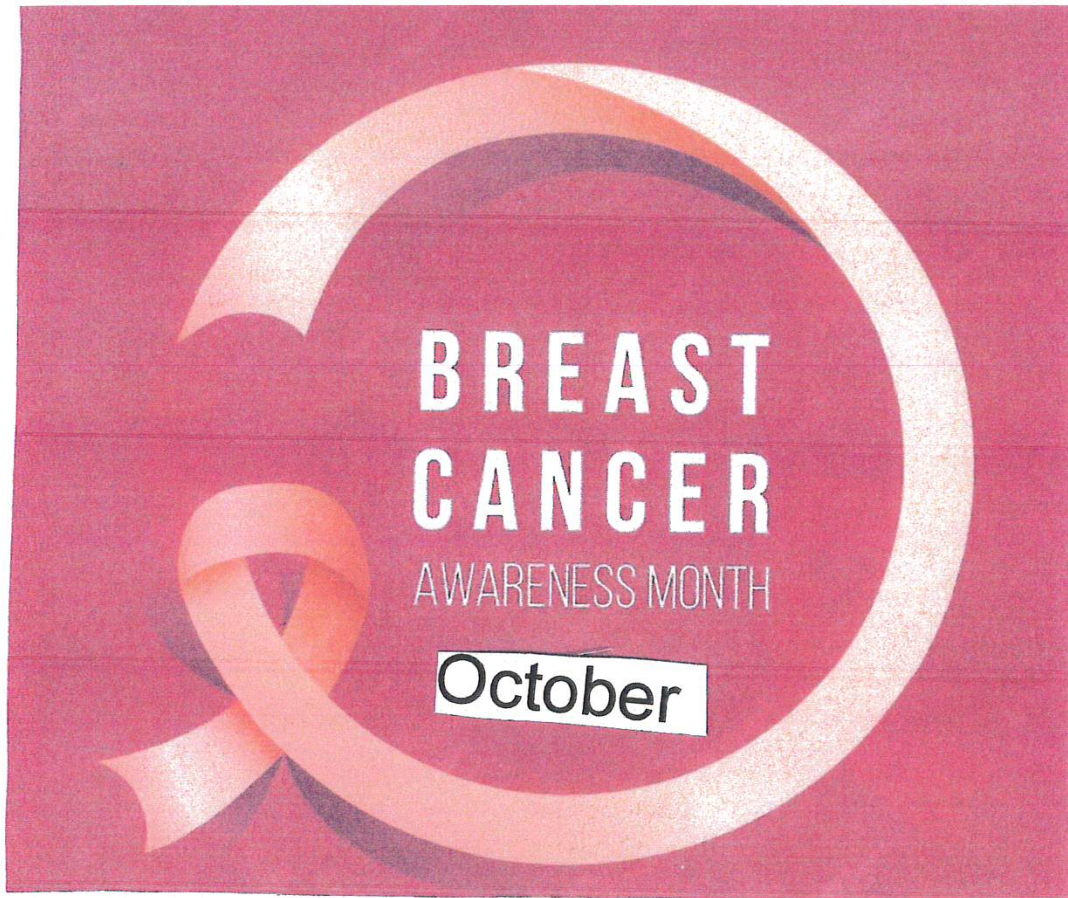
Mark Petrosky Memorial HUNGER WALK

**Upshur Parish House
October 1st, 2022**

- 9am Walk (8:30am Registration)
- 1.5-mile walk beginning at the Parish House
- \$5 suggested donation and/or nonperishable foods
- All donations go to the food pantry and holiday food box program

***Don't forget to wear orange for Hunger Awareness!**





" WE'RE IN THIS TOGETHER "
JOIN US-OPEN TO THE PUBLIC
WELCOME ALL SURVIVORS AND
SUPPORTERS
BREAST CANCER AWARENESS DAY
OCTOBER 03,2022
STOCKERT YOUTH CENTER
REGISTRATION AND LIGHT LUNCH
11;00 AM TO 12;00 PM
CEREMONY: 12:00 PM

FLYERS WILL BE DISTRIBUTED THROUGHOUT THE COMMUNITY FOR MORE
INFORMATION CALL THE WV UPSHUR COUNTY EXTENSION OFFICE 304-473-
4208. COMMUNITY EDUCATIONAL OUTREACH SERVICE



Join us for Trunk or Treat!

Buckhannon Safety Complex

Friday, October 28th from 6:30pm-8:30pm

(Please be respectful of everyone's space as this is a walk-through event.)



Sponsored by:
Buckhannon
Police Department, and
Upshur County Family
Resource Network,



Want to be a participant? Please contact Upshur County FRN
at 304.473.1051 or ucfrn@yahoo.com



Winter Whisker Fundraiser

December 17th 2022

Outpost Event Center

20 Raella Lane Buckhannon Wv 26201

6pm – 10pm

Brisket Dinner

Baked potato, Salad, Bread and Dessert

\$25 per person

**\$200 for a reserved table of 6
with drink tickets**

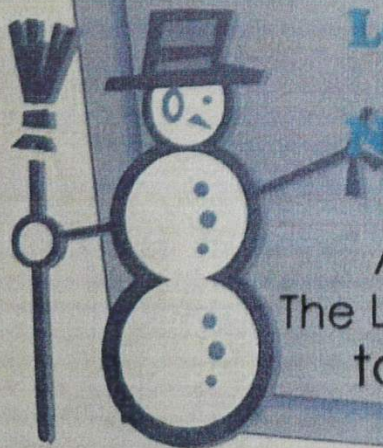
Tickets go on sale starting 9/27

Get your tickets at

**Lewis-Upshur Animal
Control Facility**

**Nail Plus in Buckhannon
Outpost Event Center**

All proceeds will go towards
The Lewis-Upshur Animal Control Facility
to help build a surgical unit



Cash Bar ❄️ Music ❄️ Live Auction



**Upshur County Public Library
Board of Directors Meeting
Wednesday, September 21st, 2022, 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
 - A. Assistant Director Search
 - B. Programming/Outreach
 - C. Affiliates
- V. Unfinished Business
 - A. By-laws Revisions
- VI. New Business
 - A. Budget Revisions
- VII. Friends of the Library update – Sandra Craig
- VIII. Public Comments/Correspondence
- IX. Setting date of next Board meeting
- X. Adjournment

In compliance with West Virginia's Public Meeting Law, the 26th Judicial Circuit Community Corrections Program special board meeting will be held September 26, 2022 at 6:00pm at the Lewis County Day Report Center in Lewis County. The public is invited to attend and learn more about our program, serving Lewis and Upshur Counties.

COMMUNITY CORRECTIONS

Board Meeting Agenda

September 26, 2022

Lewis County Day Report Center 6:00 P.M.

I. Handouts

- Sign in sheets
- Agenda, Previous Meeting Minutes
- Budget report

II. New Business

- 1) Batterer's Intervention Prevention Class Update
- 2) Home Confinement Update- Lewis-14 Upshur-21
- 3) Community Corrections Update
 - Referrals received since July 1, 2022, Upshur-22 Lewis-20 Total-42
 - Request to review and approve bid/s for 85 W. Main St Office roof
 - Discussion about office handicap accessibility

III. Next Meeting

- **November 14, 2022 at the Upshur County Day Report Center at 6:00 P.M.**

**Upshur County Family Resource Network
General Membership Meeting (held virtually)
July 11, 2022
Meeting Minutes**

Board Members present: Addie Helmick, Tonya Kittle, Jodi McQuillan, Dr. Joseph Reed, and Beth Rogers.

Board Members not present: Debora Brockleman, Rise Hanifan, Amanda Hayes, Tina Helmick, Matt Kerner, Kristie Tenney, and Eddie Vincent.

Staff: Lori Ulderich Harvey and Ginny Dixon

Community Members present: (by video or by phone) Sarah Campbell (Pallottine Foundation), Taylor Daugherty (Aetna), Hazel Davis (Milan Puskar Health Right), Leanna Marks (Milan Puskar Health Right), Brandy Miller (Mountain CAP), Emma Rexroad (UniCare), Suree Sarceno (NCWVCAA/VITA), Melissa Vaughan (Salvation Army), April Waybright (MountainHeart), Susie Corley Criss (ACHC, Children's Mobile Crisis specialist, and Kristen Harvey (The Record Delta).

Introduction & opening prayer: Addie Helmick, Chair, called the meeting to order. Dr. Joseph Reed offered our opening prayer.

Updates from Director: Lori noted there will be no meeting in August. The community baby shower, held June 13th, went well although we had less attend than in past years. Some very nice door prizes were given away. We finally have storage space! Lee Dixon constructed a pallet for a portion of the floor. Our PIP grant is covering the rental cost. Lori advised that she hopes to have another fund-raiser in the near future. The Healthy Grandfamilies program is going great, with 6 grandfamilies (1 a repeat from the fall session, and 1 family includes a grandmother and a great-grandmother). Our foster care open house will take place tomorrow, July 12th, from 6-8 pm at the Event Center at Brushy Fork. A pool party for grandfamilies, and the foster care and adoption group is scheduled for July 25th. National Night Out is to be held August 2nd from 6-10 pm. We plan to have a presence at Festival Fridays, in conjunction with Addie Helmick of Centers Against Violence, however had to cancel plans for July 8th. We are in the process of having our Resource Guide printed, and our website is coming soon.

Information Sharing:

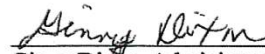
- **Addie Helmick** shared that the Centers Against Violence program has been busy, and are getting their brochures out to various sites in the area. Starting in May, they have a new sexual assault advocate for Upshur County: Melanie Koon, who introduced herself over the phone from the CAV office. Addie confirmed that CAV wants to participate in National Night Out this year.
- **Dr. Joseph Reed** shared that the Green Bean weekend will include a cook-off August 12th during Festival Fridays, and a stroll on Saturday, August 13th at the Riverwalk, starting at 9:00 AM; cost is \$5 for the latter.
- **Taylor Daugherty** provided a reminder for Medicaid clients that Aetna Better Health of WV provides a dental benefit of \$1,000 a year.
- **Brandy Miller** shared that Mountain CAP is partnered with Mountaineer Rental Assistance to provide up to 18 months of rental assistance and utilities. You may

call Brandy at 304-472-1500 if you have questions.


- **Hazel Davis** shared that the Milan Puskar Health Right program has begun holding clinics. In Upshur County, one will be at the Upshur County Public Library on 7/25/22 from 10 am to 2 pm, and another one at the Parish House on 9/22/22 from 9 am to 1 pm. She will let the UCFRN know if they will participate in National Night Out.

Next meeting: Monday, September 12, 2022 at 12:00 noon – location TBD

Respectfully submitted,


Ginny Dixon, Administrative Assistant
Upshur County FRN


Board Member


Board Member

**Upshur County Public Library Board of Trustees Meeting
July 20, 2022**

The regular meeting of the Upshur County Public Library Board of Trustees was held on Wednesday, July 20, 2022, at 4:00 p.m. at the library. Board members in attendance were Kenna Leonard, Carol Smith, John Haymond, and Kyle Nuttall via Zoom. Also in attendance were Paul Norko, Library Director and Connie Cutright, Business Manager. Absent from the meeting was board member Sherry Dean.

The meeting was called to order by President Kenna Leonard at 4:14.

Paul explained briefly that Kyle Nuttall is our new board member appointed by the County Commission to replace Linda Riegel, who chose not to be reappointed. Because Katie Loudin did not run for reelection for the Board of Education, the Board of Education chose to replace her with an elected BOE member, Sherry Dean. Although replacing their appointees within the 5 year term has never happened before, according to wording in the special funding law, the governing authorities may remove their appointee for cause..

The minutes of the June 14, 2022 meeting were approved on a motion made by Carol, seconded by John, and unanimously approved.

The financial reports for June, including an itemized list of electronic debits/credits, were approved on a motion made by John, seconded by Carol, and the motion carried. Connie reported that the -7031.47 was due to expenditures from two grants that was received in previous fiscal years but spent in FY2022 and one grant where the expenditure was paid in FY2022 but reimbursement came in July of FY2023.

Director's Report – See written report

Additions: Connie explained that we are streamlining procedures and the way Quickbooks is currently setup based on advice from Baker & Tilly CPA's. The new setup will reduce posting from Upshur's company file to each affiliate company file monthly, reduce checks being mailed back and forth, and speed up quarterly filings such as 941's and annual W-2's.

Unfinished Business

Bylaws – Carol made a motion to table the discussion on amending the bylaws until all board members could be present. John seconded the motion and the motion carried..

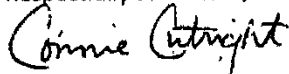
New Business

Account signatory changes – John made a motion, seconded by Kyle, to table changing the signatures on the accounts until a new assistant director is hired.

A Friends of the Library representative was not available for a report on their activities.

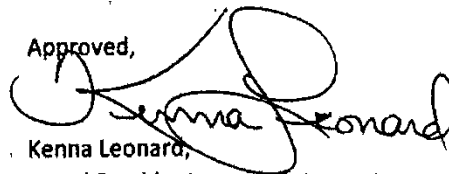
The next meeting will be August 17, 2022, 4:00 p.m. at the Library. The meeting adjourned at 4:45 p.m.

Respectfully submitted,



Connie Cutright,
Business Manager

Approved,



Kenna Leonard,
Board President