

# UPSHUR COUNTY COMMISSION MEETING

June 6, 2024

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, June 6, 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; Tabatha R. Perry, County Administrator; Cindy M. Hughes, 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 Doug Bush, seconded by Kristie Tenney, the Commission approved the Regular meeting minutes of May 23, 2024, and Special Meeting minutes of May 29, 2024, as submitted.

At 9:02 a.m., Jody Light, President of the Almost Heaven BBQ Bash, appeared before the Commission to give an update on the 2024 Almost Heaven BBQ Bash, which will be held on June 14<sup>th</sup> and 15<sup>th</sup>, 2024, in Buckhannon. Ms. Light stated that there are 32 master teams and 12 backyard teams participating in this year's event.

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 the Oath and Certificates for the personal property books and real land books. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the WV Communities Self Insurance Risk Pool Coverage Intent Form. The total annual contribution, including workers' compensation, is \$226,939. Tabatha Perry, County Administrator, stated that this amount is slightly lower than last year. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign the Metis Property Valuation Report – Statement of Values Form. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved County Financial Institutions as Depositories as Required by *WV Code §7-6-1*: Freedom Bank, First Community Bank, JP Morgan-Chase Bank, Peoples Bank, and Citizens Bank of West Virginia. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign a Deed Restriction Instrument to comply with deed restrictions as are required to accept grant funding awarded from the United States Land and Water Conservation Fund Grant (LWCF). The deed restrictions must specify that said property, located at the Buckhannon-Upshur Recreational Park, shall be bound by perpetual restrictive covenants, which obligate the property to remain in use solely as a public outdoor recreational facility. Tabatha Perry, County Administrator, explained that the guidelines have changed, thereby requiring this action. (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 by and between the Upshur County Commission and Family Carpet Outlet, Inc., to provide carpet replacement services at the Upshur County Public Library. The contractual cost for the service is \$65,000. The project will be completed this summer. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign a Letter of Support for the City of Buckhannon's North Locust Street's (WV State Route 20) Sidewalk and Lighting Project. The City of Buckhannon is applying for grant funding for the design phase of constructing safe, ADA-compliant sidewalks for community members to travel to Buckhannon's residential, business and commercial areas. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign a Letter of Support for the City of Buckhannon's West Main Street/North Locust Street's (WV State Route 20) Sidewalk and Lighting Project. This letter of support will address the construction phase of the project that will construct safe, ADA-compliant sidewalks for community members to travel to residential, business, commercial and governmental areas of downtown Buckhannon. (copy included)

# UPSHUR COUNTY COMMISSION MEETING

June 6, 2024

The Commission reviewed the Upshur County Safe Structures and Sites Enforcement Board Petition for Order file – Case Number 060823-01, for property located in Buckhannon District (Tax Map 3 – Parcel Number 45) owned by Carolyn Sipe. Cindy Hughes, Assistant County Administrator, explained that correspondence has been sent to Ms. Sipe, with some being accepted and some returned. Ms. Sipe lives in Wetzel County and most correspondence has been delivered through a processing service. Ms. Sipe did confirm a receipt of this order but did not request a hearing with the Commission. After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved granting a 45-day extension to make satisfactory progress noted by the Commission or the Upshur County Safe Structures and Sites Board. If satisfactory progress is not noted, a fine of \$50.00 per day will be assessed beginning on the 46<sup>th</sup> day. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved the resignation of Shanna Collins from the James W. Curry Library Advisory Board, effective immediately. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved the reappointment of Rachel Weber to the Upshur County Parks and Recreation Advisory Board. Ms. Weber's term will be effective July 1, 2024 through June 30, 2026. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved an advertisement for a part-time Service Provider Aide for the 26<sup>th</sup> Judicial Circuit Community Corrections Program. Applications received on or before the close of business on Friday, June 14, 2024, will be reviewed. (copy included)

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved an advertisement for a part-time Case Aide for the 26<sup>th</sup> Judicial Circuit Community Corrections Program. Applications received on or before the close of business on Friday, June 14, 2024, will be reviewed.

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved Hannah Runyon and Andrea McDaniels as James W. Curry Library volunteers.

After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved Daniel Strauser and Hannah Lahman as Lewis-Upshur Animal Control Facility volunteers.

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the resignation of Michael Haler.

After discussion, on motion by Doug Bush, seconded by Kristie Tenney, the Commission approved the request from Sheriff J. Michael Coffman, for employment of John Slaughter as a part-time Court Security Officer, effective June 16, 2024.

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

1. Correspondence from the Upshur County Safe Structures and Sites Enforcement Board, notifying the filing of a Petition for Order for Case Number 041124-02 (Banks District – Tax Map 3P – Parcel Number 19), located in Rock Cave. The owner has requested a hearing. The county ordinance states that the meeting has to be held within 20 days of receipt of notice, which was June 5, 2024. Tabatha Perry stated that the hearing will be scheduled for the Commission Meeting on June 13, 2024, at 9:15 a.m. After discussion, on motion by Kristie Tenney, seconded by Doug Bush, the Commission approved scheduling the hearing for the Upshur County Safe Structures and Sites Enforcement Board Petition for Order for Case Number 041124-02 (Banks District – Tax Map 3P – Parcel Number 19) for June 13, 2024, at 9:15 a.m. (copy included)
2. Upshur County Sheriff's Financial Statement for period ending April 30, 2024.
3. Notification from the Adrian Public Service District announcing the availability of monitoring data for unregulated contaminants.
4. Notification from the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA), announcing the approval of the Region 3 Local Hazard Mitigation Plan, which has met the requirements of *Title 44, Chapter 1, Section 201.6*, of the Code of Federal Regulations. This approval makes participating communities eligible for FEMA non-emergency assistance and mitigation grants from a variety of programs.

UPSHUR COUNTY COMMISSION MEETING  
June 6, 2024

5. Public Notices:

- a) Newsletters and/or Event Notifications:
- Upshur County Historical Society – Summer 2024 Exhibit June 9 – September 29, 2024
- b) Agendas and/or Notice of Meetings:
- 26<sup>th</sup> Judicial Circuit Community Corrections Program May 28, 2024
  - Buckhannon-Upshur Airport Authority – *Special Meeting* May 31, 2024
  - City Council of Buckhannon June 6, 2024
  - Elkins Road Public Service District Board June 11, 2024
- c) Meeting Minutes:
- Upshur County Fire Board April 16, 2024
  - Upshur County Parks & Recreation Board April 16, 2024
- d) Meetings: ***\*Dates and times of monthly board meetings are viewable at:***  
[www.upshurcounty.org](http://www.upshurcounty.org) –Upcoming events are listed on the main page.

6. 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](mailto: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: (none)

The Commission meeting scheduled for June 20, 2024 has been cancelled due to the West Virginia Holiday.

At 11:00 a.m., the Commission conducted property inspections per *WV Code §7-1-5*.

At 1:00 p.m., the Commission conducted a James W. Curry Capital Improvement Project work session at the James W. Curry Library (no decisions were made).

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)

- Marshall Lee Cerullo – Final Settlement
- Herbert Reese Coston – Final Settlement Waiver
- Phyllis Kohl Coston – Final Settlement Waiver
- Robert Howard Coston – Final Settlement Waiver
- Allen Ray West Trust – Sixteenth Periodic Settlement

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

- Jane O'Brien Ayers – Certification of Completion

The Commission approved the following Corrections, Exonerations and/or Refunds: (none)

The Commission approved Requests to Attend Meeting:

- Tabatha R. Perry – June 10 – June 12, 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 Doug Bush, the Commission meeting adjourned at 11:10 a.m.