

# UPSHUR COUNTY COMMISSION MEETING

June 18, 2020

The County Commission of Upshur County, West Virginia, held their regular meeting on Thursday, June 18, 2020 at 9:00 a.m. Terry B. Cutright called the meeting to order. Present were: Terry B. Cutright, Commissioner; Kristie G. Tenney, Commissioner; Samuel R. Nolte, Commissioner; Carrie L. Wallace, 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 June 4, 2020, as submitted.

Dr. Joseph Reed appeared before the Commission on behalf of the Upshur County Tobacco Prevention Coalition, requesting a contribution of \$300 to support two BUHS 10<sup>th</sup> graders to serve as Ambassadors in a "Catch My Breath" program and training over the summer. The Ambassadors would work during the school year with 6<sup>th</sup> through 12<sup>th</sup> grade students. The program consists of five one-hour per week online training programs to enable them to work in the schools to promote avoidance of tobacco and vaping. The funds will be used to reimburse students for their time and effort depending upon their participation. Dr. Reed stated that he was also requesting \$300 from the City of Buckhannon so that four students could participate. After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the contribution of \$300. (copy included)

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 Upshur County Trails group "Try This West Virginia" grant application to be utilized to enhance the signage at the Upshur County Recreational Park. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the reappointment of JJ Ford to the Buckhannon-Upshur Parks and Recreation Advisory Board. Mr. Ford's term is effective from July 1, 2020 through June 30, 2022. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the reappointment of Josh Hinchman to the Buckhannon-Upshur Parks and Recreation Advisory Board. Mr. Hinchman's term is effective July 1, 2020 through June 30, 2022. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the reappointment to the Upshur County Safe Structures and Sites Enforcement Board. Mr. Harlow's term is effective July 1, 2020 through June 30, 2022. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the reappointment of Chris Cook to the Upshur County Safe Structures and Sites Enforcement Board. Mr. Cook's term is effective July 1, 2020 through June 30, 2022. (copy included)

After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved the reappointment of Kenneth "Brian" Shreves to the Upshur County Safe Structures and Sites Enforcement Board. Mr. Shreves' term is effective July 1, 2020 through June 30, 2022. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the reappointment of Robert N. Skinner, II, to the Corridor H Authority. Mr. Skinner's term is effective July 1, 2020 through June 30, 2022. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the reappointment of Amy Queen to the Upshur-Buckhannon Board of Health. Ms. Queen's term is effective July 1, 2020 through June 30, 2025. (copy included)

After discussion, Kristie Tenney made a motion to appoint J. Edward McDaniels to the Upshur-Buckhannon Board of Health. This motion died without a second. On motion by Sam Nolte, and seconded by Terry Cutright, the Commission approved the reappointment of Teresa Kee to the Upshur-Buckhannon Board of Health. Ms. Kee's term is effective from July 1, 2020 through June 30, 2025. (copy attached). Kristie Tenney requested the Commission to hold on to Mr. McDaniels' correspondence for future consideration.\*

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved and authorized the President to sign the FY21 Prevention Resource Officer Agreement allowing for a second PRO to be stationed at the Buckhannon-Upshur High School. Carrie Wallace stated that this agreement had been reviewed by the Sheriff and Prosecuting Attorney. (copy included)

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved a request from Sheriff David H. Coffman for approval to hire a temporary/seasonal tax deputy for approximately 5-6 weeks. The temporary Tax Deputy will be paid \$10 per hour and work 40 hours per week. (copy included)

At 9:24 the Commission went into Executive Session to consider two Resignations of Employees. The Commission reconvened at 9:46 with no decision being made. Kristie Tenney made a motion to accept the resignations, seconded by Sam Nolte.

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Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permit and Floodplain Coordinator, appeared before the Commission to give an update on the Wellness Complex. Ms. Bennett discussed with Jay Hollen the 14 acres of land that are within corporate limits. Of these, there are 6 ½ acres in the floodplain. Ms. Bennett stated that the Upshur County Development Authority owns 14 acres adjacent to this property. The County would need to do an H & H (Hydrologic and Hydrology) study to verify if this property could be filled. She has received three estimates for this study ranging from \$11,000 to \$30,000. Civil Engineering from Bridgeport was the lowest bidder. The property can be used without the H & H study, but if there are any man-made changes (such as lighting), the study is required. On motion by Sam Nolte, seconded by Kristie Tenney the Commission agreed to move forward with the H&H study and requested Ms. Bennett to contact Rob Hinton, Upshur County Development Authority Executive Director, to inquire if they are interested in sharing the cost of the H & H study.

Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permit and Floodplain Coordinator, presented Road Name Change Petition filed by Josh Ringer to change the road name from Brittney Lane to Grapevine Lane. 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.

Terri Jo Bennett, Upshur County Addressing and Mapping, Building Permit and Floodplain Coordinator, presented Road Name Change Petition filed by David Wilson Smith to change the road name to Honey Hill Drive. 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.

Rob Hinton, Upshur County Development Authority Executive Director, requested Acceptance and Signature of the Upshur County Development Association, Inc. Agreement to assign dividends. Carrie Wallace read the explanation from the attorney working on the project. As explained, any excess funds to go to the Development Authority. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Agreement of the Upshur County Development Association, Inc. Agreement. (copy included)

Katie Loudin appeared before the Commission to request a vicious/dangerous dog ordinance be enacted for the County. No action was taken; the Commission will review the request.

After discussion, on motion by Kristie Tenney, seconded by Sam Nolte, the Commission approved the Certification of Election Results. Carrie Wallace reported that the multi-county, state and federal results will be certified next week.

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

1. Frontier Communications "Notice of Commencement" – This notice provides information to various stakeholders of the Company about the restructuring process entered into on April 14, 2020. No action is required at this time.
2. Public Service Commission of West Virginia – Commission Order issued June 5, 2020.
3. Correspondence from Dr. Sara Lewis-Stankus, Upshur County Schools Superintendent, recommending Linda Riegel to serve as the Upshur County Schools' representative on the Upshur County Public Library Board.
4. Lewis-Upshur Control Facility Reports – May, 2020
  - Adoption Financial Transactions
  - Cat Report
  - Animal Report
  - Animal Control/Humane Officer Animal Report
5. Upshur County Mileage Reports – May, 2020
  - Upshur 911
  - Maintenance
  - Emergency Management
  - Sheriff
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound
6. Public Notices:
  - a) Newsletters and/or Event Notifications
    - The Curry Courier May 2020
  - b) Agendas and/or Notice of Meetings:
    - Elkins Road PSD June 10, 2020
    - Tennerton PSD June 10, 2020
    - Upshur County Senior Center June 10, 2020

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- Upshur County Convention & Visitors Bureau June 10, 2020
  - Buckhannon-Upshur Airport Authority June 11, 2020
  - Upshur County Safe Structures and Sites Enforcement Board June 11, 2020
  - Buckhannon-Upshur Parks & Recreation Advisory Board June 15, 2020
  - Upshur County Fire Board, Inc. June 16, 2020
  - Upshur County Farmland Protection Board June 18, 2020
  - City Council of Buckhannon June 18, 2020
- c) Meeting Minutes:
- Hodgesville PSD May 5, 2020
  - Adrian PSD May 7, 2020
  - Upshur County Solid Waste Authority May 11, 2020
  - Elkins Road PSD May 12, 2020
  - Tennerton PSD May 13, 2020
- d) Meetings:
- 06/01/20-6:00 p.m.-Lewis-Upshur Community Corrections Board
  - 06/02/20-4:00 p.m.-Hodgesville PSD
  - 06/04/20-3:00 p.m.-Adrian PSD
  - 06/04/20-7:00 p.m.-Banks District VFD
  - 06/04/20-7:00 p.m.-City Council of Buckhannon
  - 06/04/20-7:00 p.m.-Selbyville VFD
  - 06/08/20-12:00 p.m.-Upshur County Family Resource Network
  - 06/08/20-4:30 p.m.-Upshur County Solid Waste Authority
  - 06/08/20-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
  - 06/09/20-5:30 p.m.-Elkins Road PSD
  - 06/09/20-7:30 p.m.-Adrian VFD
  - 06/10/20-3:00 p.m.-Upshur County Conventions & Visitors Bureau
  - 06/10/20-3:00 p.m.-Tennerton PSD
  - 06/10/20-6:00 p.m.-Buckhannon River Watershed Association – Farm Bureau
  - 06/10/20-7:00 p.m.-Ellamore VFD
  - 06/10/20-7:00 p.m.-Warren District VFD
  - 06/11/20-3:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
  - 06/11/20-4:00 p.m.-Buckhannon Upshur Airport Authority
  - 06/11/20-7:30 p.m.-Buckhannon VFD
  - 06/12/20-11:00 a.m.-Region VI Local Elected Officials-Kingwood - CANCELLED
  - 06/15/20-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
  - 06/16/20-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
  - 06/16/20-6:30 p.m.-Upshur County Fire Board, Inc.
  - 06/17/20-7:00 a.m.-Upshur County Development Authority – Exec. Board
  - 06/17/20-12:00 p.m.-Upshur County Senior Center Board
  - 06/17/20-12:00 p.m.-Lewis Upshur LEPC
  - 06/17/20-4:00 p.m.-Upshur County Public Library Board
  - 06/18/20-2:00 p.m.-Upshur County Farmland Protection Board
  - 06/18/20-6:30 p.m.-Upshur County Youth Camp Board
  - 06/21/20-6:00 p.m.-Washington District VFD
  - 06/22/20-12:00 p.m.-Region VII Planning and Development Council
  - 06/22/20-7:00 p.m.-Upshur County Fire Fighters Association
  - 06/23/20-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
  - 06/24/20-10:00 a.m.-James W. Curry Advisory Board
  - 07/16/20-6:00 p.m.-Buckhannon-Upshur Board of Health

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

## 7. Appointments Needed or Upcoming:

- Buckhannon-Upshur Board of Health (Teresa Kee-6/30/2020)-Commission
- Buckhannon-Upshur Board of Health (Amy Rohr-Queen-6/30/2020)-Commission
- Buckhannon-Upshur Board of Health (Larry Carpenter-6/30/2020)-City
- Upshur County Fire Board, Inc. (Linn Baxa-6/30/2020) -Fire Association Representative

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- Hodgesville PSD (Roger Ward-6/30/2020)
- Elkins Road PSD (Larry Heater-6/30/2020)
- Upshur County Solid Waste Authority (Joyce Harris-Thacker-6/30/2020)-Commission
- Upshur County Solid Waste Authority (Mary L. Gower-6/30/2020)-Conservation District
- Upshur County Safe Sites & Structures Enforcement Board (Rick Harlow-6/30/2020)-Fire Chief
- Upshur County Safe Sites & Structures Enforcement Board (Chris Cook-6/30/2020)-Community
- Upshur County Safe Sites & Structures Enforcement Board (Brian Shreves-6/30/2020)-Community
- Buckhannon- Upshur Airport Authority (Virgil LaRosa-6/30/2020)-Commission
- Corridor H Authority (Robert “Bob” Skinner-6/30/2020)-Commission
- Buckhannon-Upshur Parks & Recreation Advisory Board (Brett Robinson-6/30/2020)-BOE
- Buckhannon-Upshur Parks & Recreation Advisory Board (John Hinchman-6/30/2020)-Commission
- Buckhannon-Upshur Parks & Recreation Advisory Board (JJ Ford-6/30/2020)-Commission

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

Tabled items:

1. Chapman Case Number 101118-01 (Warren District – Tax Map 6B Parcel Number 11). No action was taken.
2. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved and authorized the President to sign the Statement of Values prepared by Metis Services, Inc. on behalf of WVCORP. Carrie Wallace explained that WVCORP added the garage at the Administrative Annex and is adding the radio tower at the E911 Center back onto the property coverage, which will return the value of the E911 Center to its 2019 estimate. The changes to the statement of values will affect the annual contribution, however, there will be no additional charge for the 2020-2021 coverage year. (copy included)

John Roby, Banks District Fire Chief, discussed poor communications in the Southern part of the County. The Banks Volunteer Fire Department began communication improvements and upgrades to their system and tower, but ran out of funding due to the COVID-19 pandemic. After discussion, on motion by Sam Nolte, seconded by Kristie Tenney, the Commission approved moving forward with completion of this project, have bills sent to the Commission for payment, and the Commission will write a letter to the State of West Virginia asking for discount on licensing fees. The ownership of the channel and repeater will remain with Banks District Fire Department. Brian Shreves is to work on a MOU for Banks District Fire Department.

Mitchell Shaw, Upshur County Recreation Complex President appeared before the Commission to give an update on this project and to request funding assistance. Mr. Shaw stated that in order to move forward they will need to obtain property either by purchasing or by donation. The Commission explained that they will be moving forward with the H&H Study for the Wellness Complex and will keep them in mind for that property.

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)

- Valerie Celeste Browning – Final Settlement Waiver
- Jeffrey W. Mills – Final Settlement Waiver
- Bessie Kathleen Poling – Final Settlement Waiver
- Carl William Reed – Final Settlement
- Hildred Chidester Sisk – Final Settlement Waiver
- Joyce Small – Final Settlement Waiver
- Shirley Elizabeth Warner – Final Settlement Waiver

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

- Claude E. Russell – Certification of Completion

The Commission approved the following Exonerations and/or Refunds. (as listed)

- Barefoot Transportation, Inc. C/O Richard Frederick - #308147 - \$1,907.14 – Exoneration Order
- James J. or Rebecca J. Tunning - #100000244S - \$0.00 – Exoneration Order

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

The Commission approved the following Consolidation of Land Tracts (None)

The Commission adjourned at 12:01 p.m.

The Commission reconvened at 1:00 p.m. for the Supervisor's Meeting and 2:00 pm for the Policy Board Meeting.

With no further business, on motion by Kristie Tenney , seconded by Sam Nolte , the Commission meeting adjourned at 3:00 p.m.

\*At the conclusion of the meeting Commissioner Tenney explained that she voted against this motion.