

UPSHUR COUNTY COMMISSION MEETING

September 8, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, September 8, 2022 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Kristie G. Tenney, Commission President; 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.

Commissioner Sam Nolte requested a moment of silence in a tribute to Commissioner Terry Cutright who passed away on September 1, 2022.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the meeting minutes of August 25, 2022, as submitted.

Sam Nolte made the announcement of the vacant County Commissioner position. Carol Smith stated that the Commission has 30 days (October 1, 2022) to make an appointment to fill this position. The appointee will hold the Commissioner office until the 2024 election, at which time they must file for election to the office. The Commission may make an appointment at any time during the 30 days and will accept letters of interest until an appointment is made. Kristie Tenney stated that the person must be a Republican and a resident of District 2. Anyone having questions as to their district may call the County Clerk's office.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign a Community Development Block Grant – Small Cities Block Grant Request for Payment for Elkins Road PSD Phase III Water System Improvements in the amount of \$12,009.75. This is Request for Funds #31. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign the Community Development Block Grant Amendment Request #5 for the Elkins Road PSD Phase III Water System Improvement Project. This adjustment modifies the project funding structure and extends the period of performance for Final Payment Request. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the "Request for Proposals" for the Upshur County Courthouse Annex – HVAC Upgrade. Sealed bids must be received by 9:00 a.m. on Thursday, October 13, 2022. Sealed bids received by this deadline will be opened, reviewed and read aloud by the Commission during the regularly scheduled Commission Meeting at 9:30 a.m. on Thursday, October 13, 2022.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign the Office of State Treasurer Claim Form and Instructions. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from the Elkins Road PSD for reappointment of David Burr to the Elkins Road PSD Board. Mr. Burr's term will be effective October 1, 2022 and expire on September 30, 2028. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Nathan Unrue, Carla Campbell and Kasey Davis as Lewis-Upshur Animal Control Facility Volunteers.

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

1. Correspondence from Upshur Property LLC enclosing the legal advertisement for Upshur Property LLC, Permit #P-698 No. 4, in compliance with the surface mining laws of WV.
2. Draft PY2021 Consolidated Annual Performance and Evaluation Report (CAPER) for West Virginia prepared by the WV Department of Economic Development. The 15-day review and comment period conclude at the close of business on Tuesday, September 13, 2022. Report is available for review at 91 West Main Street, Buckhannon, WV 26201.
3. Correspondence from the WV Courthouse Facilities Improvement Authority Board approving a time extension completion date for the 18th cycle grant award to December 31, 2022.

On motion by Sam Nolte, seconded by Kristie Tenney, the Commission recessed at 9:09 a.m. At 9:12 a.m., the Commission returned from recess.

"For Your Information" items continued.

4. Correspondence from the West Virginia Economic Development Authority announcing \$600 million dollars available for loan funding for businesses currently targeted by the West Virginia Department of Economic Development.

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5. Notification from the WV Offices of the Insurance Commissioner that flood insurance may be available through the National Flood Insurance Program (NFIP) per WV Code §33-2-15a and in conjunction with the Robert T. Stafford Emergency Assistance and Disaster Relief Act.

At 9:15 a.m., the Commission discussed the status of property owned by Kevin Howard. On June 2, 2022, the Upshur County Commission granted a 90-day extension to bring the property into compliance with the Upshur County Safe Structures and Sites Ordinance – Case Number 070821-02 (Banks Tax District – Tax Map 4 – Parcel Number 2). The Commission reviewed photographs taken by Greg Harris on September 7, 2022. Tabatha Perry explained that Greg Harris felt the property had been greatly improved and was now in compliance. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved closing this case. Tabatha Perry will send a letter to Mr. Howard informing him of the Commission action.

“For Your Information” items continued.

6. Correspondence from Dominion Energy promoting safe digging prior to ground breaking activities by dialing 811 or 800-245-4848 to have the area assessed for underground gas pipelines.
7. Correspondence from Brian Cooper, WV Department of Transportation Division of Highways District Engineer, enclosing the Bridge Inspection Report for the Youth Camp Girder Bridge, dated August 23, 2022. Tabatha Perry reported that the inspection results were the same as the previous inspection except they would recommend replacing the hand rails. Ms. Perry stated that the Governor’s Office had awarded funds to be used for this project in addition to ARP funding the Commission previously appropriated.
8. Notice from the West Virginia Department of Environmental Protection (WVDEP) stating they are accepting registrations for the Adopt-A-Highway Fall Statewide Cleanup set for Saturday, September 24, 2022.
9. Upshur County Mileage Reports – July 2022
 - Addressing and Mapping
 - Community Corrections
 - Dog Pound
 - Emergency Management
 - Maintenance
 - Sheriff
 - Upshur 911

10. Public Notices:

a) Newsletters and/or Event Notifications:

- James W. Curry Library Events Calendar September 2022
- Glow Stick Party at James W. Curry Library September 16, 2022
- Upshur County Solid Waste Authority – Free Paper Shred Event September 24, 2022

b) Agendas and/or Notice of Meetings:

- City Council of Buckhannon September 1, 2022
- Elkins Road PSD September 6, 2022
- Safe Structures and Sites Enforcement Board September 8, 2022

Meeting Minutes:

- Upshur County Farmland Protection Board July 28, 2022
- Adrian PSD Board August 4, 2022

c) Meetings:

- 09/01/2022-3:00 p.m.-Adrian PSD
- 09/01/2022-6:00 p.m.-Upshur-Buckhannon Board of Health
- 09/01/2022-7:00 p.m.-Banks District VFD
- 09/01/2022-7:00 p.m.-City Council of Buckhannon
- 09/01/2022-7:00 p.m.-Selbyville VFD
- 09/06/2022-5:00 p.m.-Elkins Road PSD
- 09/08/2022-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
- 09/08/2022-7:00 a.m.-Upshur County Development Authority – Executive Board
- 09/08/2022-7:30 p.m.-Buckhannon VFD
- 09/09/2022-11:00 a.m.-Region VI Local Elected Officials – Stonewall Resort
- 09/11/2022-6:00 p.m.-Washington District VFD

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- 09/12/2022-12:00 p.m.-Upshur County Family Resource Network
- 09/12/2022-4:00 p.m.-Buckhannon-Upshur Airport Authority
- 09/12/2022-4:30 p.m.-Upshur County Solid Waste Authority
- 09/12/2022-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 09/13/2022-12:00 p.m.-Upshur County Senior Center Board
- 09/13/2022-4:00 p.m.-Hodgesville PSD
- 09/13/2022-7:00 p.m.-Warren District VFD
- 09/13/2022-7:30 p.m.-Adrian VFD
- 09/14/2022-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 09/14/2022-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 09/14/2022-3:00 p.m.-Tennerton PSD
- 09/14/2022-6:00 p.m.-Buckhannon River Watershed Association
- 09/14/2022-7:00 p.m.-Ellamore VFD
- 09/15/2022-6:00 p.m.-Upshur County Farmland Protection Board – 3rd Thursday
- 09/15/2022-6:30 p.m.-Upshur County Youth Camp Board
- 09/16/2022-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 09/20/2022-6:30 p.m.-Upshur County Fire Board, Inc.-Banks District VFD
- 09/21/2022-12:00 p.m.-Lewis Upshur LEPC – Upshur County
- 09/21/2022-4:00 p.m.-Upshur County Public Library Board
- 09/27/2022-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/28/2022-7:00 p.m.-Upshur County Fire Fighters Association
- 10/17/2022-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County Day Report Center

11. 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) After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved removing from Tabled Items and review again in 90 days.
2. Sheriff's Department request for appropriation of funding to be utilized for the purchase and training of a K-9. (tabled 8/25/22) Sheriff Virgil Miller informed the Commission that three officers have applied for the position of K-9 officer and a training class will be 9/26/2022 and 9/27/2022. Sheriff Miller stated that he has received commitments to fund this program. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, this item will be removed from Tabled Items.

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)

- Darrell Ray Bonner – Final Settlement Waiver
- Charlotte E. Long – Final Settlement Waiver
- Larry Kirk Loudin – Final Settlement Waiver
- Patricia Ann Miller Trust for Suzanne Michelle Miller–Twelfth Annual Settlement
- Virginia F. Cormier aka Virginia F. Cormier Russell – Final Settlement Waiver
- Patty LouJean Stalnaker – 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: (none)

The Commission approved Requests to Attend Meeting: (none)

The Commission approved the following Consolidation of Land Tracts:

- Banks District – Map 4R Parcel 43, Map 4R Parcel 44, Map 5R – Parcel 12, Map 5R Parcel 13, Map 5R Parcel 14, Map 5R Parcel 15, Map 5R, Parcel 17 to make Map 5R Parcel 14 – Mearns Geneva I

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- Banks District – Map 2Q Parcel 12, Map 2Q Parcel 13, Map 2Q Parcel 14.1, Map 2Q Parcel 90, Map 2Q Parcel 90.1, Map 2Q Parcel 7, Map 2Q Parcel 10, Map 2Q Parcel 14, Map 2Q Parcel 15 to make Map 2Q Parcel 13 – John M & Rebecca D Knabenshue
- Union District – Map 9G Parcel 11, Map 8G Parcel 59, Map 8G Parcel 56.5, Map 5G Parcel 56.6, Map 8G Parcel 56.8, Map 8G Parcel 58 to make Map 8G Parcel 58 – David J & Teresa Mason
- Union District – Map 9M Parcel 15.8 and Map 9M Parcel 15.27 to make Map 9M Parcel 15.8 – Justin & Jina Roy

At 9:30 a.m., Nick Webb, Senior Service Hydrologist for the National Weather Service, appeared before the Commission via video conference to present the Buckhannon River Gauge Project. Steve Wykoff, Director of Homeland Security and Emergency Management, was to assist with the presentation but was called away on an emergency situation.. The forecast center for this area is in Wilmington, OH but the Buckhannon River is not supported by the River Forecast Center. This upgrade project would allow for better planning response during high water events. The US Geological Survey estimated cost of this Gauge Project is \$18,000. The Corp of Engineers has agreed to fully fund this upgrade and will begin in a week or two and be complete in October, 2022. Mr. Webb will keep the city and county updated on their progress. Terri Jo Bennett also attended this portion of the Commission meeting.

At 10:00 a.m., Sheriff Virgil D. Miller and Chief Tax Deputy Heather Sparks appeared before the Commission to discuss Senate Bill 552, amending WV Code Chapter 11 relating to the tax sale process, which passed on March 12, 2022. There will no longer be a Sheriff land sale each year. The Sheriff's tax office will send out certified letters to property owners who have delinquent taxes for 2021, explaining that these property taxes must be paid by October 31, 2022. After this date, they will need to contact the WV State Auditor's Office to redeem. Previously there was an 18-month redemption period, but with the change to the WV Code, the redemption period is reduced to 3 months. Sheriff Miller and Chief Tax Deputy Sparks will be attending a State meeting next week regarding this issue.

The Commission received project updates and reviewed Administrative business items.

At 11:20 a.m., on motion by Sam Nolte, seconded by Kristie Tenney, the Commission recessed.

The Commission reconvened at 1:00 p.m. to discuss revised Procedures to Dispatch Wrecker Services, effective April 1, 2022. Doyle Cutright, II, Director of the Upshur County E911 Emergency Communication Center; J.B. Kimble, Chief of the Buckhannon Fire Department; Matt Gregory, Chief of the Buckhannon Police Department; Doug Loudin, Buckhannon Police Officer, and representatives from the three wrecker services were present. Sheriff Virgil Miller and Chief Deputy Mike Coffman were unable to attend due to a continuing situation at the high school. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved amending the Procedures to Dispatch Wrecker Services to state that the first violation by a wrecker service will be reported to the E-911 Communication Center by the incident commander; if a second violation occurs, the wrecker service will be removed from rotation for six months from the second violation. The wrecker services are required to renew their license with the Public Service Commission each year on July 1st, therefore, paperwork should be turned in to the E-911 Communication Center prior to the 15th of July. Otherwise, the wrecker service will be pulled out of rotation for a period of six months. The next meeting to review Procedures to Dispatch Wrecker Services will be held in three years.

With no further business, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission meeting adjourned at 1:45p.m.