

UPSHUR COUNTY COMMISSION MEETING

February 11, 2021

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, February 11, 2021 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Terry B. Cutright, Commissioner; Samuel R. Nolte, Commissioner; Kristie G. Tenney, Commissioner; Carol J. Smith, County Clerk; Carrie L. Wallace, County Administrator; Tabatha R. Perry, Assistant 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 Terry Cutright, the Commission approved the regular meeting minutes of February 4, 2021, as submitted.

Wiley Creasey appeared before the Commission requesting to postpone the hearing date pertaining to the previously approved Paper Road Closure Application concerning a portion of Darylene Drive. Mr. Creasey stated that there is a lien against one of the properties adjoining the portion of the Paper Road he is interested in closing and he must utilize the West Virginia Secretary of State to serve the lien holder with the notice of hearing at least 15 days prior to the hearing date. Carrie Wallace explained that if the postponed hearing date was set for March 18th, the deadline for the public notice and service of process would be March 3, 2021. After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the extension of the hearing until March 18, 2021 at 9:30 a.m.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the correspondence supporting the 26th Judicial Community Corrections Day Report Center for inclusion in their FY22 grant application. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved Anna Cardelli, Maggie Kovalch and Kevin Metz as Lewis-Upshur Animal Control Facility Volunteers. (copy included)

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

1. Public Notices:

a) Newsletters and/or Event Notifications: (none)

b) Agendas and/or Notice of Meetings:

- Upshur County Family Resource Network February 8, 2021
- Buckhannon-Upshur Airport Authority February 8, 2021
- Upshur County Senior Center February 10, 2021
- Upshur County Safe Structures & Sites Enforcement Board February 11, 2021
- Upshur County Fire Board, Inc. February 16, 2021

c) Meeting Minutes:

- Upshur County Safe Structures Sites Enforcement Board November 19, 2020
- Elkins Road PSD January 5, 2021
- Upshur County Solid Waste Authority January 11, 2021

d) Meetings:

- 02/02/21-4:00 p.m.-Hodgesville PSD
- 02/02/21-5:00 p.m.-Elkins Road PSD
- 02/04/21-3:00 p.m.-Adrian PSD
- 02/04/21-6:00 p.m.-Buckhannon-Upshur Board of Health
- 02/04/21-7:00 p.m.-Banks District VFD
- 02/04/21-7:00 p.m.-City Council of Buckhannon
- 02/04/21-7:00 p.m.-Selbyville VFD
- 02/08/21-12:00 p.m.-Upshur County Family Resource Network
- 02/08/21-4:00 p.m.-Buckhannon Upshur Airport Authority
- 02/08/21-4:30 p.m.-Upshur County Solid Waste Authority
- 02/08/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 02/09/21-7:00 p.m.-Warren District VFD
- 02/09/21-7:30 p.m.-Adrian VFD
- 02/10/21-12:00 p.m.-Upshur County Senior Center Board
- 02/10/21-1:15 p.m.-Upshur County Farmland Protection Board-CANCELLED
- 02/10/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 02/10/21-3:00 p.m.-Tennerton PSD
- 02/10/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau

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- 02/10/21-7:00 p.m.-Ellamore VFD
- 02/11/21-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 02/11/21-7:30 p.m.-Buckhannon VFD
- 02/14/21-6:00 p.m.-Washington District VFD
- 02/15/21-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 02/17/21-7:00 a.m.-Upshur County Development Authority – Executive Board
- 02/17/21-12:00 p.m.-Lewis Upshur LEPC
- 02/17/21-4:00 p.m.-Upshur County Public Library Board
- 02/18/21-6:30 p.m.-Upshur County Youth Camp Board
- 02/19/21-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 02/22/21-10:00 a.m.- Mountain CAP of WV, Inc.
- 02/22/21-12:00 p.m.-Region VII Planning and Development Council
- 02/22/21-7:00 p.m.-Upshur County Fire Fighters Association
- 02/23/21-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 02/23/21-6:30 p.m.-Upshur County Fire Board, Inc.
- 03/10/21-1:15 p.m.-Upshur County Farmland Protection Board
- 04/12/21-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County

2. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) - Fire Association Representative
- Buckhannon-Upshur Airport Authority (unexpired term - 6/30/2021) - City Representative
- Buckhannon-Upshur Parks and Recreation Advisory Board (unexpired term – 6/30/2021) – City Representative

****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.****

3. Board of Review & Equalization Meeting Schedule

- 01/28//2021 1:00 p.m. – 3:00 p.m. No appointments – Review Property Books
- 02/03/2021 1:00 p.m. – 3:00 p.m.
- 02/09/2021 9:00 a.m. – 11:00 a.m. Coal, Oil & Gas and Industrial Appointments
- 02/16/2021 9:00 a.m. – 11:00 a.m. Adjournment

These meetings will take place at the Upshur County Administrative Annex.

4. Budget Hearing Schedule

The Commission will hold budget hearings at the Upshur County Administrative Annex on the following dates. For a detailed list of meetings, please contact Carrie L. Wallace at clwallace@upshurcounty.org.

- Monday, March 15th beginning at 9:00 a.m.
- Tuesday, March 16th beginning at 9:00 a.m.
- Wednesday, March 17th beginning at 9:00 a.m.
- Thursday, March 18th beginning at 1:00 p.m.
- Friday, March 19th beginning at 9:00 a.m.
- Monday, March 22nd beginning at 1:00 p.m.

Tabled items: (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)

- Almetta G. Andrew – Final Settlement Waiver
- Ralph Richard Andrew, Sr. – Final Settlement Waiver
- Harry Ralph Cutlip – Final Settlement
- James Daniel Fultineer, Sr. – Final Settlement Waiver
- Ronnie Wayne Jackson – Ending Settlement for Sheriff
- Marjorie Anne Luther – Final Settlement Waiver
- David Ronald Miller – Final Settlement
- Stanley Mullins – Annual Settlement
- Diane Lynn Pringle – Final Settlement

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- Debra Sue Riffle – Final Settlement Waiver
- Terry James Stalnaker – Final Settlement Waiver

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:

- Lofton Shaquille - #300000606S - \$230.54 – Exoneration Order
- Heather V Hutson - #100000178S - \$42.02 – Exoneration Order
- Bennett Charles C or Mary - #400000253S – \$4.72 – Exoneration Order
- Gary Elbon - #15346 - \$371.61 – Exoneration Order

The Commission approved the following Requests to Attend Meeting (none)

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

At 9:15 a.m., the Commission discussed Gardner Case Number 010920-01 (Warren Tax District – Tax Map 8D – Parcel Number 12,13,14) The Order Setting Forth Findings of Fact and Conclusions of Law entered on January 7, 2021, provided the property owners with thirty (30) calendar days to take corrective action with respect to the property at issue. Mrs. Gardner attended the meeting via teleconference. Terry Cutright and Greg Harris visited the property on February 10, 2021 and took photographs. The Commission reviewed these photographs and noticed some improvement; however, more progress is necessary to be in compliance with the Safe Structures & Sites Ordinance. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved a thirty (30) calendar extension with the daily fine of \$50.00 (fifty dollars) continuing to be assessed. The new date for reevaluation is March 18, 2021 at 9:15 a.m. If the property should be brought into compliance prior to this date, the daily fine would be discontinued.

Sheriff Virgil D. Miller, J. Michael Coffman, and Heather Sparks appeared before the Commission to discuss advertising for a full-time Deputy Sheriff position and consideration of a Sheriff's Deputy Incentive Program. After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission went into Executive Session at 10:02 a.m. per WV Code §6-9A-4. On motion by Sam Nolte, seconded by Terry Cutright, the Commission exited Executive Session at 10:14 a.m. No decisions were made in executive session. Sheriff Miller provided an overview of the proposed Sheriff's Deputy Incentive Program explaining that it would offer a \$5,000 one-time lump sum payment to a newly hired certified Deputy in exchange for the signing of a 5-year contract. If the Deputy left within 1 year, they would be subject to full re-payment; if the Deputy left within 1-5 years, they would be subject to a pro-rated re-payment. Sheriff Miller explained that many other counties and cities have already adopted similar programs as they eliminate the estimated \$37,000 expense of hiring an uncertified Deputy and sending them to training. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Sheriff's Deputy Incentive Program as presented. A second agreement will be presented by Sheriff Miller next week. The advertisement for a full-time Deputy Sheriff position will be held until that time.

After motion by Terry Cutright, seconded by Sam Nolte, the meeting recessed at 11:30 a.m.

The Commission reconvened at 1:00 p.m. for the Court Security Advisory Board Meeting.

The Commission received project updates and reviewed administrative business items.

With no further business, on motion by Sam Nolte, seconded by Terry Cutright, the Commission meeting adjourned at 3:00 p.m.