

UPSHUR COUNTY COMMISSION MEETING

April 25, 2024

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, April 25, 2024, at 9:00 a.m. Sam Nolte called the meeting to order. Present were: Samuel R. Nolte, Commission President; Kristie G. Tenney, Commissioner; Douglas K. Bush, Commissioner; Carol J. Smith, County Clerk and Tabatha R. Perry, County Administrator.

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 Doug Bush, seconded by Kristie Tenney, the Commission approved the Regular Meeting minutes of April 11, 2024, and the Special Meeting minutes of April 16, 2024, as submitted.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign a Class 5 Underground Injection Control (UIC) Permit from the West Virginia Department of Environmental Protection Division of Water and Waste Management for the Upshur County Youth Camp. The permit will become effective on May 2, 2024 through April 1, 2029. The annual permit fee will be \$333.00, with a groundwater fee of \$15.00, for a total of \$348.00. Receipt of this permit and plan are designed to ensure that fluids injected underground will not endanger drinking water sources. (copy included)

The Commission reviewed the Upshur County Safe Structures and Sites Enforcement Board Petition for Order, filed March 18, 2024 – Case Number 020824-02. The property is located in Warren Tax District – Tax Map 5B – Parcel Number 11, and owned by Gary Dwayne Bailey. Tabatha Perry reviewed the timeline of events and pointed out this property had previously been brought before the Commission in 2022. Due to the reoccurring violation of the Safe Structures and Sites Ordinance, the Board voted to file a Petition for Order immediately. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved entering an Order Adopting Enforcement Agency Findings, issued by the Upshur County Safe Structures and Sites Enforcement Board Petition for Order, filed March 18, 2024. The property owner will have 60 calendar days to bring the property into compliance. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the FY 25 Court Security Grant Application, Resolution and Assurances, requesting funds to be utilized for various security enhancements throughout the Courthouse and Annex. The application is in the amount of \$51,813.00. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the election workers as needed throughout the election cycle for the May 14, 2024 Primary Election. These individuals will also assist during early voting. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign an agreement between the J.F. Allen Company and the Upshur County Commission, regarding the transfer of permit holder for a WV/NPDES (National Pollutant Discharge Elimination System) permit. This transfer will accept responsibility, coverage, and liability for property located along Route 33, which was donated to the Upshur County Commission. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign a WV/NPDES (National Pollutant Discharge Elimination System) permit transfer application from the J.F. Allen Company to the Upshur County Commission for property located along Route 33, which was donated to Upshur County by the J.F. Allen family. The transfer of responsibility, coverage and liability for the site will be effective upon permit transfer approval by the WV DEP. The cost for the name transfer is \$100.00 and the cost for the permit reissuance annual fee is \$1,750.00. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the reappointment of Shane Whitehair to the Corridor H Authority. Mr. Whitehair's term will be effective July 1, 2024 through June 30, 2028.

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved seasonal employment of the Buckhannon-Upshur Recreational Park managers, lifeguards, admissions and concessions workers, effective May 5, 2024. Jeremiah McCourt, Parks and Recreation Director, noted additional employees were hired this year due to the extra amenities being offered such as archery tag and gellyball. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved Carlton Hewett as a Department of Homeland Security & Emergency Management volunteer.

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

1. Grant Award Notice from the West Virginia Department of Economic Development, regarding funding in the amount of \$252,500, from the Land & Water Conservation Fund (LWCF) for the rehabilitation of tennis courts at the Upshur County Park. The scope of work will consist of resurfacing and restriping six tennis courts to convert them to multi-purpose courts for tennis and pickleball play, along with installation of new fencing and the addition of ADA accessible parking. Tabatha Perry pointed out that the grant period runs through March 31, 2027. A restrictive covenant is currently being reviewed by legal counsel and then a Request for Proposals will be prepared and brought before the Commission for review.
2. Notification and Memorandum of Understanding from the Try This WV Granting Agency for a \$2,000.00 award, granted to the Upshur County Trails group for a “Repair & Race” program. The program is designed to repair trails and assist in hosting races and public events.
3. Correspondence from the Monongalia County Commission, regarding the West Virginia First Foundation Regional Director Reappointment. The letter outlines the next steps in appointing a Region 4 Director, due to the current Director being appointed as the Executive Director of the WV First Foundation. The next regional meeting is planned for May 9, 2024.
4. Announcement from the National Association of Counties (NACo) of the release of a children’s book, “The Marvelous Adventures of Countyland”, to celebrate April as National County Government Month.
5. Release of the 1st Quarter of 2024 Volunteer Fire Department State Distribution of funds from the West Virginia State Treasurer’s Office.
6. Upshur County Sheriff’s Financial Statement for period ending March 31, 2024.
7. Upshur County Mileage Reports – March, 2024
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound
 - Emergency Management
 - Maintenance
 - Parks & Recreation
 - Sheriff
 - Upshur 911
8. Lewis-Upshur Animal Control Facility Reports for the month of March, 2024
 - Revenue Report
 - Account of Animals Report
 - Animal Control/Humane Officer Animal Report
9. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)
 - b) Agendas and/or Notice of Meetings:
 - Upshur County Farmland Protection Board April 16, 2024
 - Upshur County Fire Board April 16, 2024
 - City Council of Buckhannon April 18, 2024
 - City Council of Buckhannon – **Cancelled** May 16, 2024
 - c) Meeting Minutes:
 - Upshur County Farmland Protection Board December 18, 2023
 - Upshur County Farmland Protection Board February 6, 2024
 - Upshur County Solid Waste Authority March 11, 2024
 - Upshur County Convention & Visitors Bureau March 13, 2024
 - Upshur County Safe Structures and Sites Enforcement Board March 14, 2024
 - Upshur County Fire Board March 19, 2024
 - Upshur County Youth Camp Board March 21, 2024
 - d) Meetings: ***Dates and times of monthly board meetings are viewable at:**
www.upshurcounty.org –Upcoming events are listed on the main page.
10. 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.****

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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 programs. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the relocation of the unused radio tower. The anticipated cost will be less than \$200. (copy included)

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)

- Garth Meadley – Final Settlement Waiver
- Ellen R. Nickell – Final Settlement Waiver
- Catherine Ann Thrain – Final Settlement Waiver
- Dusty Edward Caputo – Final Settlement

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment:

- Janis T. Bowman – Certification of Completion
- Chlora Jane Cantler *aka* C. Jane Cantler – Certification of Completion

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

- Malcomb Mary Living Trust - #8699 - \$5.26 – Refund Order
- Malcomb Mary Living Trust - #8694 - \$34.32 – Refund Order
- Malcolm Mary Living Trust - #8700 - \$5.26 – Refund Order
- Malcolm Mary Living Trust - #8697 - \$5.26 – Refund Order
- Malcolm Mary Living Trust - #8693 - \$9.28 – Refund Order
- Malcolm Mary Living Trust - #8698 - \$12.26 – Refund Order
- Malcolm Mary Living Trust - #8702 - \$5.26 – Refund Order
- Malcolm Mary Living Trust - #8697 - \$5.26 – Refund Order
- Malcolm Mary Living Trust - #8696 - \$5.26 – Refund Order
- Malcolm Mary Living Trust - #8701 - \$5.26 – Refund Order
- Summerfield Amy J - #13615 - \$825.79 – Exoneration Order
- Lough E Louise - #700000069S - \$2.10 – Exoneration Order
- Landaplenty LLC - #21423 - \$1,111.67 – Refund Order

The Commission approved Requests to Attend Meeting:

- Steve Wykoff – August 19 – 20, 2024
- Doyle R. Cutright, II – July 9, 2024

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

At 9:15 a.m., the Commission held a Courthouse Stairwell Rehabilitation Project Bid Opening. Tabatha Perry, County Administrator, explained that no eligible bids were received for this project.

Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, presented a request from Willard and Melissa Paradis to name a road Fallcrest Drive. This requesting is concerning a road off of Heavner Grove Road. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the name of **Fallcrest Drive**. (copy included)

Carol Smith reviewed a request for a budget revision. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the budget revision as discussed with a “Request for Revision to Approved Budget” to be sent to the Office of the State Auditor for approval. (copy included)

At 10:00 a.m., the Commission conducted public testing of voting machines in the County Clerk area.

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Doug Bush, seconded by Kristie Tenney, the Commission meeting adjourned at 11:45 a.m.