

UPSHUR COUNTY COMMISSION MEETING

December 14, 2023

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, December 14, 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 30, 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 the 2024 Board of Review and Equalization schedule. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign correspondence to the Upshur County Assessor and Property Tax Division of the State Tax Department, giving authorization to correct valuations for real property, personal property, and/or mineral property. Any adjustments made after January 25, 2024, must be forwarded to the Commission sitting as the Board of Review and Equalization. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the Board of Review and Equalization (BORE) Publication Notice; the County Commission will sit as the Board of Review and Equalization beginning at 1:00 p.m. on the 1st day of February, 2024, and shall continue until the work is complete but will adjourn no later than the close of business on the 16th day of February, 2024. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign a document accepting a WV Emergency Management Performance Grant (EMPG) Award for expenditures incurred during the calendar year of 2021 in the amount of \$34, 521. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized the Commission President to sign the Funding Assistance Contract Agreement, Special Conditions and Assurances and the Funding Recipient Check-Off List for the 21st Cycle of the West Virginia Courthouse Facilities Improvement Authority Funding Award Notice in the amount of \$70, 280. This funding will be used to rehabilitate the stairwell in the rear of the Courthouse. The funding period will commence January 1, 2024 and end December 31, 2024. Cindy Hughes, Assistant County Administrator, stated that the Architect involved with this project, said the timeline for the project is six to eight weeks and will begin after the Primary Election in May and be completed prior to the General Election in November. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved and authorized the Commission President to sign the lease agreement by and between the Upshur County Commission, the James W. Curry Advisory Board and the Trustees of the Brooks Hill Community Building. The term of the lease shall be for a period of one year, commencing December 15, 2023 and continuing through December 14, 2024, unless renewed. (copy included)

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the revisions to the Upshur County Floodplain Ordinance, previously adopted on January 1, 2020. Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permits and Floodplain Coordinator, gave a summary of the proposed revisions. Tabatha Perry, County Administrator, stated that the first reading of the proposed revisions would occur on January 4, 2024 at 9:30 a.m., with the second reading of the proposed revisions occurring on January 18, 2024 at 9:30 a.m. The Notice of Public Hearing will be published on December 20, 2023.(copy included)

At 9:15 a.m., the Commission held a bid opening for two new Sports Utility Vehicles for the Lewis-Upshur Community Corrections Offices. Tabatha Perry stated Elkins Chrysler, Dodge, Jeep, Ram was the only bid received prior to the deadline. The bid was for two vehicles: one 2023 Jeep Grand Cherokee Laredo for \$39,262.00 and one 2024 Jeep Grand Cherokee Laredo for \$43,207.50. Ms. Perry reported that Cheyenne Troxell, Director of the 26th Judicial Circuit Community Corrections Program, reviewed the bid and recommended accepting this bid. After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved accepting the bid from Elkins Chrysler, Dodge, Jeep, Ram for two vehicles: one 2023 Jeep Grand Cherokee Laredo for \$39,262.00 and one 2024 Jeep Grand Cherokee Laredo for \$43,207.50. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved and authorized Tabatha Perry, County Administrator, to sign the Application for Pennsylvania – Out of State Dealers 2024 – Kennel License for the Lewis-Upshur Animal Control Facility.

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After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved Jennifer Roller and Angela Wratchford as Lewis-Upshur Animal Control Facility volunteers.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the appointment of Burton L. Abel, O.D., to the Upshur County Building Commission, effective immediately. Dr. Abel's term will expire on November 10, 2028. (copy included)

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the request from the Tri-County Child Exchange & Visitation Advisory Board to employ Katherine Meeker as Program Coordinator, pending background check results. Ms. Meeker will work no more than 19 hours per week.

After discussion, on motion by Sam Nolte, seconded by Doug Bush, the Commission approved the request from Cheyenne Troxell, Director of the 26th Judicial Circuit Community Corrections Program, for the transfer of Allison Harmon from part-time to full-time Case Aide, effective January 2, 2024.

After discussion, on motion by Doug Bush, seconded by Sam Nolte, the Commission approved the advertisement for the Upshur County Civil Service Testing of Deputy Sheriffs. This testing will be part of the criteria used to establish an eligibility list for appointment to entry-level positions as Deputy Sheriff. Applications will be accepted until the close of business on Tuesday, January 16, 2024. (copy included)

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

1. Reminder – the Upshur County Courthouse and Annex will be closing to the public at 12:00 p.m. on Thursday, December 21, 2023.
 2. 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 November, 2023. The invoice reflects 1,610 inmate days times \$43.58 per diem rate, totaling \$70,163.80. The October, 2023 invoice was \$80,056.46.
 3. Correspondence from the Department of Homeland Security – Division of Administrative Services, providing notice that Upshur County's inmate billing rate may possibly change during December, 2023. Upshur County is currently paying a Discounted Per Diem Rate of \$43.58, which may change to a Base Per Diem Rate of \$54.48 during December, 2023, due to surpassing the county's pro rata number of inmate days calculated at 9,907.
 4. Upshur County Building & Floodplain permits for the month of November, 2023.
 5. Elkins Road PSD Annual Independent Audit for July 1, 2022 through June 30, 2023. This audit will be available for review at 91 W. Main Street.
 6. Lewis-Upshur Animal Control Facility Reports for the month of November, 2023.
 - Revenue Report
 - Account of Animals Report
 - Animal Control/Humane Officer Animal Report
 7. Upshur County E911 Communication Reports – October and November, 2023
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
 8. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - Parish House Newsletter
 - b) Agendas and/or Notice of Meetings:
 - Elkins Road Public Service District December 5, 2023
 - City of Buckhannon Building Commission December 7, 2023
 - City Council of Buckhannon December 7, 2023
 - Buckhannon-Upshur Airport Authority December 11, 2023
 - 26th Judicial Circuit Community Corrections Program December 11, 2023
 - Upshur County Convention & Visitors Bureau December 13, 2023
 - Upshur County Safe Structures and Sites Enforcement Board December 14, 2023
 - Upshur County Fire Board December 19, 2023
- Meeting Minutes:
- Elkins Road Public Service District November 7, 2023
 - Hodgesville Public Service District November 7, 2023

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- 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.

9. 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:

1. *Tabled November 30, 2023* – Consider executing a Memorandum of Understanding for Regional Task Force, dedicated to optimizing funds available to political subdivisions from the WV First Foundation, created as a result of the State opioid litigation and settlements. Upon entering this agreement, parties agree to cooperate and provide information and documentation to Ascension Recovery Services (Ascension). Financial contributions by the parties of this MOU for the services provided by “Ascension” is voluntary, not mandatory. *Kristie Tenney, Commission President, requested that this continue to be tabled.*

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)

- Doris Jean Davis Carr – Third Annual Settlement
- Bobby L. Dean – Final Settlement Waiver
- Ronald Hinzman – Final Settlement Waiver
- Rosemary Huffman – Final Settlement Waiver
- Darrell Nick Hoover – Final Settlement Waiver
- Rosie Mae Hoover – Final Settlement Waiver
- Kenneth Philip Koblack – Final Settlement Waiver
- Ruthlene Rhodes – Final Settlement Waiver
- Elona Gathel Sanders – Final Settlement Waiver
- Carolyn Marie Unrue – Final Settlement Waiver

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

- Virginia M. Andrews *a/k/a* Virginia Mae Andrew *a/k/a* Virginia Mae Andrews *a/k/a* Virginia Andrews – Certification of Completion

The Commission approved the following Corrections, Exonerations and Refunds:

- McCarthy Bobbi Jo (Townsend) - #300000171 - \$61.70 – Exoneration Order
- Cutright Paul B & Kathy Jean - #19856 - \$175.12 – Refund Order
- Cutright Paul B & Kathy Jean - #20026 - \$175.12 – Refund Order
- Harris Laurie - #500000763 - \$13.12 – Exoneration Order

The Commission approved Requests to Attend Meeting:

- DeLaura Courtney – January 15 and January 16, 2024
- Michelle McIe – January 15 and January 16, 2024

The Commission approved the following Consolidation of Land Tracts:

- Buckhannon District – Map 10 Parcel 32 and Map 10 Parcel 33 and Map 10 Parcel 34 and Map 10 Parcel 35 to make Map 10 Parcel 33 – Kruk James

At 9:30 a.m., Robin Keough, on behalf of Luv4Animals, appeared before the Commission to discuss adopting more specific animal welfare ordinances within Upshur County. Jan Cochran, Lewis-Upshur Animal Control Facility Director, was also present. Kristie Tenney stated that the Upshur County Commission and the Lewis County Commission will be meeting in January and this item will be included on the agenda.

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 12:43 p.m.