

UPSHUR COUNTY COMMISSION MEETING

September 15, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, September 15, 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.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the meeting minutes of September 8, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

Tabatha Perry read a Proclamation declaring September, 2022 as National Preparedness Month in Upshur County. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved signing the Proclamation declaring September, 2022 as National Preparedness Month in Upshur County. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Financial Statement – Fiscal year ended June 30, 2022.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Election Officials, Alternates, and Emergency Ballot Commissioners for the November 8, 2022 General Election. Carol Smith stated this was standard procedure prior to the election. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign the Renewal Agreement between the Upshur County Commission and Quality Home & Office Cleaning for janitorial services effective November 1, 2022 and continuing through October 31, 2023. Per the renewal clause, Owner and Contractor agree **all terms** set forth in the Agreement dated October 14, 2021 are in full force and effect. Owner shall pay the Contractor upon completion of all work no more than the sum of forty thousand six hundred sixty-four dollars and forty cents (\$40,664.40). (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the advertisement for a temporary part-time position at the Lewis-Upshur Animal Control Facility. Applications must be received by 4:00 p.m. on Friday, September 30, 2022. (copy included)

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

1. Public Notices:

a) Newsletters and/or Event Notifications: (none)

b) Agendas and/or Notice of Meetings:

- Upshur County Family Resource Network September 12, 2022
- Upshur County Convention & Visitors Bureau September 14, 2022
- City Council of Buckhannon September 15, 2022

Meeting Minutes:

- Elkins Road PSD August 2, 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
- 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

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- 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
- 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*

2. 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: (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)

- Kathy Lynn Childers – Final Settlement Waiver

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment:

- Michael C. Cowger – Certification of Completion
- Glendoline R. Gum – Certification of Completion
- Earl King Jones – Certification of Completion
- Mark Knight – Certification of Completion
- Steven R. McClain – Certification of Completion

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: (none)

At 9:15 a.m., the Commission discussed retirement of K-9 Unit AJ, effective September 18, 2022 and transferring ownership to Lt. Marshall Powers. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the transfer of K-9 Unit AJ to Marshall Powers, effective September 18, 2022. The new K-9 Unit is a Dutch Malamute dog purchased from Sheller Creek Kennel Club. Sheriff Miller stated that three officers had applied for the handler position and Tyler Chidester had been chosen as the K-9 handler. Later in the meeting, after a request from Sheriff Virgil Miller, on motion by Sam Nolte, seconded by Kristie Tenney, the previous motion was amended to change the effective retirement date to the date when the new K-9 Unit has been trained and joins the team. (copy included)

At 9:30 a.m., the Commission reviewed the Upshur County Safe Structures and Sites Enforcement Board Petition for Order filed on August 15, 2022 – Case Number 041422-01 (Meade District – Tax Map 1 – Parcel Number 130) owned by Valusia Ventures, LLC and consider Order Adopting Enforcement Agency Findings. This property is located at 289 Millertown Road and ownership of this property has changed since this Petition was originally issued. Tabatha Perry explained that the Upshur County Safe Structures and Sites Enforcement Board said the dilapidated structure needs to be demolished along with other property clean-up. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved allowing the property owner 30 days to bring the property into compliance otherwise a \$50 per day fine will be implemented after the 30 days if property is not cleaned up. (copy included)

Sheriff Virgil Miller updated the Commission on a previous 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). Sheriff Miller stated that a plea agreement had been reached with Mr. Bryce Chapman, the property owner. The plea agreement is for said property to be cleaned up in 30 days or Mr. Chapman will face incarceration. .

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At 9:45 a.m., on motion by Sam Nolte, seconded by Kristie Tenney, the Commission went into Executive Session *per WV Code §6-9A-4*, to discuss the appointment of a successor to Terry B. Cutright, County Commissioner.

At 9:51 a.m., on motion by Sam Nolte, seconded by Kristie Tenney, the Commission returned from Executive Session.

Kristie Tenney read from the WV statute regarding the appointment of an individual to fill the Commissioner vacancy. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved Douglas K. Bush as Upshur County Commissioner. Effective Friday, September 16, 2022, Mr. Bush will be sworn in as County Commissioner by Judge Jacob Reger. Commissioner Bush will serve through November, 2024, at which time he will be required to file for election.

Carol Smith reviewed a request for a budget revision. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign 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 9:56 a.m., on motion by Sam Nolte, seconded by Kristie Tenney, the Commission went into recess until 12:15 p.m.

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission meeting adjourned at 2:35 p.m.