

UPSHUR COUNTY COMMISSION MEETING

April 11, 2024

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, April 11, 2024 at 9:00 a.m. Sam Nolte called the meeting to order. Present were: Samuel R. Nolte, Commission President; Kristie G. Tenney, Commissioner; Carol J. Smith, County Clerk; Tabatha R. Perry, County Administrator; Cindy M. Hughes, Assistant County Administrator and Lois A. Marsh, Secretary. Douglas K. Bush, Commissioner, was absent.

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 Kristie Tenney, seconded by Sam Nolte, the Commission approved the meeting minutes of April 4, 2024, as submitted.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign an Agreement delineating the use of the County Fire Protection Funds between Upshur County and each subrecipient. This funding will be conveyed equally to each of the seven volunteer fire departments within Upshur County, per *Senate Bill 1021*, further designated as *WV Code §7-5B-1* and *§7-5B-2*. Tabatha Perry will check to see if the Upshur County Commission tax exemption form or the individual fire department tax exemption form should be used. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign a Multi-Jurisdictional Hazard Mitigation Plan, presented by Region VII Planning and Development Council. The plan has been in the updating phase since 2023 and now has been approved by FEMA, pending the adoption of the plan by each of the region's local governments. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a "Request for Proposals" for a Carpet Replacement Project at the Upshur County Public Library. A mandatory pre-bid conference will be held on Tuesday, April 30, 2024, at 2:00 p.m. Sealed bids must be received no later than 4:00 p.m. on Wednesday, May 8, 2024, at the Administrative Annex, located at 91 West Main Street, Suite 101. Proposals received by the deadline will be publicly opened, reviewed and read aloud by the Commission at 9:15 a.m., on Thursday, May 9, 2024. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign correspondence addressed to the attention of U.S. Senators Joe Manchin and Shelley Moore Capito, expressing support for the Upshur County Sheriff Department's request for a community project in the Commerce, Justice and Science Appropriations Bill. This letter will be used to seek grant funding. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the resignation of Amy Tenney..

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved an advertisement for one full-time position of Deputy Circuit Clerk in the Upshur County Circuit Clerk's Office. Applications must be received by the close of business on May 10, 2024, in the Upshur County Circuit Clerk's Office, located on the third floor of the Courthouse Annex, Room 304. (copy included)

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

1. Correspondence from Joseph C. Thornton, Director of the Division of Administrative Services, on behalf of the Division of Corrections and Rehabilitation, concerning the statutory eligibility requirements for counties to receive funds from the Jail Operation Partial Reimbursement Fund (JOPRF).
2. Correspondence from the Department of Homeland Security – Division of Corrections and Rehabilitation, providing the WV Regional Jail and Correctional Facility monthly invoices for Upshur County for March, 2024. The invoice reflects 2,034 inmate days times \$65.38 per diem rate, totaling \$132,982.92. The February, 2024 invoice was \$117,181.12. This amount does not include credits and additional debits made during this period.
3. Correspondence from Jessica Belt, WVU Medicine, nominating James H. Berry, DO, for the vacant Region 4 representative position for the WV First Foundation. This item will be considered during a future meeting of the local governments.
4. Adrian Public Service District Statement of Budget, Income & Equity for 2024-2025.
5. Adrian Public Service District – Auditor's Report and Financial statement for years ended June 30, 2023 and June 30, 2022.
6. Freedom of Information Act (FOIA) request and fulfillment from Buckhannon Fire Department on behalf of Verisk Insurance Company, regarding a First Due Boundary area.

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7. Upshur County E911 Communication Reports – March, 2024
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
8. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - 2024 Business at Breakfast Workshop April 17, 2024
 - b) Agendas and/or Notice of Meetings:
 - Buckhannon-Upshur Airport Authority April 8, 2024
 - Upshur County Family Resource Network April 8, 2024
 - Upshur County Commission – *Special Meeting* April 16, 2024
 - c) Meeting Minutes:
 - Hodgesville Public Service District Board March 4, 2024
 - Elkins Road Public Service District Board March 5, 2024
 - Adrian Public Service District Board March 7, 2024
 - Adrian Public Service District Board March 20, 2024
 - d) Meetings: ****Dates and times of monthly board meetings are viewable at:***
www.upshurcounty.org –Upcoming events are listed on the main page.

9. Appointments Needed or Upcoming: (none)

****If you are interested in serving on an Upshur County Board, please submit your letter of interest to the Commission Office at 91 West Main Street, Suite 101, Buckhannon, WV 26201 or chughes@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 a board that does 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: *April 4, 2024* – Correspondence from Steve Wykoff, Director of Upshur County Division of Homeland Security and Emergency Management, requesting an unused radio tower, currently located outside the old jail building, be moved to the Emergency Operations Center, for use by DHSEM and CERT. The tower would be used for training for the amateur radio and emergency communications program. *Tabatha Perry stated that Mr. Wykoff is still waiting for a cost estimate to move the tower.*

At 9:15 a.m., Addie Helmick, on behalf of the Centers Against Violence, appeared before the Commission to discuss Sexual Assault Awareness. Ms. Helmick stated that West Virginia Wesleyan College had hosted a “Hope” luminary ceremony in recognition of Sexual Assault Awareness. Ms. Helmick read a proclamation declaring April as Sexual Assault Awareness Month in Upshur County. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and signed a Proclamation declaring April as Sexual Assault Awareness Month in Upshur County. (copy included)

At 9:30 a.m., Jerry Henderson appeared before the Commission to request permission to place a Memorial bench at the Upshur County Youth Camp in honor of her family’s lineage. . Ms. Henderson gave a brief history of her family and their family tradition of holding reunions at the Upshur County Youth Camp over the past 40 years. The bench will be made of wood and steel and is exactly like the ones located on Buckhannon’s Main Street. It will be fully donated by the Davis family After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and accepted the gift of the memorial bench for the Upshur County Youth Camp. Kristie Tenney reported that she had spoken to Greg Woody, Maintenance Director of the Youth Camp, and he will coordinate the installation and delivery of the memorial bench at the Upshur County Youth Camp.

At 9:45 a.m., after discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and signed a Proclamation declaring the week of April 14th through 20th, 2024, as National Public Safety Telecommunicators Week. (copy included)

At 10:00 a.m., the Commission attended a hearing to Consider the Recommendation for Removal of Kimberly Lynn Walls as Executrix for the Estate of Sue S. Walls. Daya Masada Wright, Fiduciary Commissioner for the estate, was present. Carol Smith, County Clerk, stated that she had sent correspondence regarding the hearing to Kimberly Lynn Walls, Executrix, but had received no response. Ms. Wright explained the requirements set forth by State law to probate an estate. Since Ms. Walls has failed to comply with these requirements, Ms. Wright is requesting that Kimberly Lynn Walls be removed as the Executrix and the Sheriff of Upshur County be appointed as Administrator of the Estate of Sue S. Walls. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Recommendation for Removal of Kimberly Lynn Walls as Executrix of the Estate of Sue S. Walls and the Appointment of the Sheriff of Upshur County as Administrator of the Estate of Sue S. Walls. All Executrix fees are denied and Ms. Walls is required to turn over all estate paperwork to the Sheriff of Upshur County within 10 days. (copy included)

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

The Commission approved all Vacation Orders: (list included)

The Commission approved the following Settlements: (as listed)

- Ellen Rae Beckner – Final Settlement Waiver
- Maxine Fleming Hinkle – Final Settlement Waiver
- Hayward Doyle Lewis – Final Settlement Waiver
- Retha Avarella Barbara Marcella Lewis – 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:

- Eads Nicholas M or Ashley D - #305723 - \$187.82 – Refund Order

The Commission approved Requests to Attend Meeting:

- Joan McDaniels – April 16, 2024
- Ashley Runyon – April 16, 2024

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

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission meeting adjourned at 11:23p.m.