

UPSHUR COUNTY COMMISSION MEETING

July 28, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, July 28, 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 Terry Cutright, seconded by Sam Nolte, the Commission approved the meeting minutes of July 21, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the Application for Donated Leave and granted leave under the Family and Medical Leave Act.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Application for Community Use of Buildings, Equipment and Grounds filed by Aaron Harris on behalf of the Upshur County Youth Livestock. This organization is requesting use of the Youth Livestock Facility beginning on Tuesday, August 2, 2022 through Sunday, August 7, 2022 from 7:30 a.m. until 10:30 p.m. daily to conduct a youth livestock show and sale. 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 Shawn Smith and Audrey Mason as Lewis-Upshur Animal Control Facility Volunteers.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Jeremiah McCourt, Parks and Recreation Facilities Director, for the extension of seasonal employment for employees working at the Buckhannon-Upshur Recreational Facility. The extension would include Fridays, Saturdays and Sundays from Friday, August 5, 2022 through Monday, September 5, 2022. (copy included)

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

1. Proclamation issued on July 26, 2022, by Governor Jim Justice declaring a state of preparedness for all 55 counties.
 2. Upshur County Mileage Reports – June, 2022
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound
 - Emergency Management
 - Maintenance
 - Sheriff
 - Upshur 911
 3. Lewis-Upshur Animal Control Facility Reports – June, 2022
 - Adoption Financial Transactions
 - Cat Report
 - Animal Report
 - Animal Control/Humane Officer Animal Report
 4. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)
 - b) Agendas and/or Notice of Meetings:
 - Upshur County Youth Camp Board July 21, 2022
 - Upshur County Farmland Protection Board – Special Meeting July 28, 2022
- Meeting Minutes:
- Upshur County Public Library Board Annual Meeting July 21, 2021
 - Upshur County Youth Camp Board April 21, 2022
 - Upshur County Youth Camp Board June 7, 2022
 - Upshur County Public Library Board June 15, 2022
 - Upshur County Fire Board June 21, 2022
- c) Meetings:
 - 08/02/22-7:00 p.m.-City Council of Buckhannon
 - 08/04/22-3:00 p.m.-Adrian PSD
 - 08/04/22-7:00 p.m.-Banks District VFD
 - 08/04/22-7:00 p.m.-Selbyville VFD
 - 08/08/22-12:00 p.m.-Upshur County Family Resource Network

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- 08/08/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
- 08/08/22-4:30 p.m.-Upshur County Solid Waste Authority
- 08/08/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 08/09/22-12:00 p.m.-Upshur County Senior Center Board
- 08/09/22-4:00 p.m.-Hodgesville PSD
- 08/09/22-5:00 p.m.-Elkins Road PSD
- 08/09/22-7:00 p.m.-Warren District VFD
- 08/09/22-7:30 p.m.-Adrian VFD
- 08/10/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 08/10/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 08/10/22-3:00 p.m.-Tennerton PSD
- 08/10/22-6:00 p.m.-Buckhannon River Watershed Association
- 08/10/22-7:00 p.m.-Ellamore VFD
- 08/11/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
- 08/11/22-7:30 p.m.-Buckhannon VFD
- 08/14/22-6:00 p.m.-Washington District VFD
- 08/15/22-6:00 p.m.-Lewis-Upshur Community Corrections Board-*Upshur Co*
- 08/16/22-6:30 p.m.-Upshur County Fire Board, Inc.
- 08/17/22-12:00 p.m.-Lewis Upshur LEPC – *Upshur Co*
- 08/17/22-4:00 p.m.-Upshur County Public Library Board
- 08/18/22-6:00 p.m.-Upshur County Farmland Protection Board
- 08/18/22-6:30 p.m.-Upshur County Youth Camp Board
- 08/19/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 08/23/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 08/24/22-7:00 p.m.-Upshur County Fire Fighters Association
- 08/26/22-7:00 a.m.-Upshur County Development Authority-*Annual Meeting*
- 09/01/22-6:00 p.m.-Upshur-Buckhannon Board of Health

5. Appointments Needed or Upcoming:

- James W. Curry Library and Park Advisory Board – 12/31/21 Tabatha Perry reported that two people have shown interest in joining this board and she has requested to wait until next meeting to discuss further.

****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. 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 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:

1. Review 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 76.1) owned by Bryce Chapman and consider Order Adopting Enforcement Agency Findings. (tabled 7/21/2022)

At 9:15 a.m., Cindy Hughes reported that two companies (Gonday Enterprises and TK Elevators, both of Charleston, WV, were present at the Exterior Vertical Platform Lift Project pre-bid meeting. Only TK Elevators submitted a bid for the project in the amount of \$58,935.83, which is below the budgeted amount. The Exterior Vertical Platform Lift will be covered and enclosed in clear acrylic panels. Tabatha Perry stated that at the pre-bid meeting she informed the bidders that the project would be required to be completed prior to the November primary election on November 8, 2022. At that time, both companies stated that due to production schedules, this completion date may not be possible. Ms. Perry agreed that if the project could not be completed prior to the election, that construction would not be commenced until after the election. Tabatha Perry stated that grant funding will not be utilized for this project, but the Commission approved funding from the ARPA allocation for this project. After reviewing the bid to confirm all documents had been provided, Cindy Hughes recommended that the Commission approve and accept the bid, pending review by Greg Harris, Maintenance Supervisor. After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the bid from TK Elevators for \$58,935.83, pending review by Greg Harris. (copy included)

At 9:30 a.m., Tabatha Perry stated that the request from Sheriff Virgil Miller to hire Nigel Goldsborough as a full-time Deputy, effective August 14, 2022 had been withdrawn.

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Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, presented a request from Richard D. Trent to name a road Sunset Drive. This request is concerning a road off of Phillips Dairy Road. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the name of Sunset Drive. (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)

- Larry E. Abel – Final Settlement Waiver
- George Stephen Dawson – Final Settlement Waiver
- Ovid Duncan – Final Settlement Waiver
- Richard Harold Ervin – Final Settlement Waiver
- John Russell Helton – Final Settlement Waiver
- Whitney Michelle Reed – Final Settlement
- John Porter Siron, Jr. Trust for Shirley Lea Casto – Third Annual Settlement
- John Porter Siron, Jr. Trust for Judy Marie Strader – Third Annual Settlement

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:

- Lanham William K or Tammy - #301672 - \$774.38 – Exoneration Order
- Gould Keith L or Louise - #304722 - \$575.46 – Exoneration Order
- Smallridge Brenda L & Farrell L - #9818 - \$175.12 – Exoneration Order
- Devericks Alice M & Joseph Martin (LE) - #20177 - \$175.12 – Exoneration Order
- Blake Rochine (Sabo) or Blake George Armstrong - #303123 - \$63.10 – Exoneration Order
- Powers Stephen J - #300000491S - \$39.24 – Refund Order
- Powers Stephen J - #300000156S - \$37.68 – Refund Order
- Powers Stephen J - #300000511S - \$34.05 – Refund Order
- Powers Stephen J - #300000175S - \$165.06 – Exoneration Order
- McDaniels Clarence L & Andrea - #21651 - \$401.38 – Exoneration Order
- McDaniels Clarence L & Andrea - #21652 - \$7.88 – Exoneration Order
- White Diana A (Crickard) or White Gregory L - #306732 - \$480.24 – Exoneration Order
- Page Richard N or Zelma J - #0000301912 - \$455.52 – Exoneration Order
- Lewis Brenda Marie - #29569 - \$175.12 – Exoneration Order
- Gaines Glenna Heirs c/o Teresa Huffman - #15673 - -\$4.38 – Correction Order
- Hawkins Ruth Heirs & Elmer Anna Heirs - #15974 - -\$4.38 – Correction Order
- Smith Basil Lee c/o Mary Malcomb - #9830 - \$12.11 – Exoneration Order
- Smith Basil Lee c/o Mary Malcomb - #9831 - \$4.33 – Exoneration Order
- Smith Basil Lee c/o Mary Malcomb - #9832 - \$4.33 – Exoneration Order
- Smith Basil Lee c/o Mary Malcomb - #9833 - \$4.33 – Exoneration Order
- Smith Basil Lee c/o Mary Malcomb - #9834 - \$4.33 – Exoneration Order
- Shreve Karen & Gowan Lynne - #13337 - \$231.12 – Exoneration Order
- Gregory David R & Dorie J - #2319 - \$175.12 – Exoneration Order
- Alderman Cassia L & Larry C c/o Chris Alderman - #12 - \$33.01 – Exoneration Order
- Demoss Heidi D & Destiny E - #1319664 - \$67.24 – Exoneration Order
- Tomey Arnold & Brandi - #32327 - \$16.81 – Exoneration Order
- Tomey Arnold & Brandi - #32326 - \$207.26 – Exoneration Order
- Jenkins Geore Worthy & Janice Arlene - #25273 - -\$380.45 – Cancellation Order
- Radcliff Kristina D (Gay) - #600000139S - \$112.16 – Exoneration Order
- Knabenshue John E - #8298 - \$4.38 – Cancellation Order
- Knabenshue John Michael - #8299 - -\$4.38 – Correction Order
- Radcliff Daniel P or Kristina - #307763 - \$105.33 – Exoneration Order
- Stewart Heather - #10150 - -\$4.38 – Correction Order
- Whichard Coral - #10494 - -\$4.38 – Correction Order
- Holbrook Nursing Home Inc - #20897 - \$0.00 – Correction Order
- Post Orestes Jr - #26317 - \$0.00 – Correction Order
- Post Robert Roy - #26321 - \$0.00 – Correction Order
- Price Gregory W - #17380 - \$733.93 – Exoneration Order
- Baxa Joseph L or Amy J – Apportionment of Assessment and Taxes per Final Divorce Order

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The Commission approved Requests to Attend Meeting: (none)

The Commission approved the following Consolidation of Land Tracts:

- Banks District – Map 3T, Parcel 12.3002, Map 3T, Parcel 12.3001, Map 3T, Parcel 12.1, Map 3T, Parcel 12.3 to make Map 3T, Parcel 12.1 – Strader Michelle S and Wayne S
- Warren District – Map 7E, Parcel 55 and Map 7E, Parcel 82 to make Map 7E, Parcel 82 – Leskuski Walter J Jr

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Terry Cutright, seconded by Sam Nolte, the Commission meeting adjourned at 12:40p.m.