

# UPSHUR COUNTY COMMISSION MEETING

March 18, 2021

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, March 18, 2021 at 9:00 a.m. Kristie Tenney called the meeting to order. Present were: Terry B. Cutright, Commissioner; Samuel R. Nolte, Commissioner; Kristie G. Tenney, Commissioner; Carol J. Smith, County Clerk; Carrie L. Wallace, County Administrator; 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.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission tabled the regular meeting minutes of March 4, 2021, as submitted, until the next Commission meeting.

Kristie Tenney reviewed scheduled appointments and agenda items:

Correspondence from Steve Booth on behalf of Tri-County Towing requesting to be placed on the Upshur County Wrecker Rotation List for emergency towing services. Tabatha Perry explained that Mr. Booth recently applied for his Uniform Vehicle Identification License through the Public Service Commission and all of the paperwork has not been received to date. After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission agreed to table this item until Mr. Booth has received all of the necessary authorizations.

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the James W. Curry Scholarship Announcement and Application for 2021. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Master Equipment Lease-Purchase Agreement and Related Instruments, by and Between Country Roads Leasing, LLC. The tax-exempt lease-purchase financing for the acquisition of a 2021 Ford Expedition at 3.1% interest will cost \$10,596.79 annually over a period of four years resulting in a total acquisition of \$42,387.16. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Airport Coronavirus Response Grant Program Grant Offer Grant No. 3-54-0039-036-2021 for the Upshur County Regional Airport in the amount of \$9,000. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Lori Ulderich Harvey, Director of the Upshur County Family Resource Network, to use the large pavilion for the West Virginia State University's Healthy Grandfamilies program free of charge on Tuesday evenings from June 8<sup>th</sup> to August 17<sup>th</sup>. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved the request from Shane Jenkins, President of the WV Strawberry Festival Board of Directors, to use the Courthouse Plaza on May 13<sup>th</sup> through May 16<sup>th</sup>. The Commission stated that Mr. Jenkins would need to direct his requests for the use of the Sheriff's Department for associated services and assistance from E911 Communications Center and Upshur County Department of Homeland Security and Emergency Management directly with Sheriff Virgil Miller and the E911 Communications Center. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the request from Shanna Collins, President of the Rock Cave PTO, Inc., for the donation of ten (10) one-day pool passes to the Upshur County Recreational Park pool to be used as prizes during the "10 Day Spring Basket and Bag Bash" fundraiser. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign a Mutual Aid Agreement between the Buckhannon Police Department and the Upshur County Sheriff's Office. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Resignation of Employee.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved Lewis-Upshur Animal Control Facility Volunteer Beatrice Simmons. (copy included)

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

1. Correspondence from Jeffrey E. Fleck, Executive Director of the State of West Virginia Consolidated Public Retirement Board, regarding the employer contributions to be paid into the Deputy Sheriff's Retirement System. Effective July 1, 2021, the employer contribution rate will increase from 12% to 13% of an employee's gross salary.
2. Proclamation made on March 2, 2021 by Governor Jim Justice declaring a State of Emergency in Upshur County to remain in effect for thirty days unless terminated by subsequent Proclamation.
3. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved a Request for Applicants: full-time administrative assistant position in the Prosecuting Attorney's Office.

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4. Upshur County Building Permits for the month of February, 2021
5. Upshur County E911 Communication Reports – January & February 2021
  - Monthly Department Summary report
  - Monthly Wrecker Report
  - YTD Wrecker Report
6. Upshur County Mileage Reports – January, 2021
  - Upshur 911
  - Maintenance
  - Emergency Management
  - Sheriff
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound
7. Public Notices:
  - Newsletters and/or Event Notifications: (none)
  - Agendas and/or Notice of Meetings:
    - Upshur County Family Resource Network March 8, 2021
    - Upshur County Safe Structures & Sites Enforcement Board March 11, 2021
    - Buckhannon-Upshur Airport Authority March 15, 2021
    - Upshur County Farmland Protection Board March 16, 2021
    - Upshur County Fire Board, Inc. March 16, 2021
    - Upshur County Public Library March 17, 2021
    - City Council of Buckhannon March 18, 2021
  - Meeting Minutes:
    - Upshur County Family Resource Network January 11, 2021
    - Elkins Road PSD February 2, 2021
    - Adrian PSD February 4, 2021
    - Upshur County Family Resource Network February 8, 2021
    - Upshur County Solid Waste Authority February 8, 2021
    - Hodgesville PSD February 9, 2021
    - Upshur County Safe Structures & Sites Enforcement Board February 11, 2021
  - Meetings:
    - 03/02/21-4:00 p.m.-Hodgesville PSD
    - 03/02/21-5:00 p.m.-Elkins Road PSD
    - 03/04/21-3:00 p.m.-Adrian PSD
    - 03/04/21-6:00 p.m.-Buckhannon-Upshur Board of Health
    - 03/04/21-7:00 p.m.-Banks District VFD
    - 03/04/21-7:00 p.m.-City Council of Buckhannon
    - 03/04/21-7:00 p.m.-Selbyville VFD
    - 03/08/21-12:00 p.m.-Upshur County Family Resource Network
    - 03/08/21-4:30 p.m.-Upshur County Solid Waste Authority
    - 03/08/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
    - 03/09/21-7:00 p.m.-Warren District VFD
    - 03/09/21-7:30 p.m.-Adrian VFD
    - 03/10/21-12:00 p.m.-Upshur County Senior Center Board
    - 03/10/21-1:15 p.m.-Upshur County Farmland Protection Board
    - 03/10/21-3:00 p.m.-Tennerton PSD
    - 03/10/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
    - 03/10/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
    - 03/10/21-7:00 p.m.-Ellamore VFD
    - 03/11/21-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
    - 03/11/21-7:30 p.m.-Buckhannon VFD
    - 03/12/21-11:00 a.m.-Region VI Local Elected Officials
    - 03/14/21-6:00 p.m.-Washington District VFD
    - 03/15/21-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
    - 03/15/21-4:00 p.m.-Buckhannon-Upshur Airport Authority – Special Meeting

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- 03/17/21-7:00 a.m.-Upshur County Development Authority – Full Board
  - 03/17/21-12:00 p.m.-Lewis Upshur LEPC
  - 03/17/21-4:00 p.m.-Upshur County Public Library Board
  - 03/18/21-6:30 p.m.-Upshur County Youth Camp Board
  - 03/19/21-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
  - 03/23/21-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
  - 03/23/21-6:30 p.m.-Upshur County Fire Board, Inc.
  - 03/24/21-10:00 a.m.-James W. Curry Advisory Board
  - 03/29/21-7:00 p.m.-Upshur County Fire Fighters Association
  - 04/12/21-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County
  - 04/26/21-12:00 p.m.-Region VII Planning and Development Council
8. Appointments Needed or Upcoming:
- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) - Fire Association Representative
  - Buckhannon-Upshur Airport Authority (unexpired term - 6/30/2021) - City Representative
  - Buckhannon-Upshur Parks and Recreation Advisory Board (unexpired term – 6/30/2021) – City Representative

*\*\*\*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.\*\*\**

## 9. Budget Hearing Schedule

The Commission will hold budget hearings at the Upshur County Administrative Annex on the following dates. For a detailed list of meetings, please contact Carrie L. Wallace at [clwallace@upshurcounty.org](mailto:clwallace@upshurcounty.org).

- Monday, March 15<sup>th</sup> beginning at 9:00 a.m.
- Tuesday, March 16<sup>th</sup> beginning at 9:00 a.m.
- Wednesday, March 17<sup>th</sup> beginning at 9:00 a.m.
- Thursday, March 18<sup>th</sup> beginning at 1:00 p.m.
- Friday, March 19<sup>th</sup> beginning at 9:00 a.m.
- Monday, March 22<sup>nd</sup> beginning at 1:00 p.m.

Tabled items: (none)

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)

- Junior W. Channell – Final Settlement Waiver
- George Taylor Douglas– Final Settlement Waiver
- Raleigh Levi Hall – Final Settlement Waiver
- Lois W. Pritt – Final Settlement
- Loretta Lee Queen – Final Settlement Waiver
- Lila Ruth Smith – Final Settlement
- Patricia B. Sturm – Final Settlement Waiver
- Bonnie H. Woody – Final Settlement Waiver

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

- Hubert J. Lee – Certification of Completion
- Rose M. Lee – Certification of Completion
- Alan Wayne Schweikart – Certification of Completion

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: (none)

At 9:15, the Commission discussed Gardner Case Number 010920-01 (Warren Tax District – Tax Map 8D – Parcel Number 12,13,14) The Order Setting Forth Findings of Fact and Conclusions of Law entered on February 11, 2021, provided the property owners with thirty (30) calendar days to take corrective

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action with respect to the property at issue. The Commission reviewed photographs taken the previous day by Greg Harris and noted little to no improvement on clean-up. Mrs. Richadeen Gardner joined the meeting via teleconference. Mrs. Gardner asked that any legal papers be served to Mr. William Phillips in person. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved a thirty (30) calendar day extension with fines continuing to be assessed each day and set a hearing date of April 29, 2021 at 9:30 a.m. As agreed previously, if the property should be brought into compliance prior to this date, the daily fine would be discontinued. (copy included)

At 9:30 a.m., Kristie Tenney opened a Public Hearing to consider evidence related to the request for closure of an unused paper alley located in the Buckhannon District on a portion of Darylene Drive. Wiley Creasey (property owner and applicant) appeared and provided pertinent information regarding the request. No other property owners or lien holders attended the meeting or sent correspondence prior to. Carrie Wallace reviewed requirements for the alley closure and confirmed that all requirements had been met. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the closure of the unused paper alley as requested. According to Dustin Zickefoose, Assessor, a survey of the property is not required as the square footage of the unused paper alley is adequately described in the plat file for the subdivision.

At 9:54 a.m., Ben Claypool, Highway Administrator II for the WV Division of Highways Maintenance Division, and David Oldaker, WV Department of Highways employee, provided an update regarding various projects and concerns with Safe Structures and Sites properties within Upshur County. Mr. Claypool stated that the Department of Highways had been added to emergency services calls last fall and this has been very helpful with the Department of Highways response. In order to continue coordination of departments with regards to property complaints, Carrie Wallace will schedule an informational meeting with the Prosecuting Attorney, Magistrates, Department of Highways, Commission Office and Safe Sites & Structures Board.

At 10:18 a.m., Jason Keeling, Executive Director of the Allegheny Highlands Chapter American Red Cross, appeared before the Commission. Carrie Wallace read the Proclamation declaring March as Red Cross Month. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Proclamation declaring March as Red Cross Month. Mr. Keeling also announced the Driving Our Mission campaign to raise \$37,500 to purchase a new Blood Saves Lives Dodge Caravan by June 30, 2021. (copy included)

At 10:30 a.m., the Commission presented a Certificate of Recognition to Prisilla Peggs for life saving measures performed on a Randolph County resident. (copy included)

At 10:33 a.m., Missy Loudin, ASAP Medial Billing, appeared before the Commission to discuss a County Fire Billing Ordinance. Also in attendance were Joey Baxa, Buckhannon Fire Department, and Mitch Tacy, retired Buckhannon fire chief. After much discussion, information was taken under advisement and no decisions were made. (copy included)

Carol Smith, County Clerk, reviewed a request for a budget revision. After discussion on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the President to sign the budget revision as discussed with a "Request for Revision to Approved Budget" to be sent to the Office of the Auditor for approval. (copy included)

The Commission received project updates and reviewed administrative business items.

With no further business, on motion by Terry Cutright, seconded by Sam Nolte, the Commission meeting adjourned at 12:00 p.m.