

UPSHUR COUNTY COMMISSION MEETING

September 9, 2021

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, September 9, 2021 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Terry B. Cutright, Commissioner; Samuel R. Nolte, Commissioner; Kristie G. Tenney, Commissioner; Carol J. Smith, County Clerk; Tabatha R. Perry, Assistant County Administrator/Assistant DHSEM Director and Lois A. Marsh, Secretary. Carrie L. Wallace, County Administrator/DHSEM Director, joined by teleconference.

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 regular meeting minutes of August 26, 2021, and the emergency meeting minutes of September 1, 2021, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved withdrawing the local State of Emergency declared during the Emergency Commission Meeting conducted on September 1, 2021. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved a request from Pastor J. Edward McDaniels to use the Courthouse steps/plaza for a county wide worship service and walk on September 19, 2021 at 3:30 p.m. A certificate of Liability Insurance has been provided. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign a Memorandum of Understanding between Volunteer West Virginia and the Upshur County Department of Homeland Security and Emergency Management. This agreement pertains to the Community Emergency Response Team (CERT) Program. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign correspondence to Ryan Halsey, Project Manager, enclosing Community Development Block Grant – Small Cities Block Grant Request for Payment for the Elkins Road PSD Phase III Water System Improvements in the amount of \$6,433.52. This is for Request for Funds #23. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Grant Offer for Airport Improvement Program (AIP) Project No. 3-54-0039-037-2021 for the Upshur County Regional Airport. The grant award is in the sum of \$61,394 to be used to reimburse the Airport Authority for a portion of the cost incurred for the construction of two 100' x 100' box hangars. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign agreement providing Lumos Networks of WV, Inc., dba Segra, access to BCN Telecom Project Sites. This consent is needed in order for an upgrade to be completed to the judiciary's internet access. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Public Notice of Proposed Relocation of Precinct 9 from the Courthouse Annex to City Hall. Public Notice to be advertised as a Class II-0 legal advertisement in the Record Delta, the Inter-Mountain and My Buckhannon for two consecutive weeks as per WV Code §59-3-1(a)(3). Carol Smith, County Clerk, explained that this move was planned after the redistricting was completed but because of the scheduled Board of Education bond levy election in January, 2022, the move needed to occur at this time. Ms. Smith stated that this move was required because the new security equipment in the lobby of the Annex filled much of the space, making it no longer enough area for proper precinct operation. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Pitney Bowes State and Local Fair Market Value Lease(s) for the Courthouse postage machine for a term of 60 months in the monthly amount of \$413.95, billed quarterly as \$1,243.85. Tabatha Perry explained that this will be a savings of \$3,500 per year. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the esri renewal quote in the amount of \$4,450 for term period October 1, 2021 to September 30, 2022. Of this amount, \$1,200 is to be paid by the Assessor's Revaluation Fund. (copy included)

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After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Carrie L. Wallace, County Administrator/DHSEM Administrator, to employ Adam Brumley as Upshur County Parks and Recreation Facilities Director, effective September 12, 2021, without advertisement pursuant to the Appointment Procedures Policy within the Upshur County Employee Handbook of Personnel Guidelines. (copy included) Carol Smith, County Clerk, gave the Oath of Office to Adam Brumley.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved resignation of employee.

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

1. Correspondence from Jerry Arnold, Director of Public Works for the City of Buckhannon, requesting use of the County's E911 Addressing and Mapping Arc GIS addressing and centerline shape files. The request has since been granted.
2. Correspondence from Ms. Nofertary Fofana, Grants Management Specialist for the US Department of Justice Office of Community Oriented Policing Services, pertaining to the completed desk review on SVPP Awards #2018SVWX0089 and #2020SVWX0033.
3. WV Legislature's Joint Committee – Dates, Procedures Set for Joint Committee on Redistricting Virtual Public Hearings – Congressional District 2; Upshur County will be held September 21st from 6 p.m. to 8 p.m.
4. Upshur County Sheriff's Financial Statement for period ending July, 2021
5. Upshur County E911 Communication Reports - August, 2021
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
6. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - Upshur County Schools – Vision of the Future – Public Meetings
 - b) Agendas and/or Notice of Meetings:
 - James W. Curry Library/Park August 25, 2021
 - City Council of Buckhannon September 2, 2021
 - Elkins Road PSD September 7, 2021
 - c) Meeting Minutes:
 - Upshur County Farmland Protection Board January 13, 2021
 - Upshur County Farmland Protection Board March 16, 2021
 - Upshur County Family Resource Network May 10, 2021
 - Upshur County Farmland Protection Board May 20, 2021
 - Upshur County Farmland Protection Board June 22, 2021
 - James W. Curry Library/Park June 23, 2021
 - Elkins Road PSD July 6, 2021
 - Upshur County Family Resource Network July 12, 2021
 - James W. Curry Library/Park July 28, 2021
 - d) Meetings:
 - 09/02/21-3:00 p.m.-Adrian PSD
 - 09/02/21-7:00 p.m.-Banks District VFD
 - 09/02/21-7:00 p.m.-Selbyville VFD
 - 09/07/21-4:00 p.m.-Hodgesville PSD
 - 09/07/21-5:00 p.m.-Elkins Road PSD
 - 09/08/21-12:00 p.m.-Upshur County Senior Center Board
 - 09/08/21-3:00 p.m.-Tennerton PSD
 - 09/08/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
 - 09/08/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
 - 09/08/21-7:00 p.m.-Ellamore VFD
 - 09/09/21-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
 - 09/09/21-7:30 p.m.-Buckhannon VFD
 - 09/12/21-6:00 p.m.-Washington District VFD
 - 09/13/21-12:00 p.m.-Upshur County Family Resource Network

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- 09/13/21-4:00 p.m.-Buckhannon Upshur Airport Authority
- 09/13/21-4:30 p.m.-Upshur County Solid Waste Authority
- 09/13/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 09/14/21-7:00 a.m.-Upshur County Development Authority – Executive Board
- 09/14/21-7:00 p.m.-Warren District VFD
- 09/14/21-7:30 p.m.-Adrian VFD
- 09/15/21-12:00 p.m.-Lewis Upshur LEPC
- 09/15/21-4:00 p.m.-Upshur County Public Library Board
- 09/16/21-6:00 p.m.-Upshur County Farmland Protection Board
- 09/16/21-6:30 p.m.-Upshur County Youth Camp Board
- 09/16/21-7:00 p.m.-City Council of Buckhannon
- 09/17/21-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 09/20/21-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 09/27/21-7:00 p.m.-Upshur County Fire Fighters Association
- 09/28/21-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/28/21-6:30 p.m.-Upshur County Fire Board, Inc.
- 10/18/21-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur County
- 10/25/21-12:00 p.m.-Region VII Planning & Development Council
- 10/27/21-1:00 p.m.-James W. Curry Advisory Board
- 11/04/21-6:00 p.m.-Buckhannon-Upshur Board of Health

7. Appointments Needed or Upcoming:

- Upshur County Fire Board (7/1/21-6/30/24) – Fire Association Representative
- Upshur County Farmland Protection Board (7/1/21-6/30/25)-Farm Bureau Representative
- Upshur County Fire Board (unexpired term 6/30/22)-Community Representative - 1st Mag. District
- Wes-Mon-Ty Resource Conservation & Development (6/1/21-6/30/23)-County Commission
- Safe Sites & Structures Enforcement Agency (6/30/22) – Community Representative

****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.****

1. Ty Landis, Youth Environmental Club – Presentation of proposed amphitheater renovation project at the Upshur County Recreational Park (*tabled 7/29/2021*) Property inspection today at 10:00 a.m. Kristie Tenney invited Adam Brumley, new Upshur County Parks and Recreation Facilities Director, to join the Commissioners in their inspection..
2. Bid award - COPS Grant #2020-SVWX-0033 Notification System Upgrade Project (*tabled 8/12/2021*) Carrie Wallace spoke with Dr. Jeff Harvey and he stated that he and the Board of Education are reviewing the project since both bids came in higher than the grant amount. Dr. Harvey will be getting back to Ms. Wallace in a few weeks.

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)

- Ercie “Toots” Bennett – Final Settlement Waiver
- Donald G. Burnside – Final Settlement Waiver
- Anna Mae Cutright– Final Settlement Waiver
- Annabell Hoover – Final Settlement Waiver
- Charity Margaret Manspeaker – Final Settlement Waiver
- Raymond F. Marsh, Sr. – Final Settlement Waiver
- Patricia Ann Miller Trust For Suzanne Michelle Miller – Eleventh Annual Settlement
- Eva Arlene Russell Perine – Final Settlement Waiver
- Virginia Pearl Rice – Final Settlement
- Helen L. Suder – Final Settlement Waiver
- Elizabeth B. Torres – Final Settlement Waiver
- Allen Ray West Trust – Fourteenth Periodic Settlement

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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:

- Robert D & Linda L Xander - #26939 - -\$23.63 – Exoneration Order
- Robert D & Linda L Xander - #26940 - \$47.29 – Exoneration Order
- Alicia R or W Gary Rapping - #300000672S - \$0.00 – Exoneration Order
- Boyles Dolores - #100000005S - \$331.50 – Exoneration Order
- Neopost USA Inc C/O Tax Department - #302787 - \$7.08 – Exoneration Order
- Caterpillar Financial Services L/A Michels Corp C/O Tax Dept - #302473 - \$52,042.72 – Exoneration Order
- Shawn & Cindy Pugh – Apportionment of Assessment and Taxes per Final Divorce Order

The Commission approved the following Requests to Attend Meeting: (none)

The Commission approved the following Consolidation of Land Tracts:

- Banks District – Map 4R Parcel 16.6 and Map 4R Parcel 16.9 to make Map 4R Parcel 16.6 – Burnside, Mark W
- Union District – Map 2 Parcel 50 and Map 2 Parcel 51 to make Map 2 Parcel 51 – Lewis, Vicki L
- Meade District – Map 4N Parcel 51 and Map 4N Parcel 20.1 and Map 4N Parcel 20.2 to make Map 4N Parcel 51 – John Armstrong

At 9:15 a.m., Robin Keough, on behalf of Luv4Animals, appeared before the Commission to request funding of \$3,000 from the Spay/Neuter Fund to supplement project initiatives. Ms. Keough gave statistics on how funding for spay/neuter is handled with local veterinarians and out of state agencies. Due to the Covid-19 pandemic, all fund raisers for 2020 were cancelled. Tabatha Perry and Carrie Wallace stated that in the past \$1,500 has been given to other animal advocate groups for the same purpose from the Spay and Neuter Fund. Terry Cutright moved to allow Luv4Animals to submit invoices for up to \$1,500 for spay and neuter expenses for payment. After discussion, Terry Cutright amended his motion to \$3,000, seconded by Sam Nolte, the Commission approved Luv4Animals to submit up to \$3,000 for spay and neuter expenses to the Commission Office for payment from the Spay and Neuter Fund.

At 10:00 a.m., the Commissioners began their property inspections.

At 1:00 p.m., the Commission met to consider the request by an heir for removal of Zelma Gibson as the Personal Representative for the Estate of Denzil Lewis, deceased. Heirs that were present were: Zelma Gibson, Terry Lewis and Mike Lewis. Robert Gibson was present to assist Zelma Gibson. Richard Lewis (Charleston, SC) and Larry Lewis joined the meeting via teleconference. Carol Smith, County Clerk, stated that Larry Lewis had sent a letter to her requesting the removal of Zelma Gibson as Administratrix. Ms. Smith explained what needed to be completed to finalize closing of the estate of Denzil Lewis, deceased. Ms. Gibson stated that she had no objection to being removed from this position. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved continuation of Zelma Gibson as the Administratrix of the estate, with a deadline of 30 days to complete and file an Annual Settlement with the Clerk of the County Commission. Sam Nolte suggested the heirs retain an attorney to work out arrangements on how to dispose of the property in the estate so that land book transfers can be accomplished in an agreeable manner for each heir.

Terri Jo Bennett presented copies of letters from Jerry Arnold, Street Commissioner for City of Buckhannon, addressed to Darrell & Nancy Burgess regarding the City of Buckhannon Addressing and Mapping assignments of changed addresses for the following properties:

- 119 Island Avenue to 119 HaBob Lane, Buckhannon, WV
- 120 Island Avenue to 120 HaBob Lane, Buckhannon, WV
- 121 Island Avenue to 121 HaBob Lane, Buckhannon, WV
- 122 Island Avenue to 122 HaBob Lane, Buckhannon, WV

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 3 p.m.