

UPSHUR COUNTY COMMISSION MEETING

December 13, 2018

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, December 13, 2018 at 9:00 a.m. Sam Nolte called the meeting to order. Present were Sam Nolte, Commission President; Troy Brady, Commissioner; Terry Cutright, Commissioner; Carrie Wallace, County Administrator; Tabatha Perry, Assistant Administrator and Jacqueline Dinklocker, 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 Troy Brady, the Commission approved the emergency meeting minutes of December 4, 2018, and the special meeting minutes of December 7, 2018 as submitted.

At 9:05 a.m. Carrie Wallace opened and reviewed a bid from Mountain State Pest Guard for pest control services in the amount of \$380 per month (\$4,560 annually). No other bids were received. After reviewing the bid, Ms. Wallace advised that bidding requirements were met. Ms. Wallace reviewed her conversation with William Swann and his recommendation to place the bid opening on this week's agenda. The bid opening was originally scheduled for the regular Commission Meeting on Thursday, December 6, 2018; however, that meeting was cancelled due to the designation of a legal holiday on Wednesday, December 5, 2018 and the inability to conform to meeting notice requirements within the Open Governmental Meetings Act. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the bid and awarded the contract to Mountain State Pest Guard (copy included). Ms. Wallace noted that the bid is an increase over the current price of \$3,960 annually due to the addition of the pool facility at the Buckhannon Upshur Recreational Park.

Sam Nolte reviewed scheduled appointments and agenda items.

Tabatha Perry provided a review of the West Virginia Courthouse Facilities Improvement Authority Funding Award Notice announcing the maximum amount approved of \$67,783 to be used to (1) remove and rebuild two chimneys on the old jail facility (2) repoint two other chimneys, (3) repoint four gable dormers and (4) paint new surfaces to match the exterior of the building. The funding period will commence January 1, 2019 and end December 31, 2019. After discussion, on motion by Terry Cutright, seconded by Troy Brady, the Commission approved and authorized the President to sign the Funding Assistance Contract Agreement Between the West Virginia Courthouse Facilities Improvement Authority and the Upshur County Commission and signature of the WV Courthouse Facilities Improvement Authority (CFIA) 16th Cycle Funding Recipient Check-Off List (copy included).

Carrie Wallace provided a review of the Proclamations made by Governor Jim Justice on December 4, 2018 permitting public employees of this State to generally cease business the entire workday of Monday, December 24, 2018, and Monday, December 31, 2018, in acknowledgement of the holiday season. These proclamations further read that public employees of this State may be excused from their work duties the entirety of both days without charge against accrued annual leave. In accordance with subsection (c), section one, article two, chapter two of the WV Code, County Commissions may treat the days as if they were legal holidays, and the Courts may do the same (copy included). After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the December 24, 2018, and Monday, December 31, 2018 additional ½ day of leave for county employees.

The Commission discussed correspondence from James S. "Jay" Hollen, PE, City Engineer, enclosing a City of Buckhannon Temporary Construction Easement, Temporary Construction Easement Description and a Temporary Construction Easement Site Plan as they relate to the Gateway West Phase II Transportation Alternatives Program (GWW) Project for review and execution. It is

UPSHUR COUNTY COMMISSION MEETING

December 13, 2018

anticipated that the Street Department will require a 10'-0" Temporary Construction Easement to enter upon the commission's property that is adjacent to, and abuts, the existing WVDOH Right-of-Way in order to construct new concrete sidewalks and install new historic period-era street lights, electrical conduit and electrical wiring. Carrie Wallace reported that the agreement was reviewed by William Swann, Staff Attorney with legal firm, Kay, Casto and Chaney who recommended the removal of paragraph 3. Ms. Wallace expects to receive a revised copy of the Easement prior to next week's meeting and recommended tabling any action until the revision is received. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the request to table the item..

At 9:15 a.m., Tabatha Perry provided a review of a bid received from ReClaim Company, LLC for Soil Remediation Services for the Upshur County Youth Camp Brownfields Cleanup Project. No other bids were received. Ms. Perry reported that 2 other companies were unable to meet the deadline. Ms. Perry requested time to review the bid for compliance.

After discussion, on motion by Terry Cutright, seconded by Troy Brady, the Commission approved the resignation of Jim Farry as a member of the Upshur County Enhanced Emergency Telephone Advisory Board (UCEETAB) effective December 5, 2018. The termination date of the (unexpired) position is June 30, 2020.

Sam Nolte reviewed the following "For Your Information" items:

1. Correspondence from J. Michael Long, Senior Counsel for Husch Blackwell LLP, regarding a vertical bridge communications tower located at 65 Dusty Lane, Buckhannon requesting for the County to consider adopting a zoning ordinance which requires co-location as part of the antenna siting process. (The Commission discussed the possibility of the formation of a monopoly.)
2. Correspondence from Brad Ayers, Senior Director of Government Affairs for SuddenLink notifying the Commission of upcoming pricing and programming changes affecting customers in our region.
3. Supreme Court of Appeals of WV Administrative Order designating Monday, December 24, 2018 and Monday, December 31, 2018 as full day judicial holidays for judicial offices operating within the WV Judicial System.
4. Upshur County Animal Control/Humane Officer Monthly Dog Report for the month of November 2018
5. Lewis-Upshur Animal Control Facility Cat Report for the month of November 2018
6. Newsletters and/or Event Notifications:
 - Curry Courier, Volume 4, Number 1 – 10/27/18 through 11/27/18
 - Citizen's Bank of WV Grand Opening at 77 West Main Street–Friday, December 14, 2018
7. Agendas and/or Notice of Meetings:
 - Buckhannon-Upshur Airport Authority-December 13, 2018
 - Upshur County Safe Structures and Sites Enforcement Board-December 13, 2018
 - City of Buckhannon – Notice of Public Hearing-December 27, 2018
8. Meeting Minutes:
 - Upshur County Family Resource Network-September 10, 2018
 - Upshur County Solid Waste Authority-November 12, 2018
9. Meetings:
 - 12/04/18-5:30 p.m.-Elkins Road PSD
 - 12/04/18-4:00 p.m.-Hodgesville PSD

UPSHUR COUNTY COMMISSION MEETING

December 13, 2018

- 12/06/18-7:00 p.m.-Banks District VFD
- 12/06/18-7:00 p.m.-Selbyville VFD
- 12/10/18-12:00 p.m.-Upshur County Family Resource Network
- 12/10/18-4:30 p.m.-Upshur County Solid Waste Authority
- 12/10/18-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 12/10/18-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County
- 12/11/18-7:30 p.m.-Adrian VFD
- 12/12/18-12:00 p.m.-Upshur County Senior Center Board
- 12/12/18-7:30 p.m.-Warren District VFD
- 12/12/18-3:00 p.m.-Tennerton PSD
- 12/12/18-7:00 p.m.-Ellamore VFD
- 12/13/18-10:00 a.m.-Adrian PSD
- 12/13/18-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 12/13/18-7:30 p.m.-Buckhannon VFD
- 12/13/18-4:00 p.m. -Buckhannon Upshur Airport Authority
- 12/16/18-6:00 p.m.-Washington District VFD
- 12/17/18-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce – Holiday Lunch
- 12/18/18-6:30 p.m.-Upshur County Fire Board, Inc.
- 12/18/18-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 12/19/18-12:00 p.m.-Lewis Upshur LEPC --- Upshur location
- 12/19/18-4:00 p.m.-Upshur County Public Library Board
- 12/19/18-7:00 a.m.-Upshur County Development Authority – Executive Board
- 12/19/18-6:00 p.m.-Upshur County Citizens Corp – CERT
- 12/20/18-2:00 p.m.-Upshur County Farmland Protection Board
- 12/24/18-10:00 a.m.-Mountain CAP of WV, Inc. a CDC
- 12/31/18 -6:00 p.m.-Upshur County Fire Fighters Association
- 01/03/19-6:00 p.m.-Buckhannon-Upshur Board of Health
- 01/03/18-6:00 p.m.-Buckhannon River Watershed Association - Board of Directors
- 01/10/19-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 01/17/19-6:30 p.m. -Upshur County Youth Camp Board – WVU Extension Office
- 01/28/19-12:00 p.m.-Region VII Planning & Development Council
- 03/27/19-10:00 a.m.-James W. Curry Advisory Board
- TBD-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council

10. Appointments Needed or Upcoming: (none)

Tabled Items (none)

Tabatha Perry provided a review of the bid received from ReClaim Company, LLC for Soil Remediation Services for the Upshur County Youth Camp Brownfields Cleanup Project. Ms. Perry advised that the bid amount of \$398,000 considerably exceeds the budgeted amount for the project and recommended to reject the bid and re-advertise. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the recommendation to reject the bid and to expand advertisement to include the Record Delta and Charleston newspapers.

UPSHUR COUNTY COMMISSION MEETING

December 13, 2018

Toni Newman, Fire Fee Clerk, appeared before the Commission and provided a review of an online option for Fire Fee payments. The website can be accessed at www.upshurcounty.org then tab Gov/sheriffs tax office/fire fee/make payment. Ms. Newman advised that the next fire fee statements will include instructions for the online payment option. Carrie Wallace advised that the Fire Fee, Parks & Rec and the Assessor's Office are all accepting online payments through GovernmentWindow and additional departments are expected to be online soon.

At 9:45 a.m., Sam Nolte opened a public hearing for the third and final reading of suggested revisions to the Upshur County Safe Structures and Sites Ordinance, excluding the municipality of Buckhannon, previously adopted on April 13, 2000. Tabatha Perry provided the reading. No objections were voiced. Carrie Wallace reviewed her conversation with William Swann and his recommendation to place the third and final reading on this week's agenda. The reading was originally scheduled for the regular Commission Meeting on Thursday, December 6, 2018; however, that meeting was cancelled due to the designation of a legal holiday on Wednesday, December 5, 2018 and the inability to conform to meeting notice requirements within the Open Governmental Meetings Act. After discussion, on motion by Troy Brady seconded by Terry Cutright, the Commission approved authorized the signing and adoption of the revised ordinance. Copies of the amendments to the Ordinance are on file in the Upshur County Administrative offices and online at www.upshurcounty.org.

Lance Miller, Unit General Manager for Weyerhaeuser appeared before the Commission for a presentation of Weyerhaeuser Giving Fund Grant award to the Upshur County Youth Camp in the amount of \$5,000. Thanna Wentz was present on behalf of the Board.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved reimbursement requests for the West Virginia Division of Justice and Community Services in the amounts of \$3,101.53; \$160.88; \$2,042.08 and \$2,202.96 (copies included).

The Commission approved all invoices for payment (copies included).

The Commission approved all Vacation Orders.

The Commission approved the following "Settlements" (copies included):

- Dixie Lee Angus—Final Settlement Waiver
- Margaret Marie Bennett—Final Settlement
- Mildred C. Booth—Final Settlement
- Jeffery Lawrence Marfield—Final Settlement Waiver
- Iva May Snyder—Final Settlement
- Dewayne Burnell Sutton—Final Settlement Waiver
- Gary Robert Tomblyn—Final Settlement Waiver
- David Neal Vaughn—Final Settlement Waiver

The Commission approved the following "Correction/Exoneration/Refund Orders": (copies included)

- Randy S. Howard-Tkt. #15636-Refund Order
- Randy S. Howard-Tkt. #15661-Refund Order
- David L. Small-Tkt. #307511-Exoneration Order
- David L. Small-Tkt. #307906-Exoneration Order
- Ernest E. McCowan-Tkt. #301989-Exoneration Order
- Terry Shingleton-Tkt. #302339-Exoneration Order
- Glenn Davis-Tkt. #11419-Exoneration Order

UPSHUR COUNTY COMMISSION MEETING
December 13, 2018

The Commission reviewed agenda items for future meetings, received project updates and discussed administrative business items.

With no further business, on motion by Terry Cutright, seconded by Sam Nolte, the Commission meeting adjourned at 11:45 a.m.