

UPSHUR COUNTY COMMISSION MEETING

September 12, 2019

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, September 12, 2019 at 9:00 a.m. Sam Nolte called the meeting to order. Present were Sam Nolte, Commission President; Kristie Tenney, Commissioner; Terry Cutright, Commissioner; Carol Smith, County Clerk; Carrie Wallace, County Administrator; and Prisilla Peggs, Secretary. The meeting began with a moment of silent meditation and prayer followed by the Pledge of Allegiance. All motions passed unanimously unless otherwise stated.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved the regular meeting minutes of September 5, 2019 as submitted.

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Proclamation in Remembrance of September 11, 2001. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the Financial Statement - Fiscal year ended June 30, 2019.

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Lewis-Upshur Animal Control Facility Board of Pharmacy Application for FY20. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved the request from Cheyenne Troxell, Program Director for Community Corrections, approving the contract with Andrew Pinkney as a Drug Court Counselor, to be scheduled as needed at the pay rate of \$30.00 per hour, pending background check. (copy included)

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved the request to suspend one semester of the Curry Scholarship funds for Emma Loudin while she is serving on a mission trip.

After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved Charles R. Loar, Carolyn Loar, Ann L. Bush, Haley Graveley, Julie Tenney, Jennifer Kesling, and Casey Hollingsworth as Lewis-Upshur Animal Control Facility Volunteers.

Sam Nolte reviewed the following "For Your Information" items: (copies included)

1. Upshur County Animal Control/Humane Officer Monthly Dog Report for the month of August 2019
2. Lewis-Upshur Animal Control Facility Adoption Financial Transactions for the month of August 2019
3. Lewis-Upshur Animal Control Facility Cat Report for the month of August 2019
4. Lewis-Upshur Animal Control Facility Animal Report for the month of August 2019
5. Upshur County Building Permits for the month of August 2019
6. Public Notices:
 - a. Newsletters and/or Event Notifications:
 - James W. Curry Public Library Calendar of Events for October 2019
 - b. Agendas and/or Notice of Meetings:
 - 26th Judicial Circuit Community Corrections September 9, 2019
 - Upshur County Safe Structures and Sites Enforcement Board September 12, 2019
 - Buckhannon-Upshur Airport Authority September 12, 2019
 - c. Meeting Minutes:
 - Elkins PSD August 6, 2019
 - Upshur County Family Resource Network August 12, 2019
 - Upshur County Solid Waste Authority August 12, 2019
 - d. Meetings:
 - 09/03/19-4:00 p.m.-Hodgesville PSD
 - 09/03/19-5:30 p.m.-Elkins Road PSD
 - 09/05/19-6:00 p.m.-Buckhannon-Upshur Board of Health
 - 09/05/19-7:00 p.m.-Banks District VFD
 - 09/05/19-7:00 p.m.-Selbyville VFD
 - 09/09/19-12:00 p.m.-Upshur County Family Resource Network
 - 09/09/19-4:30 p.m.-Upshur County Solid Waste Authority
 - 09/09/19-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
 - 09/09/19-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County
 - 09/10/19-7:30 p.m.-Adrian VFD
 - 09/11/19-3:00 p.m.-Tennerton PSD

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- 09/11/19-6:00 p.m.-Buckhannon River Watershed Association - WVWC
- 09/11/19-7:00 p.m.-Warren District VFD
- 09/11/19-7:00 p.m.-Ellamore VFD
- 09/12/19-10:00 a.m.-Adrian PSD
- 09/12/19-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 09/12/19-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 09/12/19-4:00 p.m.-Buckhannon Upshur Airport Authority
- 09/12/19-7:30 p.m.-Buckhannon VFD
- 09/13/19-11:00 a.m.-Region VI Local Elected Officials
- 09/15/19-6:00 p.m.-Washington District VFD
- 09/16/19-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 09/17/19-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 09/17/19-6:30 p.m.-Upshur County Fire Board, Inc.
- 09/18/19-12:00 p.m.-Upshur County Senior Center Board
- 09/18/19-4:00 p.m.-Upshur County Public Library Board
- 09/18/19-7:00 p.m.-Upshur County Fire Fighters Association
- 09/19/19-2:00 p.m.-Upshur County Farmland Protection Board
- 09/19/19-6:30 p.m.-Upshur County Youth Camp Board
- 09/23/19-10:00 a.m.-Mountain CAP of WV, Inc., a CDC
- 09/24/19-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/25/19-7:00 a.m.-Upshur County Development Authority - Full Board
- 09/25/19-10:00 a.m.-James W. Curry Advisory Board
- 10/16/19-12:00 p.m.-Lewis Upshur LEPC - Lewis location

7. Appointments Needed or Upcoming: (none)

The Commission approved all Invoices for Payment. (list included)

The Commission approved all Vacation Orders. (copies included)

The Commission approved the following "Settlements" (as listed):

- Antionette M. Cerullo - Final Settlement Waiver
- Gail Bullock Crisp - Final Settlement Waiver
- John E. Davidson - Final Settlement
- Lawrence Fallen, Jr. - Final Settlement Waiver

Tabled items:

1. Hearing upon the Petition/Complaint of the Upshur County Safe Sites and Structures Enforcement Agency -- Chapman Case Number 101118-01 (Warren Tax District - Tax Map 6B Parcel Number 11).
2. After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Lincoln Financial Group Amendments and revised policies to reflect: Voluntary life, life and AD&D, voluntary vision and dental. (copy included)

Thomas S. Elliott, Wildlife Biologist/District Supervisor, USDA APHIS Wildlife Services, discussed the Vulture Damage Management Proposal for the Victoria Hill neighborhood. Community members present included: Ovella Godfrey, Jacob Hall, Thanna Wentz, Dave Waggy, James C. Rhoden and Mitch Tacy. Mr. Elliot explained how the Black-headed Vulture came to be in this area and the damage the vultures create from the destruction of picking the rubber trim on windshields and windshield wipers, damaging pool liners, picking rooftops and, preying on livestock and domestic animals. He informed the Commission that residents, as a deterrent, can use non-lethal harassment towards the vultures this may include noise from firecrackers, hanging effigies, setting traps and removing however, residents may not do anything that would cause bodily harm to these federally protected birds. After discussion, on motion by Terry Cutright, seconded by Kristie Tenney, the Commission approved the cost estimate for services to the USDA APHIS Wildlife Service for their vulture damage management program; payment will be in quarterly increments not to exceed \$5,542.

After discussion, on motion by Kristie Tenney, seconded by Terry Cutright, the Commission approved for James Lough to transfer to the vacant position of Case Manager at Community Corrections and eliminate his current part-time position of Case-Aid as Cheyenne Troxell, Program Director for Community Corrections requested. Mr. Lough's rate of pay will be \$12.24 per hour effective September 15, 2019.

J. Burton Hunter III, Esq. and his assistant, Letetia Hawkins, appeared before the Commission following a proceeding in Circuit Court to advise that the County would be named as a defendant in upcoming litigation Mr. Hunter plans to file on behalf of his clients, Mr. and Mrs. Timothy J. Gregory.

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Based on the "A.B. Brooks Map" of 1905, Mr. Hunter believes that the road way leading to his clients' property on Jasper Way is a county road, and therefore must maintain a width of thirty (30) feet.

The Commission reviewed agenda items for future meetings, received project updates and discussed administrative business items.

With no further business, on motion by Terry Cutright, seconded by Kristie Tenney the Commission meeting adjourned at 12:20 p.m.