

UPSHUR COUNTY COMMISSION MEETING

February 6, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, February 6, 2020 at 9:00 a.m. Terry Cutright called the meeting to order. Present were Terry Cutright, Commissioner; Kristie Tenney, Commissioner; Sam Nolte, Commissioner; Carol Smith, County Clerk; Tabatha Perry, Assistant County Administrator; and Lois 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 January 30, 2020, as submitted.

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the adoption of Policy Extending Emergency Absentee Voting. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the signing of the Order to approve the Number of Election Officials and Election Commissioners for the May 12, 2020 Primary Election. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the signing of the Order to approve the Number of Sets of Emergency Absentee Voting Commissioners for the May 12, 2020 Primary Election. (copy included).

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign the Authorization for Full Settlement Authority and Informed Consent for the consolidated opioid litigation. This authorization will permit Fitzsimmons Law Firm PLLC to engage in settlement negotiations with the defendants conditioned upon the Commission's final approval of any settlement which may be reached. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the signing of the Order Setting Forth Findings of Fact and Conclusions of Law in the Riffle Case Number 061319-02 (Banks Tax District – Tax Map 3P – Parcel Number 20.1). Tabatha Perry stated this will be revisited on April 2, 2020 at 9:05 a.m. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Amended Employee Health Reimbursement Plan Document, originally effective April 1, 2011 and restated effective December 1, 2019. This amendment incorporates all previous amendments into one policy. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the advertisement for a full-time Animal Control Officer. Applications must be received by 4:00 p.m. on February 18th, 2020. (copy included).

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

1. Commission's Response to the City of Buckhannon's Petition to intervene in regards to the expansion of service territory of Tennerton Public Service District.
2. Correspondence from Ora L. Ash, Deputy State Auditor, regarding the levy estimate (budget) 2020-2021, approved percentages for the Assessor's Valuation Fund and a budget sequence of events.
3. Correspondence from Joseph N. Geiger, Jr., Director of the WV Archives and History, announcing the award of \$13,000. The Assessor's office was awarded \$3,000 to scan and index various documents and \$10,000 was awarded to the Circuit Clerk's office to digitize chancery and civil order books. Mr. Geiger is also requesting a response with the Commission's intent to pursue the records project. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission voted to continue to pursue the records project.
4. Correspondence from C. Robbie Martin, Delegate 45th District, requesting the Upshur County Commission to declare Upshur County as a "Second Amendment Sanctuary".
5. Correspondence from Brad Ayers, Senior Director of Government Affairs for Suddenlink by Altice, USA, notifying the Commission that effective February 28, 2020, there will be changes to certain video rates and surcharges for commercial customers. A representative of Suddenlink will be attending the Commission meeting on February 27, 2020 at 10:00 a.m.
6. Upshur County Building Permits for the month of January 2020
7. NACo Prescription Drug Discount Card Program breakdown from 2014 to December 2019
8. Public Notices:
 - a. Newsletters and/or Event Notifications:
 - Upshur County Cooperative Parish House and Crosslines, Inc. – January 2020

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- b. Agendas and/or Notice of Meetings:
- Hodgesville PSD February 3, 2020
 - City Council of Buckhannon February 6, 2020
 - Upshur County Solid Waste Authority February 10, 2020

c. Meeting Minutes: (none)

d. Meetings:

- 02/04/20-4:00 p.m.-Hodgesville PSD
- 02/04/20-5:30 p.m.-Elkins Road PSD
- 02/06/20-3:00 p.m.-Adrian PSD
- 02/06/20-7:00 p.m.-Banks District VFD
- 02/06/20-7:00 p.m.-City Council of Buckhannon
- 02/06/20-7:00 p.m.-Selbyville VFD
- 02/10/20-12:00 p.m.-Upshur County Family Resource Network
- 02/10/20-4:30 p.m.-Upshur County Solid Waste Authority
- 02/10/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 02/11/20-7:30 p.m.-Adrian VFD
- 02/12/20-3:00 p.m.-Tennerton PSD
- 02/12/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
- 02/12/20-7:00 p.m.-Ellamore VFD
- 02/12/20-7:00 p.m.-Warren District VFD
- 02/13/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 02/13/20-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 02/13/20-4:00 p.m.-Buckhannon Upshur Airport Authority
- 02/13/20-7:30 p.m.-Buckhannon VFD
- 02/16/20-6:00 p.m.-Washington District VFD
- 02/17/20-12:00 p.m.- Buckhannon-Upshur Chamber of Commerce
- 02/18/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
- 02/18/20-6:30 p.m.-Upshur County Fire Board, Inc.
- 02/19/20-7:00 a.m.-Upshur County Development Authority – Executive Board
- 02/19/20-12:00 p.m.-Upshur County Senior Center Board
- 02/19/20-12:00 p.m.-Lewis Upshur LEPC – Upshur location
- 02/19/20-4:00 p.m.-Upshur County Public Library Board
- 02/20/20-2:00 p.m.-Upshur County Farmland Protection Board
- 02/20/20-6:30 p.m.-Upshur County Youth Camp Board
- 02/24/20-10:00 a.m.-Mountain CAP of WV, Inc. a CDC
- 02/24/20-7:00 p.m.-Upshur County Fire Fighters Association
- 02/25/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 03/05/20-6:00 p.m.-Buckhannon-Upshur Board of Health
- 03/09/20-6:00 p.m.-Lewis-Upshur Community Corrections Board – Lewis Co.
- 03/13/20-11:00 a.m.-Region VI Local Elected Officials
- 03/25/20-10:00 a.m.-James W. Curry Advisory Board

9. Appointments Needed or Upcoming:

- Buckhannon-Upshur Parks and Recreation Advisory Board (BOE appointee – 6/30/2020)

10. Board of Review & Equalization Meeting Schedule:

- 01/30/2020 1:00 p.m. – 3:00 p.m. – No appointments – Review Property Books
- 02/05/2020 1:00 p.m. – 3:00 p.m.
- 02/11/2020 9:00 a.m. – 11:00 a.m. Coal, Oil & Gas and Industrial Appointments
- 02/18/2020 9:00 a.m. – 11:00 a.m. Adjournment

(These meetings will take place at the Upshur County Administrative Annex)

Tabled items:

1. Chapman Case Number 101118-01 (Warren Tax District - Tax Map 6B Parcel Number 11).

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)

- David M. Cartwright, Jr. – Final Settlement Waiver
- Patricia Lee Robinson – Final Settlement

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The Commission approved the following Certification of Completion of Ancillary Administration of WV Real Estate Without Appointment. (as listed)

- Patricia J. S. Head – Certification of Completion

The Commission approved the following Exonerations and/or Refunds: None

The Commission approved the following Consolidation of Land Tracts: None

The Commission approved the following Requests to Attend Meeting: (copies included):

- Stacie Wentz – 2/21/2020
- Doyle R. Cutright, II – 3/11/2020
- Roxanne Winters – 3/11/2020
- Stephanie M. Jack – 3/16/2020-3/20/2020
- Margie D. Parsons – 3/16/2020-3/20/2020
- William Wilfong – 3/16/2020-3/20/2020
- Margie D. Parsons – 4/01/2020
- Carol J. Dean – 4/01/2020
- Janella L. Cochran – 4/24/2020

Beatrice Burnside, BUHS Biology Teacher, along with students Dylan Cornett, Chris Burnside, Olivia Caynor, Ashton Hollen, Kennedi Lewellyn, Makenzi Lewellyn, Elizabeth O'Neill, Austin Russel, Emileigh Ryan, Chelsea Wamsley requested the Commission to grant permission to create a "BU Learning Trail" at the Upshur County Recreational Park to increase environmental knowledge, raise environmental awareness, and to impart an inherent respect for nature. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the walking trail project.

Rob Hinton, Upshur County Development Authority Director, reviewed the Medical Cannabis Act and requested a required letter from the Commission. Mr. Hinton stated that three pharmaceutical companies have approached him about locating their manufacturing facilities in Upshur County. After discussion, on motion by Sam Nolte, seconded by Terry Cutright, the Commission approved and authorized the Commission President to issue the required letter from the Commission. Kristie Tenney felt the public should have the option to vote on this and therefore, voted "No" on the motion.

Terri Jo Bennett, Upshur County Addressing and Mapping Coordinator, presented Road Name Change Petition filed by Theresa Servetas to change the road name from Larry Loudin Road to Kittle Run Road, as there are many references to Kittle Run in the area. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved moving forward with the process of changing the road's name.

Heather Sparks, Chief Tax Deputy presented Final Disposition List for Tax Year 2018. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the Commission President to sign the Affidavit of Acceptance by the Upshur County Commission.

The Commission received one bid from Jenkins Ford for the Police Sedan to replace a police cruiser that had been totaled. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission accepted the single bid from Jenkins Ford in the amount of \$26,636.

Lori Ulderich Harvey on behalf of the Upshur County Family Resource Network Tobacco Prevention Coalition - Presentation of "Through with Chew Week and the Great American Spit Out" Proclamation" was cancelled.

The Commission reviewed administrative items.

With no further business, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission meeting adjourned at 11:15 a.m.