

UPSHUR COUNTY COMMISSION MEETING

November 16, 2023

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, November 16, 2023 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 November 2, 2023, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign an Online Terms Acknowledgement between Motorola Solutions and the Upshur County Sheriff's Department for the acquisition of in-car cameras and related support equipment. Tabatha Perry, County Administrator, stated that the total cost will be \$90,000, of which \$80,000 will be provided through sub-grant funds by the WV Emergency Management Division and the U.S. Department of Homeland Security.. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign a Resolution to create a checking account designated as Fund #42 EMS Salary Enhancement Fund per *WV Senate Bill 737*. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the proposal from Commercial Technology Group, LLC for time and attendance software and implementation, and further, authorized the Commission President to execute a sales agreement for a one-year period. This agreement will be renewed automatically each year unless prior notification is given. Tabatha Perry explained that there will be a one-time charge of \$2,250 and a monthly charge of \$4.21 per employee. Carol Smith, County Clerk, suggested rolling out the new system to the entire County payroll at the same time. Tabatha Perry stated that all elected officials are in favor of the new system. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign two Sworn Statements of Expenditures for funds received from the Division of Justice & Community Services in the amounts of \$78,613, for expenditures incurred in FY 2021, and \$14,320, for expenditures incurred in FY 2022. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the Victims of Crime Act (VOCA) Grant Contract Agreement, Resolution, and Schedule of Payments. The grant award is in the sum of \$38,595 to be used to provide crime victims notification of criminal charges, personal safety planning, court accompaniment, court notifications, change in case status, assistance obtaining restitution, and referrals. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and adopted a revised Upshur County Safe Structures and Sites Ordinance Complaint Form, as recommended by the Safe Structures and Sites Enforcement Board. Cindy Hughes, Assistant County Administrator, reported the Safe Structures and Sites Enforcement Board has reviewed and approved the Complaint Form. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign an Agreement between the Upshur County Commission, William Rohr and Kim Burgoon. This agreement jointly engages Out On A Limb to remove a tree, located on property adjoining the Pringle Tree Park, and further creates between them a mutual hold harmless and cross-indemnity arrangement. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved a Grievance Procedure for Complaints Relating to Suspected or Alleged Discrimination on the Basis of Handicapped Status in Upshur County, West Virginia. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved an Order following the October 26, 2023 Hearing for the Estate of Doris Jean Davis Carr, deceased. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the recommendation from the Lewis-Upshur Community Criminal Justice Board to advertise a Request For Bids for two new sports utility vehicles to be utilized by the Lewis-Upshur Community Corrections Program. Sealed bids will be due no later than December 13, 2023 at the Administrative Annex, located at 91 West Main Street, Suite 101. Proposals received by the deadline will be publicly opened, reviewed, and read aloud by the Commission on December 14, 2023. (copy included)

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After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Carol J. Smith, Upshur County Clerk, for employment of Vanessa L. Dean, as full-time Deputy County Clerk, effective December 10, 2023.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved Yvette Shultz as a Lewis-Upshur Animal Control Facility volunteer.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the resignation of an employee.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from the Lewis-Upshur Community Criminal Justice Board to advertise for one full-time Case Aide with the 26th Judicial Circuit Community Corrections Day Report Center. Applications are due on or before close of business on December 1, 2023, and can be dropped off at the Office of the Upshur County Commission, Upshur County Day Report Center or the Lewis County Day Report Center. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from Tabatha Perry, County Administrator, for the appointment of Dr. James Moore to Region VII Planning and Development Council, as public sector representative, effective immediately. (copy included)

At 9:15 a.m., Dr. James Moore, President of West Virginia Wesleyan College, appeared before the Commission to provide an update on the college. West Virginia Wesleyan College, along with assistance from Community Care of West Virginia, is introducing a Degree Program in Clinical Mental Health Counseling called Project Impact, which will be a two-year program totaling \$1.2 million. The college is working on a Facilities Master Plan with MCF, located in Pittsburgh, Pennsylvania, to ensure that the 133-year old campus is properly maintained. Dr. Moore said the college is also working with a Retention Strategic Company to not only attract new students but to retain students.

At 9:30 a.m., the Commission discussed the status of the property located in Meade District, owned by Randall Hughes Ministry, which was previously owned by the Estate of John Harmon George. Tabatha Perry, County Administrator, presented photographs taken by Greg Harris, showing the extensive clean-up. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved closing the matter.

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

1. Correspondence from Shelly L. Murray, Executive Director of the West Virginia Courthouse Facilities Improvement Authority, announcing the Upshur County financial assistance request for courthouse improvements has been approved. The 21st cycle project involves the rehabilitation of stair treads in the rear courthouse stairwell. Distribution of the Funding Assistance Award Notice and Contract Agreement will be forthcoming.
2. Correspondence from David M. Wolff, Real Estate Specialist for the United States Post Office, inviting solicitation and input from community and local officials regarding the relocation of retail services to a new location within the 26234 (Rock Cave) Postal Zip Code.
3. Correspondence from Joseph Ratliff, Director of the West Virginia Office of Emergency Medical Services, providing guidance surrounding the distribution of funds from the Emergency Medical Services Salary Enhancement Fund, as provided in *West Virginia Code of State Rules §64-116-1 et sq.*
4. Correspondence from Jeffrey Hartley, Project Manager for The Thrasher Group, providing the Regional Optical Communications (ROC) Study Report. This report provides information regarding the statewide study of broadband needs in West Virginia. The full report is available for viewing in the Commission Administrative Office.
5. WV State Tax Department Assessor Substantial Completion Notification: Certification that Dustin W. Zickefoose, Assessor of Upshur County, has complied with the “assessor’s additional duties” and will receive additional compensation, as provided in *WV Code §7-7-6b.*
6. Correspondence from Tabatha Perry, County Administrator, notifying the Joint Committee on Government and Finance that Upshur County received less than \$10,000 of Coalbed Methane Gas Severance Tax in FY 2023. The total funds received were \$8,197.76 and were used to offset County Regional Jail expenses.
7. Notification of disbursement of Wireless E-911 subscriber fees for the months of August, September and October, 2023.

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8. West Virginia State Treasurer's Office Reports:
 - a) 3rd Quarter 2023 Volunteer Fire Department State Distribution – October, 2023
 - b) 25% Coal Severance Tax Distribution for period July 1, 2023 through September 30, 2023
 - c) Coalbed Methane Severance Tax Distribution – October, 2023
 - d) 25% Oil and Gas Tax Distribution for period October 1, 2022 through September 30, 2023
9. Upshur County Fire Board, Inc. Financial Report for July through September, 2023
10. Correspondence from the Department of Homeland Security – Division of Corrections & Rehabilitation, providing the WV Regional Jail and Correctional Facility monthly invoice for Upshur County for October, 2023. The invoice reflects 1,837 inmate dates times \$43.58 per diem rate, totaling \$80,056.46. The September, 2023 invoice was \$74,739.70.
11. Lewis-Upshur Animal Control Facility Reports for the month of October, 2023
 - Revenue Report
 - Account of Animals Report
 - Animal Control/Humane Officer Animal Report
12. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - WV Navigator – Open Enrollment Event November 20, 2023
 - SMART Recovery Workshop Series November 28, 2023
 - b) Agendas and/or Notice of Meetings:
 - Community Corrections – *Special Meeting* November 6, 2023
 - Elkins Road Public Service District November 7, 2023
 - Upshur County Convention & Visitors Bureau November 8, 2023
 - Upshur County Safe Structures & Sites Enforcement Board November 9, 2023
 - Buckhannon-Upshur Airport Authority November 13, 2023
 - Upshur County Family Resource Network November 13, 2023
 - Upshur County Fire Board, Inc. November 14, 2023
 - Community Corrections – *Special Meeting* November 14, 2023
 - City Council of Buckhannon November 16, 2023

Meeting Minutes:

 - Upshur County Solid Waste Authority September 11, 2023
 - Elkins Road Public Service District October 3, 2023
 - Upshur County Safe Structures & Sites Enforcement Board October 12, 2023
 - c) Meetings: ****Dates and times of monthly board meetings are viewable at:***
<http://cms4.revize.com/revize/upshurwv/calendar.php> or go to www.upshurcounty.org and click on the board meetings calendar box on the main page.

13. 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 West Main Street, Suite 101, Buckhannon, WV 26201 or chughes@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 a board that does 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)

At 9:45 a.m., Rhett Dusenbury, representing Congressman Alex Mooney, appeared before the Commission to offer Congressman Mooney's assistance in the new year.

At 10:00 a.m., Chris Jeffries, Panhandle Restoration and Cleaning, appeared before the Commission to present an Emergency Response Plan. Also attending were Steve Wykoff, Director of Homeland Security and Emergency Management, and Greg Harris, County Facilities Director. Panhandle Restoration and Cleaning is reaching out to area County Commissions and offering this service free of charge. Currently, Lewis County is enrolled with them, Preston County was enrolled last week, Barbour County will be enrolled in December and, hopefully, Upshur County will follow. Greg Harris and Steve Wykoff stated that only a few people are familiar with all County buildings and having this information in a central location would be very advantageous. After discussion, the Commission requested Tabatha Perry to review the non-binding agreement with Panhandle Restoration and Cleaning and the Upshur County Commission and then place this item on the November 30, 2023 agenda. Chris Jeffries will also attend the meeting.

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Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, presented requests from Lee Ann Rice, Betty Rowland and Robert P. Rowland to name a road connecting Country Club Road and Tanglewood Drive. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the name of **Purple Martin Lane**. (copy included)

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)

- Geraldine Ann Brusio – Final Settlement
- Rhoda Lee Cutright – Final Settlement Waiver
- Sandra D. Dunmire – Final Settlement Waiver
- Casynn Gem Kegley – Guardianship Final Settlement
- Jimmie Lorentz – Final Settlement Waiver
- Kevin Harry Reynolds – Final Settlement Waiver
- Loretta Shockey – Final Settlement Waiver
- Jerry D. Stalnaker – Final Settlement Waiver
- Diana D. Steed – First Annual Settlement

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

- Richard N. Dyer – Certification of Completion
- Mack Frank Grill – Certification of Completion
- Starlene K. Howes – Certification of Completion
- Constance J. Light – Certification of Completion
- Sandra L. McSeveney – Certification of Completion
- James Moeller, Jr. – Certification of Completion
- Arnold D. Taylor – Certification of Completion

The Commission approved the following Corrections, Exonerations and Refunds:

- Ralph E Cunningham - #304471 - \$107.44 – Exoneration Order
- Aaron or Lisa Critchfield - #300000394S - \$294.32 – Exoneration Order
- Myers Brian T - #200000473S - \$743.58 – Exoneration Order
- Tullos James Catlin Kimble Michaela D - #23545 - \$1,095.38 – Exoneration Order

The Commission approved Requests to Attend Meeting: (none)

The Commission approved the following Consolidation of Land Tracts: (none)

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Sam Nolte, seconded by Doug Bush, the Commission meeting adjourned at 3:13 p.m.