

# UPSHUR COUNTY COMMISSION MEETING

October 1, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, October 1, 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; 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.

Terry 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 September 24, 2020, as submitted.

At 9:05 a.m., Tabatha Perry stated that an advertisement for an Upshur County Maintenance Vehicle (1 Super Duty Pickup Truck) had been advertised on September 8, 2020 and September 15, 2020 with a bid submission deadline of September 30, 2020. One bid was received from Jenkins Ford in the amount of \$30,435 for a 2020 Ford F250 Super Duty Pickup Truck. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the bid from Jenkins Ford.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the appointment of Sheriff of Upshur County as Administrator for the Estate of Eddie Dwayne Perry, deceased.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission denied the request to appoint the Sheriff of Upshur County as Administrator for the Estate of Charles W. McIe, deceased, and approved Danny R. McIe as Administrator of the Estate, as requested by Charles Allen McIe, the second Executor named in the will, who declined to serve and upon the Motion to Substitute Administrator, filed by Justin J. Marcum, counsel for Danny R. McIe. Carol Smith, County Clerk, explained that since the law states that if a family member requests to be administrator, then they should be given first consideration.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission denied the request to appoint the Sheriff of Upshur County as the Administrator for the Estate of Linda L. McIe, deceased. Administration of the estate should be granted to Danny R. McIe, as per his letter of request.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the 2020 - 18<sup>th</sup> Grant Cycle WV Courthouse Facilities Improvement Authority Application for Funding Assistance in the amount of \$121,299. The maximum grant award is \$100,000 with a 20% match. The former Sheriff's residence and jail project consists of replacing approximately 4,400 square feet of shingles, making needed repairs to the wood sheathing, installing waterproof underlayment, ice and water guard, drip edge and flashing; in addition to replacing the siding on the four gable dormers. This is Phase II of a three-phase project. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a Notice of Intent to Retire submitted by an employee.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the commission approved the request from Doyle R. Cutright, II, Upshur County Communications Center Director, to promote Betty DeLaura Courtney from E911 Communication Center Telecommunicator to E911 Communication Center Supervisor, effective October 11, 2020. Ms. Courtney will receive a \$1.00 an hour wage increase for her additional responsibilities.

Jan Cochran, of the Lewis Upshur Animal Control Facility, appeared before the Commission to request the Sunday Hours for the Lewis Upshur Animal Control Facility be extended until January, 2021. No one has utilized the Sunday hours to date; however Ms. Cochran believes that may be due to COVID-19. The Commission agreed to the extension by general consensus.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the request from Kimbra Wachob, Upshur County Emergency Communications Center Assistant Director, for the employment of Jeremy Hartley, Cynthia Burwell and Sarah Davison as full-time telecommunicators, effective October 11, 2020. Mr. Hartley, Ms. Burwell and Ms. Davison's rate of pay will be \$11.00 per hour. (copy included)

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

1. FirstEnergy Corp. Press Release – Mon Power and Potomac Edison Customers in West Virginia to Benefit from Lower Electric Rates as a Result of Annual Fuel Filing.
2. Upshur County Sheriff's Financial Statement for period ending August, 2020.
3. Public Notices:
  - Newsletters and/or Event Notifications: (none)
  - Agendas and/or Notice of Meetings:
    - City Council of Buckhannon

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- Meeting Minutes: (none)
- Meetings:
  - 10/01/20-3:00 p.m.-Adrian PSD
  - 10/01/20-7:00 p.m.-City Council of Buckhannon
  - 10/01/20-7:00 p.m.-Banks District VFD
  - 10/01/20-7:00 p.m.-Selbyville VFD
  - 10/05/20-5:30 p.m.-Elkins Road PSD
  - 10/06/20-4:00 p.m.-Hodgesville PSD
  - 10/08/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
  - 10/08/20-4:00 p.m.-Buckhannon Upshur Airport Authority
  - 10/08/20-7:30 p.m.-Buckhannon VFD
  - 10/12/20-12:00 p.m.-Upshur County Family Resource Network
  - 10/12/20-4:30 p.m.-Upshur County Solid Waste Authority
  - 10/12/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
  - 10/13/20-7:30 p.m.-Adrian VFD
  - 10/14/20-12:00 p.m.-Upshur County Senior Center Board
  - 10/14/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
  - 10/14/20-3:00 p.m.-Tennerton PSD
  - 10/14/2020-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
  - 10/14/20-7:00 p.m.-Warren District VFD
  - 10/14/20-7:00 p.m.-Ellamore VFD
  - 10/15/20-2:00 p.m.-Upshur County Farmland Protection Board
  - 10/15/20-6:30 p.m.-Upshur County Youth Camp Board
  - 10/16/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
  - 10/18/20-6:00 p.m.-Washington District VFD
  - 10/19/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
  - 10/20/20-6:30 p.m.-Upshur County Fire Board, Inc.
  - 10/21/20-12:00 p.m.-Lewis Upshur LEPC
  - 10/21/20-4:00 p.m.-Upshur County Public Library Board
  - 10/21/20-7:00 a.m.-Upshur County Development Authority – Full Board
  - 10/26/20-10:00 a.m.-Mountain CAP of WV, Inc., a CDC
  - 10/26/20-7:00 p.m.-Upshur County Fire Fighters Association
  - 10/27/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
  - 10/28/20-10:00 a.m.-James W. Curry Advisory Board
  - 11/05/20-6:00 p.m.-Buckhannon-Upshur Board of Health
  - 12/07/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.

#### 4. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association 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. 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)

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)

- Gerald V. Steed – 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:

- Briana Smrekar - #304034 - \$45.76 – Exoneration Order
- Nesbitt, Alexis A - #308944 - \$70.13 – Exoneration Order
- John Courtney - #301422 - \$58.10 – Exoneration Order
- Chelsea L Queen - #400000173S - \$10.24 – Exoneration Order
- Martinez, Rafael - #303721 - \$108.30 – Exoneration Order
- Crystal D Shaw – Apportionment/Split of Assessment and Taxes for Classification

# UPSHUR COUNTY COMMISSION MEETING

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

The Commission approved the following Consolidation of Land Tracts:

- Washington District – Map 6J Parcel 7.2 and Map 6J Parcel 6.23 and Map 6J Parcel 6.24 to make Map 6J Parcel 7.2 – Crystal D. Shaw

At 9:30 a.m., Ms. Richadeen Garner joined the meeting via teleconference and her son-in-law, William Phillips appeared in person to discuss the Petition/Complaint of the Upshur County Safe Sites and Structures Enforcement Agency – Gardner Case Number 010920-01 (Warren Tax District – Tax map 8D – Parcel Number 12,13,14). Mr. Phillips stated he had established a small business after July, 2020. Dustin Zickefoose, Assessor, explained that business taxes would be imposed next year on the business inventory. This is a business tax and not a tax on the property owner. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved a sixty (60) calendar days extension. If Mr. Phillips does not comply after the sixty (60) days, there will be a \$50.00 fine imposed per day. Gregory Harris, Safe Structures and Sites Inspection Officer, will review with what needs to be accomplished during this time with Mr. Phillips. Tabatha Perry will contact James McClain with the DEP and request a site inspection.

Ms. Bertha Humphrey joined the meeting via teleconference to discuss Humphrey Case Number 121318-01 (Washington Tax District – Tax Map 6L – Parcel Number 11.3) – The Order Setting Forth Findings of Fact and Conclusions of Law entered on August 13, 2020 provided the property owner with sixty (60) calendar days to have all debris, trash and junk vehicles removed from the property. The hearing on September 10, 2020 was cancelled due to COVID-19. Tabatha Perry presented photos taken by Greg Harris on September 30, 2020. This case was opened in December, 2018. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, Ms. Humphrey was granted a final thirty (30) calendar day extension. A letter from the Commission will be sent to Ms. Humphrey stating what needs to be completed and providing the extension deadline. If not completed by the deadline, there will be a \$50.00 fine imposed per day.

Ms. Riffle joined the meeting via teleconference and Mr. and Mrs. McCoy were present at the meeting to discuss 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. The hearing on September 17, 2020 was cancelled due to COVID-19. Tabatha Perry presented photos taken by Greg Harris on September 30, 2020. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a final thirty (30) calendar day extension. Mr. and Mrs. McCoy were told that at the end of the thirty (30) calendar days extension, if work was not completed, a \$50 fine would be imposed each day on both the property owner and the tenant.

John Sencindiver, Vice-Chair of the Upshur County Farmland Protection Board, presented a proposal to establish Farmland of Local Importance to the County. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved support of this initiative and will write a letter of support.

Terry Cutright provided the first reading of the Ordinance Granting a Renewal Franchise to Cequel III Communications II, LLC, a Delaware Limited Liability Company doing business as Suddenlink Communications, to Operate and Maintain a Cable System in the County of Upshur, West Virginia, and Setting Forth Conditions Accompanying the Grant of Franchise, Superseding All Previous Franchise Ordinances for the County Commission of Upshur County. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the first reading and set a public hearing to take place on the 29<sup>th</sup> day of October, 2020. (copy included)

After motion by Kristie Tenney, seconded by Sam Nolte, the meeting recessed at 10:40 a.m. The Commission reconvened at 11:00 a.m. for Board of Assessment Appeals at the Upshur County Administrative Annex, 91 West Main Street. Suite 101.

With no further business, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission meeting adjourned at 2:00 p.m.