

# UPSHUR COUNTY COMMISSION MEETING

August 13, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, August 13, 2020 at 9:00 a.m. Terry Cutright called the meeting to order. Present were: Terry B. Cutright, Commissioner; Samuel R. Nolte, Commissioner; Kristie G. Tenney, Commissioner; Carrie L. Wallace, County Administrator and Lois A. Marsh, Secretary. Carol J. Smith, County Clerk, joined the meeting via teleconference. 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 Cutright reviewed scheduled appointments and agenda items.

Carrie Wallace explained that the deadline for the Upshur County Census Incentive Contest was last night and drawing of the names of the winners will be held as soon as the participants were verified and entered into the drawing.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign a Declaration of Support Regarding Staying a Change to the Ballot Order Prior to the Upcoming Election. In *Nelson v. McCormick, et al*, the United States District Court for the Southern District of WV ruled the WV Code §3-6-2(c)(3) (the Ballot Order Statute) is unconstitutional and initially stayed the execution of this order and any relief until after the 2020 election; however, the Court has since lifted the stay and ordered the Ballot Order to be changed. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Pastor J. Edward McDaniels to use the Courthouse steps/plaza for a county wide worship service and walk on Saturday, September 26, 2020 from 1:00 p.m. until 3:00 p.m. A certificate of Liability Insurance will be provided. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved correspondence from Software Systems, Inc. regarding changes in maintenance contract amounts. Review and approval of 2020-2021 maintenance levels. This maintenance includes program updates, telephone support and time spent performing data conversions and other on-site tasks depending upon which level is requested for each system. (copy included)

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

1. Correspondence from Nesco, Inc. providing notice of blasting activities in accordance with all State and Federal Laws and as approved by the Department of Environmental Protection, commencing August 27, 2020 and continuing through August 28, 2021 from sunrise to sunset.
2. Stanton Foundation COVID-19 Emergency Fund Application submitted on behalf of the Lewis-Upshur Animal Control Facility. In response to the ongoing coronavirus pandemic, the Stanton Foundation is providing funds, ranging from \$500 to \$1,000, for the purchase of preventative veterinary medicine for non-emergency treatment of dogs being housed in the shelter.
3. Upshur County E911 Communication Reports – July, 2020
  - Monthly Department Summary Report
  - Monthly Wrecker Report
  - YTD Wrecker Report
4. Public Notices:
  - a) Newsletters and/or Event Notifications:
    - West Virginia Drug Tip Line Flyer
  - b) Agendas and/or Notice of Meetings:
    - Buckhannon-Upshur Parks & Recreation Advisory Board August 10, 2020
    - Upshur County Convention & Visitors Bureau August 12, 2020
    - Upshur County Senior Center August 12, 2020
    - Buckhannon-Upshur Airport Authority August 13, 2020
    - Upshur County Safe Structures and Sites Enforcement Board August 13, 2020
  - c) Meeting Minutes:
    - Adrian PSD July 2, 2020
    - Elkins Road PSD July 7, 2020
  - d) Meetings:
    - 08/04/20-4:00 p.m.-Hodgesville PSD
    - 08/06/20-3:00 p.m.-Adrian PSD
    - 08/06/20-7:00 p.m.-Banks District VFD
    - 08/06/20-7:00 p.m.-City Council of Buckhannon
    - 08/06/20-7:00 p.m.-Selbyville VFD

# UPSHUR COUNTY COMMISSION MEETING

August 13, 2020

- 08/10/20-12:00 p.m.-Upshur County Family Resource Network
- 08/10/20-4:30 p.m.-Upshur County Solid Waste Authority
- 08/10/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 08/11/20-7:30 p.m.-Adrian VFD
- 08/12/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 08/12/20-3:00 p.m.-Tennerton PSD
- 08/12/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 08/12/20-7:00 p.m.-Warren District VFD
- 08/12/20-7:00 p.m.-Ellamore VFD
- 08/13/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 08/13/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 08/13/20-7:30 p.m.-Buckhannon VFD
- 08/16/20-6:00 p.m.-Washington District VFD
- 08/17/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 08/18/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 08/18/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 08/19/20-7:00 a.m.-Upshur County Development Authority – Annual Meeting
- 08/19/20-12:00 p.m.-Upshur County Senior Center Board
- 08/19/20-12:00 p.m.-Lewis Upshur LEPC
- 08/19/20-4:00 p.m.-Upshur County Public Library Board
- 08/20/20-2:00 p.m.-Upshur County Farmland Protection Board
- 08/20/20-6:00 p.m.-Buckhannon-Upshur Board of Health
- 08/20/20-6:30 p.m.-Upshur County Youth Camp Board
- 08/25/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 08/26/20-10:00 a.m.-James W. Curry Advisory Board
- 08/31/20-7:00 p.m.-Upshur County Fire Fighters Association
- 09/01/20-5:30 p.m.-Elkins Road PSD
- 09/07/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.

**\*\*NOTICE:** *All in person county board meetings may resume effective May 18<sup>th</sup>; however, teleconference meetings are encouraged and social distancing must be followed.\*\**

## 5. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative
- Elkins Road PSD (Larry Heater-9/30/2020)
- Upshur County Solid Waste Authority (Mary L. Gower-6/30/2020)-Conservation District
- Buckhannon-Upshur Parks & Recreation Advisory Board (Brett Robinson-6/30/2020)-BOE
- Buckhannon-Upshur Parks & Recreation Advisory Board (6-30-2021)-BOE

**\*\*\*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: (none)

At 9:15 a.m., the Commission discussed Riffle Case Number 61319-02 (Banks Tax District – Tax Map 3P – Parcel Number 20.1) The Order Setting Forth Findings of Fact and Conclusions of Law entered on August 13, 2020 provided the property owner with thirty (30) calendar days to have all debris and trash removed from the property. Carrie Wallace reviewed the time line beginning with the original complaint on June 13, 2019 and presented to the Commission photos taken on August 10, 2020. The Riffles were present and explained their on-going cleanup work and problems encountered, including a fire that destroyed their truck and health issues. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission gave another thirty (30) day extension.

Larry Brown appeared before the Commission to discuss non-compliance with Upshur County Floodplain and Building Permit Ordinances. Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permit and Floodplain Coordinator, explained to the Commission the happenings since October, 2018. The Floodplain guidelines allow “road ready” campers in the Floodplain. Mr. Brown requested

# UPSHUR COUNTY COMMISSION MEETING

August 13, 2020

building permits for two campers he had placed on property in the Floodplain. These campers have electrical service, which require elevation certifications be completed. Mr. Brown does not agree with the Floodplain regulations. Ms. Bennett stated that two weeks ago Mr. Brown requested a building permit for a carport, which also is in the Floodplain and would need an elevation certification. Terry Cutright suggested that Mr. Brown should accept the Floodplain guidelines within thirty (30) days or the Commission would have to turn the matter over to the Prosecuting Attorney.

Chuck and Theresa Servetas requested the adoption of a Nuisance Ordinance pertaining to “dog barking” outside of Corporate limits. The Commission stated they will send Jason Knicely, Animal Control Officer, to talk to the Servetas’ and the owners of the barking dogs and Jason will report back to the Commission with information and suggestions for resolution of the barking dog problem.

Kenneth “Brian” Shreves, UCDHSEM Director, and Dirk Burnside, WVDHS Region Four RIC, discussed adding a private line to the existing fire frequency to decrease interference. After discussion, the Commission requested Mr. Shreves and Mr. Burnside to review with each fire department in the county to decide what needs to be done to provide assistance to the county fire departments.

At 10:15, results for the Upshur County Census Incentive Contest were available. 197 people liked the post, 207 people commented, 190 people shared the post and 12,475 people viewed the post. The Commission decided to draw three names to insure that the contest winner is an Upshur County resident. The first number drawn was Marquin Godfrey, which is a resident of Upshur County. Ms. Godfrey will receive a season pass to the Upshur County pool in 2021.

Carrie Wallace gave a 2020 Census Update: as of August 13, 2020, the National current completion rate is 63.4%, West Virginia current completion rate is 55.0%, Upshur County current completion rate is 60.8% (compared to 61.2% in 2010 Census). Census forms can be completed until September 30, 2020 via mail, on line, or telephone.

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)

- Evelyn Kemberley Rowan – 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. (as listed)

- Melissa or Randall Tolliver - #308054 - \$175.10 – Exoneration Order
- Kathleen Parks-McIe - #9110 - \$76.62 – Exoneration Order
- Kathleen Parks-McIe - #9111 - \$187.03 – Exoneration Order
- Automotive Rentals Inc - #302516 - \$4,557.22 – Exoneration Order
- JF Allen Co - #6133 - \$508.55 – Refund Order
- Charles M Pasco II - #29549 - \$85.28 – Refund Order
- Charles M Pasco II - #29548 - \$77.40 – Refund Order
- Charles M Pasco II - #29825 - \$85.28 – Refund Order
- Charles M Pasco II - #29824 - \$77.40 – Refund Order
- Jeffrey C Malcomb - #21157 - \$115.05 – Exoneration Order

The Commission approved the following Requests to Attend Meeting (none)

The Commission approved the following Consolidation of Land Tracts (as listed)

- Meade District – Map 5P Parcel 49 and Map 5P Parcel 50 to make Map 5P Parcel 49
- Buckhannon District – Map 4J Parcel 15.12 and Map 4J Parcel 15.23 and Map 4J Parcel 15.24 to make Map 4J Parcel 15.12

With no further business, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission meeting adjourned at 10:45 a.m.