

UPSHUR COUNTY COMMISSION MEETING

November 17, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, November 17, 2022 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Kristie G. Tenney, Commission President; Samuel R. Nolte, Commissioner; Douglas K. Bush, Commissioner; Carol J. Smith, County Clerk; Tabatha R. Perry, County Administrator and Lois A. Marsh, 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.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the meeting minutes of November 10, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the Order Regarding October 13, 2022 Hearing regarding the Estate of Naomi G. Given, deceased. Carol Smith explained that the Commission had granted a 30-day extension to Mary A. Given, but Ms. Given's attorney has passed away and all of the estate documents are in his locked office. Ms. Given contacted Daya Masada Wright, Fiduciary Commissioner, to explain the situation and asked for an extension. Ms. Wright contacted Mr. William O'Brien, attorney for Johnny C. Given, who had no objection to granting another extension. (copy included)

Approval of "Request for Proposals" for the Upshur County Community Corrections & Day Report Center Roof Replacement Project. Sealed bids must be received by 4:00 p.m. on Monday, December 12, 2022. Sealed bids received by this deadline will be opened, reviewed and read aloud by the Commission during the regularly scheduled Commission Meeting at 10:00 a.m. on Thursday, December 15, 2022. Tabatha Perry explained that Cheyenne Troxell, Director of the 26th Circuit Court Community Corrections Day & Report Center, has asked that this item be withdrawn. There have been more roof leaks and a total roof replacement will be required in the Spring. In answer to Doug Bush's question, Tabatha Perry explained that there must be a performance bond when a bid project is over \$25,000.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the Grievance Procedure for Complaints Relating to Suspected or Alleged Discrimination on the Basis of Handicapped Status in Upshur County, WV. Tabatha Perry stated this is reviewed and adopted annually. (copy included)

Consider appointment to the Upshur County Building Commission. The term is effective immediately through November 10, 2027. William Parker submitted a letter of interest for this vacant position and Kristie Tenney reported that another letter of interest was submitted after the agenda was published. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved tabling this item until the next meeting. (copy included)

Kristie Tenney reviewed the following "For Your Information" items: (copy included)

1. Correspondence from Bob Pierson, FEMA Region III Senior Project Engineer, regarding the project scope and proposed Advisory Flood Height data modeling to be performed for Upshur County, WV and Incorporated Areas.
2. Correspondence from Alex Shubert, Manager - National Processing Center, regarding the recent Public Protection Classification survey for Selbyville FD and the Warren District FPSA, effective February 1, 2023. ISO's Public Protection Classification Program plays an important role in the underwriting process at insurance companies.
3. Correspondence from Samantha L. Woods, Deputy State Auditor, enclosing a copy of the Report on Applying Agreed-Upon Procedures of the Upshur County Magistrate Court for the period ending December 31, 2021. Report is available for public review in the Upshur County Commission Office.
4. Lewis-Upshur Animal Control Facility Reports for the month of October, 2022
 - Adoption Financial Transactions
 - Cat Report
 - Animal Report
 - Animal Control/Humane Officer Animal Report
5. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - Urgent Notice to Business Owners from Secretary of State's Office – Business owners be aware of third-party providers soliciting Annual Report filing services.

UPSHUR COUNTY COMMISSION MEETING

November 17, 2022

b) Agendas and/or Notice of Meetings:

- Upshur County Convention and Visitors Bureau November 9, 2022
- Upshur County Family Resource Network November 14, 2022
- Buckhannon-Upshur Airport Authority November 14, 2022
- Community Corrections Board November 14, 2022
- Upshur County Fire Board November 15, 2022
- City Council of Buckhannon November 17, 2022

Meeting Minutes:

- Tennerton Public Service District October 12, 2022

c) Meetings:

- 11/01/22-5:00 p.m.-Elkins Road PSD
- 11/03/22-3:00 p.m.-Adrian PSD
- 11/03/22-6:00 p.m.-Upshur-Buckhannon Board of Health
- 11/03/22-7:00 p.m.-Banks District VFD
- 11/03/22-7:00 p.m.-City Council of Buckhannon
- 11/03/22-7:00 p.m.-Selbyville VFD
- 11/08/22-12:00 p.m.-Upshur County Senior Center Board
- 11/08/22-4:00 p.m.-Hodgesville PSD
- 11/08/22-7:00 p.m.-Warren District VFD
- 11/08/22-7:30 p.m.-Adrian VFD
- 11/09/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 11/09/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 11/09/22-3:00 p.m.-Tennerton PSD
- 11/09/22-6:00 p.m.-Buckhannon River Watershed Association
- 11/09/22-7:00 p.m.-Ellamore VFD
- 11/10/22-7:00 a.m.-Upshur County Development Authority-*Executive Board*
- 11/10/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
- 11/10/22-7:30 p.m.-Buckhannon VFD
- 11/13/22-6:00 p.m.-Washington District VFD
- 11/14/22-12:00 p.m.-Upshur County Family Resource Network
- 11/14/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
- 11/14/22-4:30 p.m.-Upshur County Solid Waste Authority
- 11/14/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 11/14/22-6:00 p.m.-Lewis-Upshur Community Corrections Board-*Upshur Co*
- 11/15/22-6:30 p.m.-Upshur County Fire Board, Inc.-*Washington District VFD*
- 11/16/22-12:00 p.m.-Lewis Upshur LEPC-*Lewis County*
- 11/16/22-4:00 p.m.-Upshur County Public Library Board
- 11/17/22-6:00 p.m.-Upshur County Farmland Protection Board
- 11/17/22-6:30 p.m.-Upshur County Youth Camp Board
- 11/18/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 11/22/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 11/23/22-7:00 p.m.-Upshur County Fire Fighters Association

6. Appointments Needed or Upcoming:

- Upshur County Building Commission (Richard Ralston, II-11/10/2022)

****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 Street, 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.****

Tabled Items:

1. Review and approval of revised Overtime / Compensatory Time Policy within the Upshur County Employee Handbook of Personnel Guidelines dated February 10, 2022. (*tabled 11/03/2022*) Tabatha Perry reported that she has concluded gathering information from surrounding counties and feels this should be reviewed by the Policy Board prior to the end of 2022. After discussion, on recommendation by Sam Nolte, seconded by Doug Bush, the Commission approved tabling this item until the Policy Board can review and approve.

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

The Commission approved all Vacation Orders (list included)

UPSHUR COUNTY COMMISSION MEETING
November 17, 2022

The Commission approved the following Settlements: (as listed)

- Sharon Ayers – Final Settlement
- Willis Darius Craven – Final Settlement Waiver
- Evelyn M. Cutright – Final Settlement
- Timothy Marvin Hall – Final Settlement
- Mabel Lee Hupp – Final Settlement Waiver
- Bonnie Kay Livingston – Final Settlement Waiver
- Jimmie R. Woody – Final Settlement Waiver
- Jeffrey Van Zickefoose – Final Settlement

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment: (none)

The Commission approved the following Corrections, Exonerations and/or Refunds:

- McDaniels James Edward & McDaniels Janet - #304915 - \$288.96 – Exoneration Order
- McDaniels James Edward & McDaniels Janet - #304927 - \$59.10 – Refund Order
- Hawkins Kevin C & Vicky L - #20792 - \$536.40 – Exoneration Order
- Grose Raymond (WI-Shackleford #2 Well) - #302629 - -\$5.26 – Correction Order
- Grose Raymond (WI-Cutright Well) - #302628 - -\$5.26 – Correction Order

The Commission approved Requests to Attend Meeting:

- Mariah Goldsmith – December 2 – December 4, 2022

The Commission approved the following Consolidation of Land Tracts: (none)

Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, presented a Road Name Request Application from Angela and Richard Riggleman to change the name of Wormwood Lane to Parks Way. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the name change of Wormwood Lane to Parks Way. (copy included)

Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, presented a Road Name Request Application from Michael Rhodes to name a road within Magnolia Estates. This is a new development that is a road next to 2416 Hall Road. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the road was named Morning Glory Lane. (copy included)

Kristie Tenney, along with the other Commissioners, thanked Carol Smith and her department for their hard work during the general election process.

At 9:15 a.m., on motion by Sam Nolte, seconded by Doug Bush, the Commission went into Executive Session, per *WV Code §6-9A-4*, to discuss potential property acquisition.

At 9:56 a.m., on motion by Doug Bush, seconded by Sam Nolte, the Commission exited Executive Session, with no decisions being made.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President Kristie Tenney to negotiate the potential property acquisition and enter into a purchase agreement.

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Sam Nolte, seconded by Doug Bush, the Commission meeting adjourned at 12:00 p.m.