

UPSHUR COUNTY COMMISSION MEETING

July 13, 2023

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, July 13, 2023 at 9:00 a.m. Sam Nolte called the meeting to order. Present were: Samuel R. Nolte, 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. Kristie Tenney, Commission President, was attending a Region 4 meeting in Morgantown.

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 Sam Nolte, the Commission approved the meeting minutes of June 29, 2023, as submitted.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the "Request for Qualifications" from professionally qualified engineering consulting firms to develop a plan to supply and install a dump station at the James W. Curry Park, located in French Creek, WV, to serve the existing 18 campsites and allow for the construction of a future bathhouse. Proposals must be received by the Commission no later than 4:00 p.m. on Friday, August 18, 2023. All proposals will be opened, reviewed and evaluated by the Upshur County Commission at 9:30 a.m. on Thursday, August 24, 2023. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign a Modification of Note between the Upshur County Commission, Buckhannon-Upshur Airport Authority and Citizens Bank. The outstanding principal balance as of July 13, 2023 is seventeen thousand fifty-four dollars and eighty-five cents (\$17,054.85). The interest rate is changed from 3.95% to 5.50%, which changes the monthly payment from \$1,506.00 to \$1,463.93 and the maturity date will be extended from July 14, 2023 to July 14, 2024. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the Outlay Report and Request for Reimbursement for Construction Programs (Request #1 – FINAL) from the Federal Aviation Administration for the construction of two hangars, on behalf of the Buckhannon-Upshur Airport Authority, in the amount of \$150,000. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the Order following the June 29, 2023 Hearing for the Estate of Doris Jean Davis Carr, deceased. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from John Cicalese to appoint the Sheriff of Upshur County as the Administrator for the Estate of Thomas Arthur Cicalese, deceased. Carol Smith explained that no one from the family was interested in being the Administrator and therefore, had requested the Sheriff to be appointed as Administrator. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved a resignation of an employee.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved an inter-departmental transfer of an employee.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved an advertisement for a part-time position of Home Incarceration Supervisor. Applications must be received by 4:00 p.m. on Monday, July 24, 2023. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved an advertisement for a full-time Deputy Clerk in the Circuit Clerk's Office. Applications must be received by 4:00 p.m., on August 14, 2023. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from J. Michael Coffman, Sheriff, for the employment of Robert A. Wilt, as fill-in Court Security Officer, effective July 16, 2023.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from Kimbra Wachob, Assistant Director of the Upshur County Emergency Communications Center, for the employment of Erica Lantz, as Emergency Telecommunicator, effective July 17, 2023.

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

1. Correspondence from the Department of Homeland Security – Division of Corrections & Rehabilitation providing the WV Regional Jail and Correctional Facility monthly invoice for Upshur County for June, 2023. The invoice reflects 1,391 inmate days times \$48.25 per diem rate, which totals \$67,115.75. The May, 2023 invoice was \$73,677.75. Tabatha Perry explained that effective July 1, 2023, a new calculation process would be used.

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2. Correspondence from Tabatha R. Perry, County Administrator, to Chief Circuit Judge Jacob Reger, requesting permission to process payment from the Worthless Check Fund for Magistrate Court Bailiff Services for fiscal year ending June 30, 2023. Bailiff services were provided to the Magistrate Court on one hundred and ninety-two days.
3. Correspondence from Joseph Armstrong, WV Supreme Court of Appeals Court Administrator, approving the expenditure in the amount of six thousand seven hundred dollars and zero cents (\$6,700.00) from the Upshur County Worthless Check Fund to cover the cost of bailiff services for the Upshur County Magistrate Court for the fiscal year ending 2023.
4. Correspondence from Thomas C. Bloom, President of the Monongalia County Commission, regarding the upcoming meeting to elect a Regional Director to serve as the representative for the West Virginia First Foundation as established pursuant to Senate Bill 674. The meeting and election for a Region 4 Director will be held on July 13, 2023. Commission President, Kristie Tenney, will be attending the meeting on behalf of the Upshur County Commission.
5. Upshur County Building and Floodplain Permits for the month of June, 2023.
6. Upshur County E911 Communication Reports – June, 2023
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
7. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - “Dickens of A Ride” Fundraiser – Upshur County Parish House July 29, 2023
 - b) Agendas and/or Notice of Meetings:
 - City Council of Buckhannon July 6, 2023
 - Buckhannon Upshur-Airport Authority July 10, 2023
 - Elkins Road Public Service District July 11, 2023
 - Upshur County Convention & Visitors Bureau July 12, 2023
 - Upshur County Safe Structures and Sites Board July 13, 2023
 - Meeting Minutes:
 - Upshur County Safe Structures and Sites Board May 11, 2023
 - c) Meetings: ****Dates and times of monthly board meetings are viewable at:***
<http://cms4.revize.com/revize/upshurwv/calendar.php> or go to www.upshurcounty.org and click on the board meetings calendar box on the main page.
8. Appointments Needed or Upcoming:
 - Tennerton Public Service District – unexpired term July 31, 2023
 - Buckhannon-Upshur Airport Authority – term July 1, 2023 through June 30, 2026

****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: (none)

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)

- Matthew Ray Alderman – Final Settlement Waiver
- Doris Jean Davis Carr – First Annual Settlement
- Gene Arvin Currence – Final Settlement Waiver
- Margaret Fetty – Final Settlement Waiver
- Scott Alan Helmick – Final Settlement Waiver
- Violet Williams Hodges – Final Settlement Waiver
- Patricia Pugh – Final Settlement Waiver
- Carl Eugene Tenney – Final Settlement Waiver
- Annabelle G. Tolliver – Final Settlement Waiver

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

- LaVoo Hollen – Certification of Completion
- William Taylor Sleeman – Certification of Completion

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The Commission approved the following Corrections, Exonerations and Refunds:

- JBH Trucking LLC - #304731 - \$832.08 – Exoneration Order
- Jeffrey S or Jody L or Isaac Johnson - #307347 – \$881.04 - Exoneration Order
- John G Kafer - #301584 - \$321.26 – Exoneration Order
- Everett R Davis - #304482 - \$272.92 – Exoneration Order
- Dillon McDaniels - #307447 - \$50.44 – Exoneration Order
- Joe A & Martha M McKisic - #30536 - \$918.22 – Exoneration Order
- Demar Joe & Kenna Everson - #305738 - \$204.06 – Exoneration Order
- Mackenzie A or Kayla M Michael - #301795 - \$532.78 – Exoneration Order
- Patricia or Virgil Murphy - #300403 - \$27.42 – Exoneration Order
- Donald B or Judith A Nestor - #303593 - \$773.56 – Exoneration Order
- Jimmie E or Marilyn H Osburn - #308476 - \$85.70 – Exoneration Order
- John J Perry - #304783 - \$4.20 – Exoneration Order
- Gary J Ridgway - #01309364 - \$10.52 – Exoneration Order
- William D & Darlene K Riley - #306253 - \$84.64 – Exoneration Order
- Tracy & Sherry Singleton - #302056 - \$39.62 – Exoneration Order
- Parick M or Jenny N Tenney - #308724 - \$68.56 – Exoneration Order
- Larry N & Loretta C Watson - #303891 - \$368.66 – Exoneration Order
- Vernon C & Ann R Wilson - #300621 - \$530.78 – Exoneration Order
- Wingfield Charles - #302286 - \$63.58 – Exoneration Order
- Robert E Workman - #306578 - \$184.76 – Exoneration Order
- Steven C & Robin M Hicks - #12411 - -\$193.33 – Exoneration Order
- Steven C & Robin M Hicks - #12413 - \$428.50 – Exoneration Order
- Nancy N Burgess c/o Steven C or Robin M Hicks - #11714 - \$0.00 – Correction Order
- Jon & Melissa O’Keefe - #13073 - -\$237.47 – Exoneration Order
- Jon & Melissa O’Keefe - #13074 - \$137.59 – Exoneration Order
- David & Kavrina Kelley - #21301 - \$38.18 – Exoneration Order
- William D & Darlene K Riley - #306253 - \$84.64 – Exoneration Order
- Messenger Larry or Dessie 01-3Q-75-2-1001 - #300393 - \$125.51 – Exoneration Order
- Shannon Loudin - #21609 - \$920.96 – Exoneration Order
- Michael A & Steven C Brown - #469 - \$372.74 – Exoneration Order
- Michael A & Steven C Brown - #467 - -\$376.16 – Correction Order
- Johnny Elmer - #304509 - \$173.64 – Correction Order
- Jeffrey T & Amanda S Craig - #7166 - \$45.71 – Exoneration Order
- John P & Clara Loudin - #21601 - \$66.20 – Exoneration Order
- Donald Junior Tallman - #31616 - \$683.23 – Exoneration Order
- Donald & Lavera S Tallman #31615 - -\$152.36 – Correction Order
- Coleman E Conrad c/o Lonnie Conrad #11878 - \$667.71 – Correction Order
- Chestley Ciciro II or Brenda L Cutright - #300147 - \$67.91 – Correction Order
- Rebekah J Lewis - #306022 - \$317.58 – Exoneration Order
- George Worthy & Janice Arlene Jenkins - #25496 - \$654.08 – Correction Order
- Catherine L & Jerry L Morrison - #22136 - \$3.52 – Correction Order
- Kevin C & Vicky L Hawkins - #20960 - \$536.92 – Exoneration Order
- Thomas G & Grace Lynch - #303480 - \$157.40 – Exoneration Order
- Terena D (Davis) Duke or Jessica Davis - #304501 - \$127.40 – Exoneration Order
- No Name - #5887 - \$5.26 – Exoneration Order
- No Name - #5888 - \$5.26 – Exoneration Order
- No Name - #5892 - \$5.26 – Exoneration Order
- No Name - #5890 - \$5.26 – Exoneration Order
- No Name - #5891 - \$5.26 – Exoneration Order
- No Name - #5889 - \$5.26 – Exoneration Order
- No Name - #5886 - \$5.96 – Exoneration Order
- Jordan Gary L II or Sheena - #600000132 - \$428.16 – Exoneration Order
- Lee James R II or Landis Mandy L - #200000104S - \$34.66 – Exoneration Order
- Nay Chapel United Methodist - #30503 - \$5.26 – Exoneration Order
- Mountain V LLC (WI-API 01876) - #305216 - -\$5.26 – Exoneration Order
- Mountain V LLC (WI-API 00527) #302665 - -\$5.26 – Exoneration Order
- No Name - #18775 - \$7.18 – Exoneration Order
- No Name - #18776 - \$7.18 – Exoneration Order
- No Name - #18777 - \$7.18 – Exoneration Order

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- No Name - #18778 - \$7.18 – Exoneration Order
- No Name - #18779 - \$7.18 – Exoneration Order
- No Name - #18780 - \$5.96 – Exoneration Order
- No Name - #18782 - \$5.96 – Exoneration Order
- No Name - #18781 - \$11.92 – Exoneration Order
- No Name - #18790 - \$5.26 – Exoneration Order
- No Name - #18789 - \$5.26 – Exoneration Order
- No Name - #18788 - \$5.26 – Exoneration Order
- No Name - #18787 - \$5.26 – Exoneration Order
- No Name - #18786 - \$5.26 – Exoneration Order
- No Name - #18786 - \$5.26 – Exoneration Order
- No Name - #18785 - \$5.26 – Exoneration Order
- No Name - #18784 - \$5.26 – Exoneration Order
- No Name - #18783 - \$5.26 – Exoneration Order
- No Name - #18797 - \$5.26 – Exoneration Order
- No Name - #18796 - \$5.26 – Exoneration Order
- No Name - #18795 - \$5.26 – Exoneration Order
- No Name - #18794 - \$5.26 – Exoneration Order
- No Name - #18793 - \$5.26 – Exoneration Order
- No Name - #18792 - \$5.26 – Exoneration Order
- No Name - #18798 - \$5.26 – Exoneration Order
- No Name - #18791 - \$5.26 – Exoneration Order
- No Name - #32659 - \$5.26 – Exoneration Order
- No Name - #32660 - \$5.26 – Exoneration Order
- No Name - #32664 - \$5.26 – Exoneration Order
- No Name - #32662 - \$5.26 – Exoneration Order
- No Name - #32663 - \$5.26 – Exoneration Order
- No Name - #32661 - \$5.26 – Exoneration Order
- Reno T Tyson - #306471 - \$2.10 – Exoneration Order
- Richard or Donnie Tackett – Apportionment of Assessment and Taxes Per Final Divorce Order
- Cemantha J or Ronald E II Woody – Apportionment of Assessment and Taxes Per Final Divorce Order
- Rowan Thomas M & Gayle L – Apportionment/Split of Assessment and Taxes For Classification

The Commission approved Requests to Attend Meeting:

- Jeremiah McCourt – September 19-September 21, 2023

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

At 9:15 a.m., Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, appeared before the Commission to discuss a Road Name Request. Property owners present were: Darell, Diane, Daniel and Lany Hyre. This road change was initiated because of a third structure being erected on a driveway, necessitating the change of address. Ms. Bennett stated she will meet with the Hyres and other property owners, in an attempt to reach an acceptable resolution. Due to the complexity of the road name change for the Hyre's, the Commission took no action on this issue until a later meeting. (copy included)

At 9:58 a.m., the Commission discussed the status of property located in Meade Tax District, owned by the Randall Hughes Ministry, previously owned by the Estate of John Harmon George, deceased (*tabled 6/29/2023*). Randall Hughes, Linda Hughes and Shane Small were in attendance to give an update to the Commission on cleanup of the property. Ms. Hughes stated that the contractor is removing the debris from the area and is planning to have everything cleaned up and landscaped by the end of August. The ministry is planning to erect a pavilion with a kitchen and eating area and eventually erect a community center. Tabatha Perry stated that they need to submit plans to Terri Jo Bennett for evaluation. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved a 60-day extension to complete the cleanup.

At 10:30 a.m., the Commission conducted a hearing to consider the Objections to the Last Will and Testament of Ralph Ronsdale Wamsley. Carol Smith gave a brief recap of the timeline. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission stated that the will is legal and meets all standards of the law. If the heirs wish to appeal this to the Circuit Court, Daya Masada Wright explained that they would have 30 days to file an action with the Circuit Court.

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Carol Smith reviewed a request for a budget revision. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission 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)

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Doug Bush, seconded by Sam Nolte, the Commission meeting adjourned at 12:15 p.m.