

UPSHUR COUNTY COMMISSION MEETING

August 25, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, August 25, 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 August 18, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Pastor J. Edward McDaniels to use the Courthouse steps/plaza for a county-wide worship service and walk on September 11, 2022 at 3:30 p.m. A Certificate of Liability Insurance will be provided. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the Notification of Withdrawal of Request for Public Assistance (RPA) programs due to the expenses incurred related to COVID-19 being met by other funding sources. Tabatha Perry stated that she had spoken to Steve Wykoff who agreed it was a good time to withdraw. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the "Request for Proposals" for the Upshur County Community Corrections & Day Report Center Roof Replacement Project." Sealed bids must be received by 4:00 p.m. on Wednesday, September 21, 2022. Sealed bids received by this deadline will be opened, reviewed and read aloud by the Commission during the regularly scheduled Commission Meeting at 9:15 a.m. on Thursday, September 22, 2022. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Terry Gould, Hodgesville PSD Manager, for reappointment of Howard Cutright to the Hodgesville PSD Board of Directors. Mr. Cutright's term will expire on August 5, 2028. The Hodgesville PSD Board previously voted to recommend Mr. Cutright's reappointment. (copy included)

The Commission reviewed the 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) owned by the Estate of John Harmon George and consider Order Adopting Enforcement Agency Findings. Tabatha Perry informed the Commission that their office has received many safety issue complaints both from the public and fire departments regarding the property. The property owner is unwilling to clean up the property. Ms. Perry explained that because this is a complicated estate, she spoke with Bryan Hinkle, Prosecuting Attorney, who advised her of the steps that need to be taken by the Commission to condemn all of the parcels of property and proceed with the county taking possession of the property. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved moving forward with condemning the property and taking ownership of the property through eminent domain. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the electronic submission of a Petco Foundation Animal Welfare Organization funding request, on behalf of the Lewis-Upshur Animal Control Facility. If awarded, these funds will be utilized to provide a surgical suite within the facility to allow for animal prompt care.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the Commission President to sign the Upshur County Fire Board, Inc. incentive for the four Tax Deputies who process Fire Fees collected in the Sheriff's Office. The total cost to the Fire Board for one year is \$2,467.92. This supplement will begin with the first pay period in October and will be contingent upon an annual review in September of each year. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Sheriff Virgil D. Miller to transfer Norma Wayts from part-time Court Security Officer to fill-in Court Security Officer, effective August 28, 2022.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Sheriff Virgil D. Miller to transfer Robert G. Ware from fill-in Court Security Officer to part-time Court Security Officer, effective August 28, 2022.

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

1. Correspondence from Tabatha R. Perry, County Administrator, providing notice of non-renewal of the WENS Service Agreement for Upshur County Commission / DHSEM. Contract expires at midnight on October 14, 2022. Derek Long, DHSEM Assistant, stated

UPSHUR COUNTY COMMISSION MEETING

August 25, 2022

that WENS and Nixle have had a few months of overlap. Lewis County will also be changing to Nixle soon.

2. Correspondence from Ora L. Ash, Deputy State Auditor, regarding WV Code §7-7-7a, regarding spending or obligating more than 50% of a budget before the end of the calendar year.
3. Correspondence from FirstEnergy Corp. announcing the closure of the West Virginia Ash Landfill following a successful beneficial reuse initiative at the Berkeley County property to be repurposed for the new West Virginia solar program.
4. Statewide Transportation Improvement Program Virtual Public Workshop #2 to be held on September 1, 2022 from 4:00 p.m. to 6:00 p.m. for the public to review the draft STIP-FFY 2023-2028. The 45-day public comment period will conclude on October 15, 2022. Visit the STIP at any time during the workshop to access the virtual meeting: <https://transportation.wv.gov/highways/Programming/STIP/Pages/default.aspx>
5. Upshur County Solid Waste Authority Financial Report Fiscal Year 2022 (July 1, 2021 to June 30, 2022)
6. Upshur County Safe Structures and Sites Enforcement Board Petition for Order – Valusia Ventures, LLC., Case Number 041422-01 (Meade Tax District – Tax Map 1 – Parcel Number 130).
7. Lewis-Upshur Animal Control Facility Reports for the month of July, 2022
 - Adoption Financial Transactions
 - Cat Report
 - Animal Report
 - Animal Control/Humane Officer Animal Report
8. Public Notices:
 1. Newsletters and/or Event Notifications
 - Live Wire Electrical Safety Demonstration September 6, 2022
 2. Agendas and/or Notice of Meetings:
 - Community Corrections Board August 15, 2022
 - James W. Curry Library/Park Advisory Board August 19, 2022
 - Upshur County Farmland Protection Board August 25, 2022Meeting Minutes:
 - Upshur County Farmland Protection Board June 1, 2022
 - Upshur County Youth Camp Board June 21, 2022
 - Upshur County Farmland Protection Board June 29, 2022
 - Buckhannon-Upshur Airport Authority July 11, 2022
 - Upshur County Fire Board, Inc. July 19, 2022
 - Upshur County Youth Camp Board July 21, 2022
 3. Meetings:
 - 08/25/22-8:00 a.m.-Upshur County Farmland Protection Board
 - 08/26/22-7:30 a.m.-Upshur County Development Authority – *Annual Meeting*
 - 08/29/22-10:00 a.m.-Mountain CAP of WV, Inc., a CDC
 - 09/01/22-3:00 p.m.-Adrian PSD
 - 09/01/22-6:00 p.m.-Upshur-Buckhannon Board of Health
 - 09/01/22-7:00 p.m.-Banks District VFD
 - 09/01/22-7:00 p.m.-City Council of Buckhannon
 - 09/01/22-7:00 p.m.-Selbyville VFD
 - 09/06/22-5:00 p.m.-Elkins Road PSD
 - 09/08/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
 - 09/08/22-7:00 a.m.-Upshur County Development Authority-Executive Board Meeting
 - 09/08/22-7:30 p.m.-Buckhannon VFD
 - 09/09/22-11:00 a.m.-Region VI Local Elected Officials – *Stonewall Resort*
 - 09/11/22-6:00 p.m.-Washington District VFD
 - 09/12/22-12:00 p.m.-Upshur County Family Resource Network
 - 09/12/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
 - 09/12/22-4:30 p.m.-Upshur County Solid Waste Authority
 - 09/12/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
 - 09/13/22-12:00 p.m.-Upshur County Senior Center Board
 - 09/13/22-4:00 p.m.-Hodgesville PSD

UPSHUR COUNTY COMMISSION MEETING

August 25, 2022

- 09/13/22-7:00 p.m.-Warren District VFD
- 09/13/22-7:30 p.m.-Adrian VFD
- 09/14/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 09/14/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 09/14/22-3:00 p.m.-Tennerton PSD
- 09/14/22-6:00 p.m.-Buckhannon River Watershed Association
- 09/14/22-7:00 p.m.-Ellamore VFD
- 09/15/22-6:00 p.m.-Upshur County Farmland Protection Board – 3rd Thursday
- 09/15/22-6:30 p.m.-Upshur County Youth Camp Board
- 09/16/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 09/20/22-6:30 p.m.-Upshur County Fire Board, Inc. - *Banks District VFD*
- 09/21/22-12:00 p.m.-Lewis-Upshur LEPC – *Upshur County*
- 09/21/22-4:00 p.m.-Upshur County Public Library Board
- 09/27/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/28/22-7:00 p.m.-Upshur County Fire Fighters Association
- 10/17/22-6:00 p.m.-Lewis-Upshur Community Corrections Board - Lewis County Day Report Center

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. 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 Number 76.1) owned by Bryce Chapman and consider Order Adopting Enforcement Agency Findings. (tabled 7/21/22) Tabatha Perry reported that they are still investigating and would like tabled until the next meeting.

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)

- Mary L. Tenney – 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:

- Coffman Amy R & John M - #15109 - \$628.34 – Exoneration Order
- Moore Michael D or Moore Andrew W - #307709 - \$52.76 - Exoneration Order
- Curtis Steven L or Tammy L - #600000121S - \$54.90 - Exoneration Order
- Curtis Steven L or Tammy L - #600000119S - \$547.54 - Exoneration Order
- Buckhannon City of - #11577 - \$67.96 - Exoneration Order
- Rowan Robert J II or Hornickle-Harley Jodi L (JOCY) - #302059 - \$158.14 - Exoneration Order
- Martin CJ II - #21539 - \$827.90 – Correction Order
- Martin CJ II - #21536 - \$36.43 – Correction Order
- Riffle Wilma L or Gregory S - #200000291S - \$159.96 - Exoneration Order
- JP Morgan Chase Bank dba: Chase Auto Finance - #302677 - \$201.73 – Exoneration Order
- Smith Daniel Jason - #9856 - \$726.05 - Exoneration Order
- Powers David & Leslie D - #4199 - \$317.85 - Exoneration Order
- Caynor Theron - #19746 - \$113.48 – Refund Order
- Hoover Jo Ann - #7985 - \$7.36 - Exoneration Order
- Hoover Jo Ann - #7990 - -\$4.38 – Correction Order
- Malcomb Mary - #8601 - -\$4.38 – Correction Order
- Hoover Jo Ann - #8003 - \$4.38 - Exoneration Order
- Hoover Jo Ann - #7993 - -\$4.38 – Correction Order
- Malcomb Mary - #8605 - -\$4.38 – Correction Order
- Hoover Jo Ann - #7987 - \$4.38 - Exoneration Order
- Hoover Jo Ann - #7986 - \$4.38 - Exoneration Order

UPSHUR COUNTY COMMISSION MEETING
August 25, 2022

- Hoover Jo Ann - #7988 - \$4.38 - Exoneration Order
- Page Richard N or Zelma J - #200000275S - \$390.60 - Exoneration Order
- Hume Zachary E - #306107 - \$116.64 - Exoneration Order
- Moore Randall E - #25879 - \$19.75 - Exoneration Order
- Moore Randall E - #307710 - \$15.24 - Exoneration Order
- Stanton Jeffrey M - #306585 - \$4.20 - Exoneration Order
- Depoy Brenda Renae or Walter K - #304663 - \$858.94 - Exoneration Order
- McCauley Cletus M & McCauley Marilyn J - #303631 - \$44.92 - Exoneration Order
- Caynor Nicholas c/o Theron Caynor - #19466 - \$61.10 - Exoneration Order
- Caynor Nicholas c/o Theron Caynor - #19581 - \$55.17 - Exoneration Order
- Phillips Delbert D & Mary E Phillips Cody A - #304974 - \$273.66 - Exoneration Order
- Phillips Delbert D & Mary E Phillips Cody A - #304980 - \$61.73 - Exoneration Order
- Phillips Delbert D & Mary E Phillips Cody A - #305091 - \$68.03 - Exoneration Order
- Rowan Clarence L - #500000613S - \$50.82 - Exoneration Order
- Sharp Kelly T (Hughes) or Kenneth S – Apportionment of Assessment and Taxes Per Final Divorce Order
- Coffman Amy R & John M – Apportionment/Split of Assessment and Taxes for Classification
- Chambers Dolores – Apportionment/Split of Assessment and Taxes for Classification
- Celestine Bonnie G & Thomas E – Apportionment/Split of Assessment and Taxes for Classification
- Dean Larry W & Mary A - #200000624S - \$204.62 – Exoneration Order
- Gower Mary L or Dorsey L - #307504 - \$54.90 – Refund Order
- Hypes Angelica M or Harvey Kenneth - #600000164S - \$216.96 – Exoneration Order
- Potts Eva M. - #308813 - \$56.74 – Exoneration Order
- Ward William R & Sheila K - #307894 - \$36.77 – Refund Order
- Horn Kathee A - #0000300923 - \$20.56 – Exoneration Order

The Commission approved Requests to Attend Meeting:

- Steve Wykoff – August 30 and August 31, 2022
- Cindy Hughes – September 29 and September 30, 2022

The Commission approved the following Consolidation of Land Tracts:

- Washington District – Map 8K Parcel 56 and Map 8K Parcel 57 and Map 8K Parcel 58 to make Map 8K Parcel 56 – Ward Gregory Drew and Shockey Melissa Dawn
- Meade District – Map 5P Parcel 39 and Map 5P Parcel 60 to make Map 5P Parcel 60 – Hull Dianne L Hull James W

At 9:30 a.m., Sheriff Virgil Miller appeared before the Commission to request approval of an advertisement for the purpose of accepting applications for admission to competitive examinations to be utilized as part of the criteria to establish an eligibility list for appointment to an entry level position of Deputy Sheriff. Applications are due no later than Friday, September 16, 2022. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Sheriff Virgil Miller for an advertisement for Upshur County Civil Service Commission for Deputy Sheriffs Notice of Testing Competitive Examination and Certified List of Eligibility Deputy Sheriff Positions. (copy included)

Chief Deputy Mike Coffman appeared before the Commission to discuss the need for replacing the current K-9 (AJ) officer due to age and poor health. Chief Deputy Coffman stated that multiple companies will provide K-9 and officer training with pricing ranging from \$12,000 to \$21,500. Chief Deputy Coffman said that AJ has assisted other law enforcement groups in investigating missing persons or drug busts but they have shown no interest in assisting with the replacement of the K-9 officer. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved tabling this item until Chief Deputy Coffman can check to see if the Drug Task Force would share the expense of a new K-9 and allow time for him to collect more information on the cost of acquiring and training of a new animal.

Another issue Chief Deputy Coffman discussed was tactical gear for the twelve members of the Upshur County Sheriff's Department. The current equipment used by the officers was purchased in 2005 or 2006. There is safer equipment available now which features improved protective vests and helmets with radio communication. This equipment would cost \$4,728 per officer, making the total cost of tactical gear for all 12 officers between \$56,000 to \$60,000. After discussion, on motion by Sam Nolte, seconded

UPSHUR COUNTY COMMISSION MEETING
August 25, 2022

by Terry Cutright, the Commission approved using ARP funds to purchase tactical gear for the entire Sheriff's Department.

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 12:16 p.m.