

UPSHUR COUNTY COMMISSION MEETING

October 27, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, October 27, 2022 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Kristie G. Tenney, Commission President; Samuel R. Nolte, Commissioner; Douglas K. Bush, 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 Doug Bush, the Commission approved the meeting minutes of October 20, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

The Commission discussed Valusia Ventures, LLC Case Number 041422-01 (Meade Tax District – Tax Map 1 – Parcel Number 130) The Order Setting Forth Findings of Fact and Conclusions of Law entered on September 15, 2022, provided the property owner with thirty (30) calendar days to take corrective action with respect to the subject property. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized Commission President Kristie Tenney to enter a judgment against the property, which will continue to accrue daily until the property is brought into compliance. Tabatha Perry explained that Greg Harris, Compliance Officer, confirmed that no progress has been made on clean-up. The property was purchased due to delinquent taxes and the Commission has been unable to determine a person's name that is associated with Valusia Ventures, LLC but all certified letters have been signed as received..

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the 2022 EEOP Utilization Report. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the James W. Curry Library and Park FY2023 budget. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from the James W. Curry Advisory Board for the James W. Curry Trust, held by Fulton Financial Advisors, to be amended in order to facilitate future operations. Tabatha Perry will send correspondence to Peter Reitmeyer requesting the James W. Curry Trust to be reviewed and submitted to the Committee for analyzation. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the appointment of Carrie Wallace to the James W. Curry Library Advisory Board. The term is effective January 1, 2023 through December 31, 2027. William Parker also expressed interest in this appointment.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved Lewis-Upshur Animal Control Facility Volunteer Tiffany Stark.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Bethany Kirchberg, Program Coordinator, Tri-County Child Exchange Visitation Center, for employment of Brenlyn Swecker as Program Monitor, effective October 30, 2022, working no more than 19 hours per week, pending background check results. Ms. Swecker was previously approved for hire on August 11, 2022 by the Tri-County Child Exchange & Visitation Program Board of Directors.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Bryan S. Hinkle, Prosecuting Attorney, for the employment of Melinda Bennett as full-time legal assistant, effective October 30, 2022.

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

1. Discuss the property in which the Upshur County Commission received as a charitable contribution from a Donor for exclusively public purposes, subject to the terms and conditions of the Property Donation Agreement the Commission previously authorized Commission President Kristie G. Tenney to execute. Commission President Kristie Tenney announced that J.F. Allen Company graciously donated a 70-acre piece of property on Route 33 West to the Upshur County Commission for a recreational complex for all ages. Kristie Tenney formally thanked John C. Allen, the JF Allen Company Board of Directors and Greg Hadjis for the generous donation. After analyzation and creation of a plan for the property, there will be a groundbreaking ceremony. Robbie Skinner, Mayor of Buckhannon, was present and stated that the city will be honored to be partners in this endeavor. Carol Smith discussed the deed with the Commission and requested Bryan Hinkle, Prosecuting Attorney, to review for legality. A certified copy of the deed will be sent to J.F. Allen Company.
2. Upshur County Sheriff's Financial Statement for period ending September 2022.
3. Upshur County Fire Board, Inc. Financial Report for July through September 2022.
4. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)

UPSHUR COUNTY COMMISSION MEETING

October 27, 2022

b) Agendas and/or Notice of Meetings:

- Upshur County Farmland Protection Board October 28, 2022

c) Meetings:

- Upshur County Youth Camp Board August 18, 2022
- James W. Curry Advisory Board August 19, 2022
- Upshur County Solid Waste Authority September 12, 2022
- Upshur County Fire Board, Inc. September 20, 2022

5. Appointments Needed or Upcoming:

- 10/06/22-3:00 p.m.-Adrian PSD
- 10/06/22-7:00 p.m.-Banks District VFD
- 10/06/22-7:00 p.m.-City Council of Buckhannon
- 10/06/22-7:00 p.m.-Selbyville VFD
- 10/09/22-6:00 p.m.-Washington District VFD
- 10/10/22-12:00 p.m.-Upshur County Family Resource Network
- 10/10/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
- 10/10/22-4:30 p.m.-Upshur County Solid Waste Authority
- 10/10/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 10/11/22-12:00 p.m.-Upshur County Senior Center Board
- 10/11/22-4:00 p.m.-Hodgesville PSD
- 10/11/22-5:00 p.m.-Elkins Road PSD
- 10/11/22-7:00 p.m.-Warren District VFD
- 10/11/22-7:30 p.m.-Adrian VFD
- 10/12/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 10/12/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 10/12/22-3:00 p.m.-Tennerton PSD
- 10/12/22-6:00 p.m.-Buckhannon River Watershed Association
- 10/12/22-7:00 p.m.-Ellamore VFD
- 10/13/22-7:00 a.m.-Upshur County Development Authority – *Full Board*
- 10/13/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
- 10/13/22-7:30 p.m.-Buckhannon VFD
- 10/18/22-6:30 p.m.-Upshur County Fire Board, Inc. @ *Adrian VFD*
- 10/19/22-4:00 p.m.-Upshur County Public Library Board
- 10/20/22-6:30 p.m.-Upshur County Youth Camp Board
- 10/21/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 10/28/22-8:00 a.m.-Upshur County Farmland Protection Board
- 10/25/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 10/26/22-7:00 p.m.-Upshur County Fire Fighters Association
- 11/14/22-6:00 p.m.-Lewis-Upshur Community Corrections Board-*Upshur Co*

6. Appointments Needed or Upcoming

- James W. Curry Library Advisory Board (01/01/2023-12/31/2027)

****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. Approval and signature of Service Contract with Cleveland Brothers to perform semi-annual service and annual maintenance service for the engine, generator and GENSET, located at E-911 Communications Center. The total cost for the 2023 agreement is \$2,790; the total cost for the 2024 agreement is \$2,874; and the total cost for the 2025 agreement is \$2,958. The agreement includes all parts, travel time, mileage, and labor for two inspections each year. The Upshur County Commission has the right to terminate this agreement for any reason at any times. (*tabled 10/13/2022*). Tabatha Perry explained that per Greg Harris, Maintenance Director, this is for a generator at E911 Center and the Tallmansville Tower. Mr. Harris recommended accepting the Cleveland Brothers bid based on his previous experience working with them. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the agreement with Cleveland Brothers. (copy included)

UPSHUR COUNTY COMMISSION MEETING
October 27, 2022

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)

- Joyce Diane Pringle – Final Settlement Waiver
- William J. Stankus – 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:

- Humphrey Troy & Bertha - #29210 - \$435.79 – Exoneration Order
- Humphrey Troy & Bertha - #29208 - -\$504.53 – Correction Order
- Rowan-Queen Geraldine Landis David - #700000150S - \$19.42 – Exoneration Order
- Conley Robert J - #500000643S - \$59.62 – Exoneration Order
- McGee Stephanie K (Ball) or Cody – Apportionment of Assessment and Taxes Per Final Divorce Order

The Commission approved Requests to Attend Meeting: (none)

The Commission approved the following Consolidation of Land Tracts:

- Banks District – Map 2Q Parcel Number 7 and Map 2Q Parcel Number 10 and Map 2Q Parcel Number 14 and Map 2Q Parcel Number 15 to make Map 2Q Parcel Number 13 – John M & Rebecca D Knabenshue
- Buckhannon District – Map 4E Parcel Number 8 and Map 4E Parcel Number 8.7 and Map 4E Parcel Number 8.8 and Map 4E Parcel 8.1 to make Map 4E Parcel Number 8 – Mark J. Caroll

At 9:30 a.m., the Commission discussed the Estate of Howard J. Queen, deceased, and the process of closing the estate, per the request of Howard James Queen, Jr., Personal Representative of the estate. Howard Queen, Jr. and his wife joined the meeting via teleconference. Prisilla Peggs was also present. Mr. and Mrs. Queen had questions on the process of closing the estate. Carol Smith, County Clerk, explained that since one heir of the estate has not been located, the estate cannot be closed with a Waiver form, as that heir has not signed the Waiver, therefore an itemized list of Receipts and Disbursements would need to be provided before the estate could be closed.

At 10:30 a.m., the Commission reviewed 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. Bryan Hinkle, Prosecuting Attorney, suggested the Commission should go into Executive Session per *WV Code §6-9A-4* to discuss this case. Upon motion by Sam Nolte, seconded by Doug Bush, the Commission went into Executive Session.

At 11:09 a.m., the Commission returned from Executive Session, with no decisions being made.

Tabatha Perry introduced Shane Small who was representing Tom Anderson Mission Center. Per Mr. Small, shortly after the fire destroyed the apartment building on this property, the Tom Anderson Mission Center approached Harmon George to purchase the property. Their plan was to clean-up the property and make a park or a playground. Mr. Cyrus George is a one-fourth heir to the estate of John Harmon George, while the other three-fourth heir to the estate is Harmon George. Mr. Small stated that both Cyrus George and Harmon George have agreed to donate the property to Tom Anderson Mission Center. Bryan Hinkle, Prosecuting Attorney, suggested the Commission could rescind their prior vote for eminent domain, pending clean-up and hold in abeyance for a reasonable good faith effort. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved rescinding the previous motion for eminent domain, and hold in abeyance for ninety days (90 days) to allow the Tom Anderson Mission Center to clean up the property and bring it into compliance. Tabatha Perry stated that at the end of ninety calendar days (90 days), this item will appear on the Commission agenda for review.

At 11:21 a.m., the Commission discussed Adjourning or Extending Assessment Appeals per *WV Code §11-3-24b*:

- i) *The board of assessment appeals shall meet as often as necessary until the work of the board is completed: Provided, That the board shall adjourn sine die not later than October 31 of the tax year unless the board, by majority vote, agrees to extend the term, if necessary, to afford the parties due process and to complete its work, after which it shall adjourn sine die.*

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved adjourning sine die.

The Commission received project updates and reviewed Administrative business items.

On motion by Doug Bush, seconded by Sam Nolte, the Commission recessed at 11:30 a.m. until 1:00 p.m. for a Supervisor and Policy Board Meetings.

UPSHUR COUNTY COMMISSION MEETING
October 27, 2022

At 1:00 p.m., the Commission reconvened for the Supervisor's meeting and 2:00 p.m. for Policy Board meeting.

With no further business, on motion by Sam Nolte, seconded by Doug Bush, the Commission meeting adjourned at 3:20 p.m.