

UPSHUR COUNTY COMMISSION MEETING

December 2, 2021

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, December 2, 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/DHSEM Director; Tabatha R. Perry, Assistant Administrator/Assistant DHSEM Director 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 approved the special meeting minutes of November 17, 2021 and the regular meeting minutes of November 18, 2021, as submitted.

Kristie Tenney reviewed scheduled appointments and agenda items.

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign a Notice of Public Hearing for Wednesday, December 22, 2021 at 9:15 a.m. to consider final adoption and approval of an Order regarding boundary changes in the county's three Magisterial Districts, boundary changes of thirteen county Precincts and the consolidation and closure of Precinct 33. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the Affirmative Action Program for Minority Business Enterprise, established pursuant to Executive Order 11625 "National Program for Minority Business Enterprise" adopted October 13, 1971 (36 F.R. 190/67). This policy will only apply to projects funding with WV Community Development Block Grant Funds. Carrie Wallace stated that this policy was drafted by Region VII Planning and Development Council. The Upshur County Commission had previously not had this policy and the need arose during a recent audit for the Grant managed by Region VII. (copy included)

After discussion, on motion by Terry Cutright, seconded by Sam Nolte, the Commission approved and authorized the President to sign correspondence to Andrea Hull and Larry W. Brown regarding requirements of the Upshur County Building Permit Ordinance and Upshur County Floodplain Ordinance for the property originally discussed during the August 13, 2020 Commission Meeting. (copy included)

After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved the resignation of an employee.

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

1. Correspondence from Dustin Zickefoose, Upshur County Assessor, offering to assist individuals in determining the estimated cost of the proposed Board of Education Bond based upon their individual 2021 real estate and personal property values. Mr. Zickefoose reported that his office had already received a lot of calls and his staff was responding to requests as quickly as possible using the Board of Education calculator. This calculator is also on the Board of Education website. Mr. Zickefoose stated that these figures are a ballpark estimate and property values are subject to increase or decrease depending on improvements, etc..
2. United States of America Federal Energy Regulatory Commission – Notice of Revised Schedule for Environmental Review of the Atlantic Coast Pipeline Restoration Project and Supply Header Project Restoration Project – issued November 19, 2021.
3. Elkins Road Public Service District Annual Independent Audit for years ended June 30, 2021 and 2020.
4. Upshur County Sheriff's Financial Statement for period ending October, 2021
5. WV Department of Revenue State Tax Department Assessor Substantial Completion Notification: Certification that Dustin W. Zickefoose, Assessor of Upshur County, has complied with the "assessor's additional duties" and will receive additional compensation as provided in *WV Code §7-7-6b*.
6. Upshur County Safe Structures and Sites Enforcement Board Petition for Order filed November 15, 2021 – Case Number 051321-01 (Meade Tax District – Tax Map 1 – Parcel Number 130). The property owner has twenty days to request a hearing before the Upshur County Commission.
7. Public Notices:
 - a) Newsletters and/or Event Notifications: (none)
 - b) Agendas and/or Notice of Meetings:
 - City of Buckhannon December 2, 2021
 - 26th Judicial Circuit Community Corrections December 6, 2021

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c) Meeting Minutes:

- Upshur County Safe Sites & Structures Enforcement Board October 14, 2021

d) Meetings:

- 12/02/21-3:00 p.m.-Adrian PSD
- 12/02/21-6:00 p.m.-Buckhannon-Upshur Board of Health
- 12/02/21-7:00 p.m.-Banks District VFD
- 12/02/21-7:00 p.m.-Selbyville VFD
- 12/06/21-6:00 p.m.-Lewis-Upshur Community Corrections Board - Lewis County
- 12/07/21-4:00 p.m.-Hodgesville PSD
- 12/07/21-5:00 p.m.-Elkins Road PSD
- 12/08/21-12:00 p.m.-Upshur County Senior Center Board
- 12/08/21-3:00 p.m.-Tennerton PSD
- 12/08/21-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 12/08/21-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 12/08/21-7:00 p.m.-Ellamore VFD
- 12/09/21-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 12/09/21-7:30 p.m.-Buckhannon VFD
- 12/12/21-6:00 p.m.-Washington District VFD
- 12/13/21-12:00 p.m.-Upshur County Family Resource Network
- 12/13/21-4:00 p.m.-Buckhannon Upshur Airport Authority
- 12/13/21-4:30 p.m.-Upshur County Solid Waste Authority
- 12/13/21-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board - *Cancelled*
- 12/14/21-7:00 a.m.-Upshur County Development Authority – *Cancelled*
- 12/14/21-7:00 p.m.-Warren District VFD
- 12/14/21-7:30 p.m.-Adrian VFD
- 12/15/21-12:00 p.m.-Lewis Upshur LEPC – Upshur County
- 12/15/21-4:00 p.m.-Upshur County Public Library Board
- 12/16/21-6:00 p.m.-Upshur County Farmland Protection Board
- 12/16/21-6:30 p.m.-Upshur County Youth Camp Board
- 12/16/21-7:00 p.m.-City Council of Buckhannon
- 12/17/21-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 12/20/21-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 12/21/21-6:30 p.m.-Upshur County Fire Board, Inc.
- 12/27/21-10:00 a.m.-Mountain CAP of WV, Inc., a CDC
- 12/27/21-7:00 p.m.-Upshur County Fire Fighters Association
- 12/28/21-3:00 p.m.-UC Enhanced Emergency Telephone Advisory Board

Appointments Needed or Upcoming:

- Upshur County Fire Board (unexpired term 6/30/22)-Community Representative - 1st Mag. District

****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.****

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

The Commission approved all Vacation Orders. (list included)

The Commission approved the following Settlements. (as listed)

- Linda S. Detamore – Final Settlement Waiver
- Sue B. Gould – Final Settlement Waiver
- Robert Franklin Hamner – Final Settlement Waiver
- Jessie V. Marsh – Fourth Annual Settlement
- Betty Marie Rusmisell – Fourth Annual Settlement
- John Earl Rusmisell – Fourth Annual Settlement
- Carolyn Sue Sayre – Final Settlement Waiver
- Roy Edward Sipe – Final Settlement Waiver
- Mamie G. Starkey – Final Settlement

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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:

- Sipe Paul or Connie - #700000047S - \$53.32 – Exoneration Order
- Keystone Wireline Inc - #307141 - \$5,337.78 – Exoneration Order
- John M Hipps - #300000381S - \$283.93 – Exoneration Order
- Velez-Ramirez Francisco - #300000582 - \$72.45 – Exoneration Order

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

The Commission approved the following Consolidation of Land Tracts: (none)

Tabled Items: (none)

Carol Smith, County Clerk, stated that there would be testing of the voting machines held on December 16, 2021 at 2:00 p.m.

At 9:15 a.m., Joe Hughes, Owner of Lynx Internet, presented an Overview of Services and Assessment of County Needs. Since rural internet access in Upshur County and surrounding counties is limited, Lynx Internet is striving to gradually meet these needs. The Commission requested that Mr. Hughes meet with Shane Whitehair, Executive Director of the Region VII Planning and Development Council, Jennifer M. Bostian, Executive Director of the Upshur County Development Authority, and Kristie Tenney to outline goals for bringing internet access to our rural areas.

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 12:30 p.m.