

# UPSHUR COUNTY COMMISSION MEETING

## July 21, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, July 21, 2022 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Kristie G. Tenney, Commission President; Terry B. Cutright, Commissioner; Samuel R. Nolte, 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 Sam Nolte, seconded by Terry Cutright, the Commission approved the meeting minutes of July 14, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

At 9:03 a.m., the Commission reviewed the Upshur County Safe Structures and Sites Enforcement Board Petition for Order filed June 13, 2022 – Case Number 021121-01 (Union Tax District – Tax Map 7H – Parcel Number 76.1) owned by Bryce Chapman and consider Order Adopting Enforcement Agency Findings. Tabatha Perry stated she had reviewed this case with Bryan Hinkle, Prosecuting Attorney, and he suggested tabling this item until the Commission could meet with Prosecuting Attorney Hinkle and Sheriff Miller. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved tabling this item until a meeting with the County Commission, Prosecuting Attorney and Sheriff could be scheduled. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the Commission President to sign an Application for Eligibility for WV Surplus Property. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Jewel Fisher, Assistant Coordinator for Buckhannon Volunteers in Police Service (VIPS), for authorization to utilize the \$750 previously appropriated on June 30, 2022 for the EMS/Fire Services Recognition Banquet for the Law Enforcement (LEO) and 911 Center Appreciation banquet this fall. The EMS/Fire Services Recognition Banquet has been cancelled due to lack of interest and response. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved an Application for Community Use of Buildings, Equipment and Grounds from the Upshur County CEOS to use the sidewalk/step area of the courthouse/annex for a membership drive to be held on September 6, 2022 from 8:30 a.m. – 2:30 p.m. A Certificate of Liability Insurance has been included with the request. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Donna Kafer for reappointment to the Upshur County Civil Service Board – Law Enforcement as a Democratic Representative. Ms. Kafer's new term will be January 1, 2022 to December 31, 2025. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Lori Ulderich Harvey for reappointment to the James W. Curry Library and Park Advisory Board. Ms. Harvey's new term will be January 1, 2022 to December 31, 2026. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Elkins Road PSD for appointment of Wendell Grose to fulfill the unexpired term of Larry J. Heater. Mr. Grose's term will be July 21, 2022 to September 30, 2026. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Sheriff Virgil D. Miller to employ Steven A. Neely as part-time Court Security Officer, effective July 31, 2022.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Sheriff Virgil D. Miller to employ Robert G. Ware as a fill-in Court Security Officer, effective July 31, 2022.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the resignation of four Buckhannon-Upshur Recreational Park employees.

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

1. Correspondence from Cathy Johnston, representative of Weyerhaeuser Giving Fund, announcing the award of a \$5,000 grant to the Upshur County Commission for the James W. Curry Library and Park facilities. Tabatha Perry explained that this funding will be applied to the purchase of a new tractor.
2. Correspondence from Susan M. Pierce, Deputy State Historic Preservation Officer of the West Virginia Department of Arts, Culture and History, approving the proposed repairs to the Sheriff's Residence Front Porch Project.
3. Correspondence from Adrian Public Service District providing the most recent copy of the Tariff/Leak Adjustment Policy.

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4. Upshur County Sheriff's Financial Statement for period ending June 2022.
5. Upshur County Sheriff's Settlement, Reconciliation of Cash and Commission – Fiscal Year Ending June 30, 2022
6. Upshur County Fire Board, Inc. Cumulative Financial Reports FY22 – July 1, 2021 through June 30, 2022
7. Upshur County Safe Structures and Sites Enforcement Board Petition for Order filed July 18, 2022 – Case Number 031022-01 (Meade Tax District – Tax Map 1 – Parcel Numbers 50,52,53,54,55,56,57). The individual responsible for the property, Harman George, has twenty days to request a hearing before the Upshur County Commission.
8. Public Notices:
  - a) Newsletters and/or Event Notifications: (none)
  - b) Agendas and/or Notice of Meetings:
    - Upshur County Fire Board, Inc. July 19, 2022
    - Upshur County Convention & Visitors Bureau July 20, 2022
    - City Council of Buckhannon July 21, 2022
  - Meeting Minutes:
    - Elkins Road PSD June 7, 2022
    - Upshur County Safe Structures & Sites Enforcement Board June 9, 2022
    - Upshur County Solid Waste Authority June 13, 2022
  - c) Meetings: **\*Changes are noted in bold type**
    - 07/07/22-3:00 p.m.-Adrian PSD
    - 07/07/22-7:00 p.m.-Banks District VFD
    - 07/07/22-7:00 p.m.-City Council of Buckhannon
    - 07/07/22-7:00 p.m.-Selbyville VFD
    - 07/10/22-6:00 p.m.-Washington District VFD
    - 07/11/22-12:00 p.m.-Upshur County Family Resource Network
    - 07/11/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
    - 07/11/22-4:30 p.m.-Upshur County Solid Waste Authority
    - 07/11/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
    - 07/11/22-6:00 p.m.-Lewis-Upshur Community Corrections Board-Up Co-**\*Canceled**
    - 07/12/22-7:00 a.m.-Upshur County Development Authority-Full Board-**\*Canceled**
    - 07/12/22-12:00 p.m.-Upshur County Senior Center Board
    - 07/12/22-4:00 p.m.-Hodgesville PSD
    - 07/12/22-5:00 p.m.-Elkins Road PSD
    - 07/12/22-7:00 p.m.-Warren District VFD
    - 07/12/22-7:30 p.m.-Adrian VFD
    - 07/13/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
    - 07/13/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
    - 07/13/22-3:00 p.m.-Tennerton PSD
    - 07/13/22-6:00 p.m.-Buckhannon River Watershed Association
    - 07/13/22-7:00 p.m.-Ellamore VFD
    - 07/14/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
    - 07/14/22-6:00 p.m.-Upshur-Buckhannon Board of Health-**\*Canceled**
    - 07/14/22-7:30 p.m.-Buckhannon VFD
    - 07/15/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
    - 07/19/22-6:30 p.m.-Upshur County Fire Board, Inc.
    - 07/20/22-12:00 p.m.-Lewis Upshur LEPC-Upshur Co
    - 07/20/22-4:00 p.m.-Upshur County Public Library Board
    - 07/21/22-6:30 p.m.-Upshur County Youth Camp Board
    - 07/26/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
    - 07/27/22-7:00 p.m.-Upshur County Fire Fighters Association
    - 07/28/22-7:30 a.m.-Upshur County Farmland Protection Board-**to be held at the UCDA Conference Room**
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 W. Main Street, Suite 101, Buckhannon, WV 26201 or [trperry@upshurcounty.org](mailto:trperry@upshurcounty.org). Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at

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*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.\*\*\**

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)

- Phyllis Draper Haislip – Final Settlement Waiver
- John Lewis Ruble, Jr. – Final Settlement Waiver
- Jimmie Burt Seckman – 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:

- Mayhew David A - #29750 - \$179.94 – Exoneration Order
- Ours James A or Donna J - #308776 - \$322.42 – Exoneration Order
- Riffle Wilma - #302027 - \$73.30 – Exoneration Order
- Goldsborough Tiffany - #301382 - \$57.48 – Exoneration Order
- Curtis Tammy L & Steven L - #1409 - \$313.12 – Exoneration Order
- Curtis Tammy L & Steven L - #1410 - \$13.66 – Exoneration Order
- Williams Mark E or Twila - #309123 - \$93.52 – Exoneration Order
- Champ James H or Margaret - #305776 - \$47.02 – Exoneration Order
- Hayes Max L & Leslie C - #12266 - \$158.09 – Exoneration Order
- Eads Nicholas M or Ashley D - #305898 - \$79.33 – Exoneration Order
- Ball Carlton - #305627 - \$83.44 – Exoneration Order
- Hinzman Ronald R - #7922 - -\$64.10 – Correction Order
- Williams Mark E or Twila - #309113 - \$93.52 – Exoneration Order
- Nesbitt Roy Wade - #22071 - \$199.64 – Exoneration Order
- George Karen K - #24949 - -\$175.12 – Exoneration Order
- Kesling Karen - #8261 - \$175.12 – Exoneration Order
- 180 Center Inc - #11270 - \$1,494.88 – Exoneration Order
- 180 Center Inc - #11271 - \$440.98 – Exoneration Order
- We-R-Farmers LLC - #10446 - \$195.20 – Exoneration Order
- Lee Linda - #12611 - \$175.12 – Exoneration Order
- Stackpole Robert L Jr or Brittany R - #307838 - \$37.83 – Exoneration Order
- Sites Mack William or Michelle Lea - #300526 - \$41.50 – Exoneration Order
- Rowan Beulah Edna (Bulah) - #700000158S - \$2.10 – Exoneration Order
- Leggett Tim & Kristina J - #308657 - \$0.00 – Exoneration Order
- Lane James A & Stephannie - #3097 - \$175.12 – Exoneration Order
- Sipe Ashley Dawn - #400000036S - \$11.82 – Exoneration Order
- Posey Audrey M (Collins) or Johnson Isaiah - #500000193S - \$53.84 – Exoneration Order
- Trader Michael A or Posey Emilea R - #700000362S - \$385.82 – Exoneration Order
- Trader Michael A or Posey Emilea R - #400000153S - \$385.82 – Exoneration Order
- Jack Delbert G Jr - #301582 - \$191.24 – Exoneration Order
- Reed Ronald M & Joyce A - #301995 - \$79.60 – Exoneration Order
- Tharpe Brittany D or Tharpe Bryan M - #400000132S - \$375.94 – Exoneration Order
- Rice Scott Allen & Shelley J - #22589 - \$2,199.16 – Exoneration Order
- Zinn Tammy L - #200000260S - \$174.89 – Exoneration Order
- Nesbitt Roy Wade – Apportionment/Split of Assessment and Taxes for Classification
- Smith Linda Sue – Apportionment/Split of Assessment and Taxes for Classification
- Robinson Pamela D or Russell L Jr - Apportionment of Assessment and Taxes per final Divorce Order

The Commission approved Requests to Attend Meeting:

- Derek V. Long – September 25, 2022 – September 28, 2022

The Commission approved the following Consolidation of Land Tracts:

- Corporation District – Map 6 Parcel 55 and Map 6 Parcel 60 to make Map 6 Parcel 55 – Winnings Lisa L & Joshua K

Carol Smith reviewed a request for a budget revision. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the Commission President to sign

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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 9:30 a.m., Sam Nolte made a motion, seconded by Terry Cutright , to go into Executive Session per WV Code §6-9A-4 to discuss status of pending opioid litigation via zoom.

At 9:40 a.m., Terry Cutright made a motion, seconded by Sam Nolte, to return from Executive Session with no decisions being made.

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 10:25 a.m.