

UPSHUR COUNTY COMMISSION MEETING

September 3, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, September 3, 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; Carol J. Smith, County Clerk; Tabatha R. Perry, 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.

Terry Cutright reviewed scheduled appointments and agenda items.

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

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign a letter of support for the City of Buckhannon's application for funding assistance through the WV Department of Transportation – Division of Highway's Transportation Alternatives Project for the purpose of extending the existing Elizabeth J. "Binky" Poundstone Riverwalk Trail System. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Jade Jones to utilize the County owned FEMA property located on Camp Road for the purpose of (1) maintaining a garden and (2) serving as a one-time wedding venue next year. Ms. Jones will need to provide Certificate of Insurance naming the Commission as an additional insured for the wedding event. Ms. Jones agrees to maintain the property and return the area to its original state. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the Notice of Public Auction. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a "Request for Bids" for one Super Duty Pickup Truck for the Upshur County Maintenance Department. Sealed bids must be received no later than 4:00 p.m. on September 30, 2020 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 at 9:05 a.m. on Thursday, October 1, 2020. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the SMIC renewal quote in the amount of \$235.50 for volunteer accident medical insurance for term period October 20, 2020 to October 20, 2021. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the UniFirst Customer Service Agreement for the Upshur County Maintenance Department. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and adopted the "Upshur County – Application for Community Use of Buildings, Equipment and Grounds" form. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign correspondence to Ryan Halsey, Project Manager, enclosing Community Development Block Grant – Small Cities Block Grant Request for Payment for the Elkins Road PSD Phase III Water System Improvements in the amount of \$8,246.36. This is for Request for Funds #14. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the WV CDBG Small Cities Block Grant Program Grantee Debarment Review Certification for the Elkins Road PSD Phase III Water System Improvement Project. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Federal Aviation Administration Outlay Request Number 1 in the amount of one hundred forty-one thousand six hundred fifty-two dollars (\$141,652) for the Airport Improvement Program Project No. 3-54-0039-034-2020 at the Upshur County Regional Airport in Buckhannon, WV. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the STOP Violence Against Women (VAWA) Grant Program Contract Agreement, Resolution, Certifications, Revised Standard and Federal Conditions and Assurances. This grant award is in the amount of \$30,000. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Resignation of an Employee.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the request from Dustin Zickefoose, Assessor, to hire Amber Fealy as a full-time Deputy Assessor. Ms. Fealy's full-time employment will become effective on Sunday, August 23, 2020 and her pay wage rate will be \$12.50 per hour. (copy included)

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After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the request from Carrie Wallace, County Administrator, for the extension of Shelia Adams's temporary full-time employment as an Administrative Assistant in the Commission Office through September 12, 2020. This expense will be charged to the Governor's COVID-19 Block Grant as the need for the position is a result of COVID-19 and was not budgeted as of March 27, 2020. (copy included)

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

1. Upshur County Safe Structures and Sites Enforcement Board Petition for Order – Case Number 010920-01-02 (Warren Tax District – Tax Map 8D – Parcel Number 12, 13, 14). Tabatha Perry, Assistant County Administrator, explained that the property owner has 20 days to request a hearing.
2. Correspondence from Governor Jim Justice announcing the STOP Violence Against Women Act grant award to the Upshur County Commission in the amount of \$30,000. These funds provide for the Team to effectively respond to, investigate and prosecute domestic violence, sexual assault, stalking and dating violence crimes and assist victims throughout the process.
3. Petco Foundation Animal Welfare Organization funding request, on behalf of the Lewis-Upshur Animal Control Facility, in the amount of \$10,000. If awarded, these funds will be utilized to (1) provide immediate veterinary care for animals brought in by the Animal Control Officer or surrendered to the shelter and (2) increase transfer efforts of animals taken to rescues.
4. Recommended Decision of the West Virginia Public Service Commission approving the request to enlarge the territory and boundaries of the Tennerton Public Service District.
5. Upshur County Sheriff's Financial Statement for period ending July, 2020.
6. Lewis-Upshur Animal Control Facility Reports for the month of July, 2020
 - Adoption Financial Transactions
 - Cat Report
 - Animal Report
 - Animal Control/Humane Officer Animal Report
7. Public Notices:
 - Newsletters and/or Event Notifications:
 - Free Paper Shred Event September 12th from 9 a.m. to noon at Crossroads Recycling Center
 - Agendas and/or Notice of Meetings:
 - Upshur County Public Library August 19, 2020
 - James W. Curry Library/Park Advisory Board August 26, 2020
 - Elkins Road PSD September 1, 2020
 - City Council of Buckhannon September 3, 2020
 - Upshur-Buckhannon Board of Health September 3, 2020
 - Meeting Minutes:
 - Upshur County Family Resource Network March 9, 2020
 - Upshur County Public Library Board of Trustees July 15, 2020
 - Upshur County Fire Board July 21, 2020
 - James W. Curry Library/Park Advisory Board July 22, 2020
 - James W. Curry Library/Park Fundraising Committee July 22, 2020
 - Meetings:
 - 09/01/20-4:00 p.m.-Hodgesville PSD
 - 09/01/20-5:30 p.m.-Elkins Road PSD
 - 09/03/20-3:00 p.m.-Adrian PSD
 - 09/03/20-6:00 p.m.-Buckhannon-Upshur Board of Health
 - 09/03/20-7:00 p.m.-Banks District VFD
 - 09/03/20-7:00 p.m.-City Council of Buckhannon
 - 09/03/20-7:00 p.m.-Selbyville VFD
 - 09/07/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.
 - 09/08/20-7:30 p.m.-Adrian VFD
 - 09/09/20-12:00 p.m.-Upshur County Senior Center Board
 - 09/09/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
 - 09/09/20-3:00 p.m.-Tennerton PSD

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- 09/09/2020-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 09/09/20-7:00 p.m.-Warren District VFD
- 09/09/20-7:00 p.m.-Ellamore VFD
- 09/10/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 09/10/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 09/10/20-7:30 p.m.-Buckhannon VFD
- 09/11/20-11:00 a.m.-Region VI Local Elected Officials
- 09/14/20-12:00 p.m.-Upshur County Family Resource Network
- 09/14/20-4:30 p.m.-Upshur County Solid Waste Authority
- 09/14/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 09/15/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 09/16/20-7:00 a.m.-Upshur County Development Authority – Executive Board
- 09/16/20-12:00 p.m.-Lewis Upshur LEPC
- 09/16/20-4:00 p.m.-Upshur County Public Library Board
- 09/17/20-2:00 p.m.-Upshur County Farmland Protection Board
- 09/17/20-6:30 p.m.-Upshur County Youth Camp Board
- 09/18/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 09/20/20-6:00 p.m.-Washington District VFD
- 09/21/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 09/22/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/23/20-10:00 a.m.-James W. Curry Advisory Board
- 09/28/20-7:00 p.m.-Upshur County Fire Fighters Association

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

8. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative
- James W. Curry Advisory Board (unexpired term ending 12/31/2020)

****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. 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)

Dr. Joseph B. Reed appeared before the Commission on behalf of Create Buckhannon to discuss re-creation of the Leadership Academy that was established by David Taylor in 2010. Dr. Reed was requesting the Commission's verbal support as Create Buckhannon works on re-establishing the Leadership Academy during this COVID-19 situation.

Chuck and Theresa Servetas appeared before the Commission to follow-up regarding their previous request for the adoption of a Nuisance Ordinance pertaining to "dog barking" outside of Corporate limits. Terry Cutright stated that even if the Commission were to enact a Nuisance Ordinance for dogs barking, this would fall under the Sheriff's purview to enforce. The Animal Control Officer does not have authority to arrest any violators. After discussion, no motion was made or approved.

Tabatha Perry, Assistant County Administrator, reported that only one bid for the Upshur County Sheriff's vehicle (1 sport utility vehicle) was received before the deadline. Jenkins Ford of Buckhannon submitted a bid for a 2020 Ford Expedition SSV in the amount of \$38,424, which does not include lights, radio equipment or decals. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved acceptance of the bid from Jenkins Ford.

Rachel Weber on behalf of the Upshur County Trails volunteer group, along with Greg Harris, County Facilities Director, provided an update pertaining to the trails located at the Upshur County Recreational Park and the intended use of mini-grant funds received through the Upshur County CVB. The group received a Try This WV Grant for \$2,806.02 which will be used to purchase and install a kiosk with a map of the trails at the entrance of the Park, an archway to be placed at the entrance of the trails, signs with arrows marking trails, and a gravel parking area. The charge for the kiosk is \$350-\$375. This project has a completion date of August, 2021. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved contribution of funds for a second kiosk and purchase of gravel needed for parking area.

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After discussion, on motion by Sam Nolte seconded by Kristie Tenney, the Commission approved to sign the Final Order adopting the Hearing Examiner's denial of the 2019 Greylock Energy LLC Application for Relief and Election. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved to adjourn Assessment Appeals sine die as per WV State Code §11-3-24b.

- (i) The board of assessment appeals shall meet as often as necessary until the work of the board is completed: Provided, That the board shall adjourn sine die not later than October 31 of the tax year unless the board, by majority vote, agrees to extend the term if necessary to afford the parties due process and to complete its work, after which it shall adjourn sine die.

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)

- Robert H. Jeran – Final Settlement Waiver
- Roscoe Stanley Peck – Final Settlement Waiver
- James Leonard Rohr – Final Settlement Waiver
- Linda L. Thompson – Final Settlement Waiver
- Glenda Jean Yokum – Final Settlement Waive

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 the following Requests to Attend Meeting (none)

The Commission approved the following Consolidation of Land Tracts

- Washington District, blend Map 6K Parcel 31 and Map 6K Parcel 47 to make Map 6K Parcel 31. Owners: Robinson, Trenton T. and Vinson R.
- Washington District, blend Map 6H Parcel 44.2 and Map 6H Parcel 44 to make Map 6H Parcel 44.2. Owners: Hans Joseph Straight.
- Warren District, Map 6C Parcel 57 and Map 6C Parcel 56 to make Map 6C Parcel 57. Owner: Rondall E. Moore.
- Banks District, blend Map 3M Parcel 22.1 and Map 3M Parcel 14 to make Map 3M Parcel 14. Owners: James L. II and Kimberly D. Rohr.
- Warren District, blend Map 4D Parcel 9.1, Map 4D Parcel 7 and Map 4D Parcel 8 to make Map 4D Parcel 9.1. Owners: Martin R. Jr. and Natalie Y. Hoover.

With no further business, on motion by Kristie Tenney, seconded by Samuel Nolte , the Commission meeting adjourned at 2:10 p.m.