

# UPSHUR COUNTY COMMISSION MEETING

December 1, 2022

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, December 1, 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 Doug Bush, seconded by Sam Nolte, the Commission approved the meeting minutes of the 2022 General Election Canvassing Meeting on November 14, 2022 and the regular meeting minutes on November 17, 2022, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

The Commission discussed applying for Land and Water Conservation Grant Funds (LWCF) to be used to rehabilitate the tennis courts located at the Upshur County Recreational Park. After grant approval, the Commission would need to adopt a Resolution authorizing the acceptance of grant funds under the LWCF; adopting all understandings and assurances contained in the grant documents, committing matching funds, and further appointing the President of the Upshur County Commission to administer said program. Sam Nolte stated that he, Cindy Hughes and Jeremiah McCourt had attended an Upshur County Board of Education meeting to present this program. The Board of Education could not vote on this issue because it had not been on their meeting agenda, but were very interested in pursuing. Due to the proposed date of grant approval, rehabilitation of the tennis courts would begin in the Spring of 2024. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved applying for Land and Water Conservation Grant Funds (LWCF) to be used to rehabilitate the tennis courts located at the Upshur County Recreational Park and, after approval of the grant, authorized the Commission President to administer the said program. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved Tabatha R. Perry, County Administrator, to serve as the Authorized Official on the WV Medical Cannabis Grant Program Application. This is a collaborative effort between the Commission, Sheriff's Department and the Board of Education to continue the employment of the Prevention Resource Officer at the Buckhannon-Upshur High School. (copy included)

The Commission reviewed 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. On September 8, 2022, the Commission moved to review this case after 90 days. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved assessing a fine of \$50 a day until the property is cleaned up. Tabatha Perry will place this item on the January 12, 2023 Commission meeting agenda. (copy included)

At 9:15 a.m., on motion by Sam Nolte, seconded by Doug Bush, the Commission certified the November 8, 2022 General Election Results. (copy included)

The appointment scheduled for 9:30 a.m. was postponed to a later date. This appointment was for Virgil D. Miller, Sheriff of Upshur County to recognize and present Appreciation Plaques to Tuscany Oil & Gas, LLC; Mountain V Oil & Gas, Mike Shaver; and Elks Lodge #1736 for their generous donation to the Upshur County K-9 program.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the Application for Community Use of Buildings, Equipment and Grounds, filed by Jason Campbell on behalf of BMC Productions, JC Films. This organization is requesting use of the Courthouse Plaza on Friday, December 9, 2022, for filming outside. A Certificate of Liability Insurance has been included with the request. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the appointment of Edward M. Poach, Jr. to the Upshur County Building Commission. Mr. Poach's term is effective immediately through November 10, 2027. William Parker also sent a letter of interest for this appointment. (copy included)

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

1. Correspondence from Melissa Garretson Smith, Executive Director, Courthouse Facilities Improvement Authority, announcing the award of grant funds in the amount of \$27,728 to be utilized for the replacement of the main exterior doors on the Courthouse and Annex. This award is 80% reimbursement / 20% county match.
2. Correspondence from Cathy Johnston, representative of Weyerhaeuser Giving Fund, announcing the award of a \$10,000 grant to the Upshur County Commission for the Upshur County Youth Camp. Tabatha Perry stated that Greg Woody plans to use these funds to replace the HVAC in one of the larger cabins.

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3. Correspondence from Cathy Johnston, representative of Weyerhaeuser Giving Fund, announcing the award of a \$1,000 grant to the Upshur County Commission for the Upshur County Recreational Park.
4. Correspondence to Jade Jones Chickerell regarding improper utilization of Commission owned FEMA property located on Camp Road.
5. WV Department of Revenue 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 Ferrari & Associates, PLLC, enclosing a copy of the Upshur County Fire Board, Incorporated Financial Statements and Independent Auditor’s Report for the fiscal year ending June 30, 2022.
7. Correspondence from Carolyn Douglas, Office Manager, Elkins Road Public Service District, enclosing a copy of the Annual Independent Audit for Fiscal Year 07/01/2021 through 06/30/2022, prepared by Tetrick & Bartlett, PLLC.
8. Upshur County Sheriff’s Financial Statement for period ending October, 2022
9. Upshur County E911 Communication Report – September and October, 2022
  - Monthly Department Summary Report
  - Monthly Wrecker Report
  - YTD Wrecker Report

Tabatha Perry explained that any notations pertaining to the on-scene wrecker service will appear on the wrecker report.

10. Upshur County Mileage Reports – October, 2022
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound
  - Emergency Management
  - Maintenance
  - Parks & Recreation
  - Sheriff
  - Upshur 911
11. Public Notices:
  - a) Newsletters and/or Event Notifications:
    - Upshur Cooperative Parish House Year-In-Review Newsletter
  - b) Agendas and/or Notice of Meetings:

• Buckhannon-Upshur Airport Authority Board	November 21, 2022
• City Council of Buckhannon	November 28, 2022
• City Council of Buckhannon	December 1, 2022
• Upshur County Farmland Protection Board	December 15, 2022

Meeting Minutes:

• Upshur County Safe Structures & Sites Enforcement Board	August 11, 2022
• Upshur County Public Library Board of Trustees	September 21, 2022
• Upshur County Solid Waste Authority	October 10, 2022
• Upshur County Fire Board	October 18, 2022
  - c) Meetings:
    - 12/01/22-3:00 p.m.-Adrian PSD
    - 12/01/22-7:00 p.m.-Banks District VFD
    - 12/01/22-7:00 p.m.-City Council of Buckhannon
    - 12/01/22-7:00 p.m.-Selbyville VFD
    - 12/06/22-5:00 p.m.-Elkins Road PSD
    - 12/08/22-3:00 p.m.-Upshur County Safe Structures & Sites Enforcement Board
    - 12/08/22-6:00 p.m.-Upshur-Buckhannon Board of Health – *Cancelled*
    - 12/08/22-7:30 p.m.-Buckhannon VFD
    - 12/09/22-11:00 a.m.-Region VI Local Elected Officials-*Muriales-Fairmont*
    - 12/11/22-6:00 p.m.-Washington District VFD
    - 12/12/22-12:00 p.m.-Upshur County Family Resource Network
    - 12/12/22-4:00 p.m.-Buckhannon-Upshur Airport Authority
    - 12/12/22-4:30 p.m.-Upshur County Solid Waste Authority

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- 12/12/22-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 12/12/22-6:00 p.m.-Lewis-Upshur Community Corrections Board – **Cancelled**
- 12/13/22-12:00 p.m.-Upshur County Senior Center Board
- 12/13/22-4:00 p.m.-Hodgesville PSD
- 12/13/22-7:00 p.m.-Warren District VFD
- 12/13/22-7:30 p.m.-Adrian VFD
- 12/14/22-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 12/14/22-3:00 p.m.-Upshur County Convention and Visitors Bureau
- 12/14/22-3:00 p.m.-Tennerton PSD
- 12/14/22-6:00 p.m.-Buckhannon River Watershed Association
- 12/14/22-6:30 p.m.-Upshur County Fire Board, Inc.-**Ellamore VFD**
- 12/14/22-7:00 p.m.-Ellamore VFD
- 12/15/22-6:00 p.m.-Upshur County Farmland Protection Board
- 12/15/22-6:30 p.m.-Upshur County Youth Camp Board
- 12/16/22-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 12/21/22-12:00 p.m.-Lewis Upshur LEPC-**Upshur County** – **Cancelled**
- 12/21/22-4:00 p.m.-Upshur County Public Library Board
- 12/27/22-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 12/28/22-7:00 p.m.-Upshur County Fire Fighters Association
- 01/05/23-6:00 p.m.-Upshur-Buckhannon Board of Health
- 01/23/23-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis Co

## 12. Appointments Needed or Upcoming:

- Upshur County Building Commission (Richard Ralston, II-11/10/2022)

*\*\*\*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](mailto: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 and approval of revised Overtime / Compensatory Time Policy within the Upshur County Employee Handbook of Personnel Guidelines, dated February 10, 2022. (tabled 11/03/2022) This will be discussed at the Special Policy Board meeting at 11:00 a.m.

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)

- Patricia Ann Carr – Final Settlement
- Gary Lee Pudder – Final Settlement
- William V. Swisher – Final Settlement
- Benjamin David Wallace – 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: (none)

Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, presented a Road Name Request Application from High Point Construction Group, LLC to name a road Shale Gas Drive. After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the name of Shale Gas Drive. (copy included)

The Commission received project updates and reviewed Administrative business items.

With no further business, on motion by Doug Bush, seconded by Sam Nolte, the Commission meeting recessed at 10:25 a.m.

At 11:00 a.m., the Commission reconvened for Policy Board meeting.

With no further business, on motion by Sam Nolte, seconded by Doug Bush, the Commission meeting adjourned at 11:45 a.m.