

# UPSHUR COUNTY COMMISSION MEETING

March 26, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, March 26, 2020 at 9:00 a.m. Terry B. Cutright called the meeting to order. Present were Terry B. Cutright, Commissioner; Kristie G. Tenney, Commissioner; Samuel R. Nolte, Commissioner; Carol J. Smith, County Clerk; Carrie L. Wallace, County Administrator; Dustin Zickefoose, Assessor, and Lois A. Marsh, Secretary. Those participating via teleconference included, but were not limited to: Amanda Hayes, Sue McKisic, Dr. Joseph Reed, Brian Shreves, Jeff Harvey, Rob Hinton and Carrie Cecil. The meeting began with a moment of silent meditation and prayer followed by the Pledge of Allegiance. All motions passed unanimously unless otherwise stated.

Terry B. Cutright reviewed scheduled appointments and agenda items.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the regular meeting minutes of March 12, 2020 and the emergency meeting minutes of March 20, 2020, as submitted.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign the 2020 Board of Review and Equalization (BORE) meeting minutes. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Upshur County 2020 – 2021 fiscal year budget totaling \$8,581,286. Deadline for submission to West Virginia State Auditor is March 27, 2020.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign an Order allowing the Commission to join with the Upshur County Development Authority (UCDA) to form a Joint Development Entity, as permitted under Chapter 7, Article 12 of the code of West Virginia. This Entity is required to receive new market tax credits (NMTC) for the Innovation Center. Rob Hinton, Director of the Upshur County Development Authority, explained how the process works. The Development Authority's Attorney and the Prosecuting Attorney both reviewed and approved the documentation. (copy included)

Commission reviewed correspondence from Shane Whitehair, Executive Director of Region VII Planning and Development Council, regarding Small Cities Block Grant recipient requirements to affirmatively further fair housing. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign a Resolution proclaiming April 2020 as Fair Housing Month (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Mountaineer Trail Network Appalachian Regional Commission (ARC) POWER Implementation Grant Letter of Support. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign an Agreement between the Department of Arts, Culture and History for and on behalf of Archives and History for an on behalf of the Records Management and Preservation Board and the Upshur County Commission for fiscal year July 1, 2020 through June 30, 2021. The award is for personnel costs to scan and index records in the amount of \$3,000 in the Assessor's Office and digitizing chancery and civil order books in the amount of \$10,000 in the Circuit Clerk's Office with a ten percent cash match to be provided by the County. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved David H. Coffman, Upshur County Sheriff's request for a lateral transfer of Crystal Linger from part-time Circuit Court Bailiff to full-time Law Enforcement Administrative Assistant, effective March 29, 2020 at the pay rate of \$11.22 per hour. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved David H. Coffman, Upshur County Sheriff's request for a lateral transfer of Mark Cunningham from Court Security Officer to Circuit Court Bailiff, effective March 29, 2020 at the pay rate of \$12.00 per hour. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved David H. Coffman, Upshur County Sheriff's request for employment of Roger Lee Davis as a part time "fill-in" Court Security Officer. Mr. Davis will begin employment on March 29, 2020 at the starting salary of \$11.00 per hour. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Toni C. Newman, Fire Fee Clerk, to decrease her work hours to 44 hours per pay period effective April 1, 2020. (copy included)

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After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved Hannah Greenlief as Lewis-Upshur Animal Control Facility Volunteer. Carrie Wallace reminded the Commission that volunteers are not at the facility right now but the request was made prior to the Governor's social distancing order. (copy included)

Terry Cutright reviewed the following "For Your Information" items: (copy included)

1. Order of the Public Service Commission of West Virginia entered March 18, 2020 regarding the "Petition for consent and approval to enlarge the service territory of the Tennerton Public Service District". Carrie Wallace announced that the case was referred to the Division of Administrative Law Judges for a decision to be rendered on the matter on or before October 15, 2020.
2. Announcement of FY2021 Litter Control Grant Application offered through the WVDEP REAP Litter Control Grant Program.
3. Press Release: Secretary Warner Encourages West Virginians to Vote Early and Absentee in the May 12 Primary Election. Carol Smith notified the Commission that post cards will be mailed to all registered voters in West Virginia on April 6, 2020. Any voter that has already requested an absentee ballot will not be sent a post card. The County Clerk's Office will continue to send out absentee ballots upon request on a daily basis.
4. Notice of Proposed Adoption of Amendment to Municipal Zoning Ordinance by the Council of the City of Buckhannon.
5. Upshur County Sheriff's Financial Statement for Period Ending February 2020.

At 9:15 a.m., Sue McKisic, Upshur-Buckhannon Health Department Nurse Director, Brian Shreves, Upshur County Department of Homeland Security Emergency Management Director, and Dr. Joseph Reed provided a COVID-19 update. At this time, there are 51 confirmed cases in West Virginia, 19 tests pending and 1031 negative tests.

6. Public Notices:

a. Newsletter and/or Event Notifications:

- Social Security Administration Fraud Hotline

b. Agendas and/or Notice of Meetings:

- Upshur Fire Board, Inc. March 17, 2020
- Upshur Public Library March 18, 2020
- Emergency Meeting of City Council of Buckhannon March 19, 2020
- City Council of Buckhannon March 19, 2020
- Elkins Road PSD March 19, 2020

c. Meeting Minutes:

- Adrian PSD February 6, 2020
- Tennerton PSD February 12, 2020
- Upshur County Safe Structures and Sites Enforcement Board February 13, 2020
- Upshur County Fire Board February 18, 2020

d. Meetings:

- 04/02/20-3:00 p.m.-Adrian PSD
- 04/02/20-7:00 p.m.-Banks District VFD
- 04/02/20-7:00 p.m.-City Council of Buckhannon
- 04/02/20-7:00 p.m.-Selbyville VFD
- 04/07/20-4:00 p.m.-Hodgesville PSD
- 04/07/2020-5:30 p.m.-Elkins Road PSD
- 04/08/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 04/08/20-3:00 p.m.-Tennerton PSD
- 04/08/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 04/08/20-7:00 p.m.-Warren District VFD
- 04/08/20-7:00 p.m.-Ellamore VFD
- 04/09/20-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 04/09/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 04/09/20-7:30 p.m.-Buckhannon VFD
- 04/13/20-12:00 p.m.-Upshur County Family Resource Network
- 04/13/20-4:30 p.m.-Upshur County Solid Waste Authority

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- 04/13/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 04/14/20-7:30 p.m.-Adrian VFD
- 04/15/20-7:00 a.m.-Upshur County Development Authority – Executive Board
- 04/15/20-12:00 p.m.-Upshur County Senior Center Board
- 04/15/20-12:00 p.m.-Lewis Upshur LEPC – Upshur Location
- 04/15/20-4:00 p.m.-Upshur County Public Library Board
- 04/16/20-2:00 p.m.-Upshur County Farmland Protection Board
- 04/16/20-6:30 p.m.-Upshur County Youth Camp Board
- 04/19/20-6:00 p.m.-Washington District VFD
- 04/21/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 04/21/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 04/22/20-10:00 a.m.-James W. Curry Advisory Board
- 04/27/20-7:00 p.m.-Upshur County Fire Fighters Association
- 04/28/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 05/01/20-6:00 p.m.-Buckhannon-Upshur Board of Health
- 05/18/20-6:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 06/12/20-11:00 a.m.-Region VI Local Elected Officials - Kingwood
- TBD - Lewis-Upshur Community Corrections Board

*\*\*NOTICE: All in person county board meetings have been cancelled until at least May 1<sup>st</sup>, at which time the Commission will re-assess CDC guidelines concerning gatherings and meetings. If meetings are necessary to continue operations, they must be performed via teleconference.\*\**

## 7. Appointments Needed or Upcoming: None

Tabled items:

1. Chapman Case Number 101118-01 (Warren District – Tax Map 6B Parcel Number 11).  
No action was taken.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the suspension of regular monthly meetings for the County Commission during the COVID-19 crisis giving authority to Terry Cutright, President, to sign grants and checks. Granted authority for the County Clerk to process payroll and pay bills, which the Commission will review at their next meeting. The Commission will have a meeting, via teleconference, if any urgent business arises. On April 21, 2020, the Commission will hold a meeting to officially lay the levy.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to submit the FY21 Community Oriented Policing Services (COPS) School Violence Prevention Program (SVPP) Application in the amount of roughly \$195,000 on behalf of the Upshur County Board of Education. This grant will provide updated emergency notification telephone systems to the Upshur County Board of Education. Lewis County Board of Education had originally been a partner with Upshur County but will not be participating at this time.

The Commission approved all Invoices for Payment. (list included)

The Commission approved all Vacation Orders. (copies included)

The Commission approved the following Settlements. (as listed)

- Lois Jeanette Brown – Final Settlement
- James E. Chidester – Final Settlement
- Mance Cutlip – Final Settlement Waiver
- Harry D. Ferrell – Final Settlement Waiver
- Wendy Kathryn Hakes – Final Settlement
- James P. Kane – Final Settlement
- John Mathias Koppinger – Final Settlement
- Michael Dennis Mangan – Final Settlement
- David Roy McCartney – Final Settlement Waiver
- Kevin Harry Reynolds – Final Settlement Waiver
- Merritt Dorsey Snyder – Final Settlement Waiver
- Lavina Jeane Starkey – Final Settlement Waiver

The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment. (as listed) (None)

The Commission approved the following Exonerations and/or Refunds. (None)

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The Commission approved the following Consolidation of Land Tracts. (None)

The Commission approved the following Requests to Attend Meeting. (copies included)

- Doyle Cutright – May 20-May 21, 2020

The Commission reviewed administrative items.

At 11:00 a.m., Jacob Reger, Senior Circuit Court Judge and Greg Harris, Maintenance Director; joined the meeting and via teleconferencing were David Coffman, Sheriff and Tabatha Perry, Assistant County Administrator to discuss continued operations as they relate to COVID-19. Terry Cutright thanked everyone for working together during this crisis.

Jacob Reger said that everything was running smoothly, thanks to the Supreme Court directive. He is concerned about how hectic things will be when the Governor opens the state up for business, even though the virus is still around. This is something we need to be thinking about and making a plan.

Jim Vance stated things were going smoothly as there are very few coming in to the Courthouse. There were 11 people in the Annex yesterday. Magistrates are doing video arraignments.

Jim Vance said they are holding the US mail for 24 hours before delivering to offices except for overnight packages that are time sensitive and need to be delivered as soon as possible. Carol Smith said that due to the time sensitive nature of priority mail, she has been opening FedEx and UPS packages in the hallway while wearing gloves.

Dustin Zickefoose reported everything going good in his department.

David Coffman was concerned about possible problems with inmates, but has had no problems. Law enforcement calls are down. Officers are staying as safe as possible – using necessary precautions. A local group will be making masks for the law enforcement officers.

Carol Smith had a Magistrate reach out for notary service and County Clerk's office was able to assist them. Everything is going smoothly with the rotating staff. Telephone calls are down today.

Greg Harris said the cleaning people are using germicides, disinfecting everything. Cleaning supplies have been hard to get but has not run out of anything.

The next meeting with the Elected Officials will be a teleconference on Thursday, April 2<sup>nd</sup> at 11:00 a.m.

With no further business, on motion by Kristie Tenney, seconded by Samuel Nolte, the Commission meeting adjourned at 3:30 pm.