

# UPSHUR COUNTY COMMISSION MEETING

## September 20, 2018

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, September 20, 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; Carol Smith, Upshur County Clerk; 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 Troy Brady, seconded by Terry Cutright the Commission approved the regular meeting minutes of September 13, 2018 as submitted.

Sam Nolte reviewed scheduled appointments and agenda items.

Tabatha Perry advised that Robert Sargent was unable to appear on behalf of Parents of Murdered Children and read the National Day of Remembrance for Murder Victims Proclamation which designates September 25, 2018 to promote public awareness and remember the victims and their families and loved ones (copy included). After discussion, on motion by Terry Cutright, seconded by Troy Brady the Commission approved and authorized the signing of the proclamation.

Carrie Wallace distributed copies of the Upshur County 911 Addressing and Mapping Ordinance with proposed amendments highlighted and reviewed the procedure for amending the Ordinance (copy included). Terri Jo Bennett, Addressing and Mapping Coordinator, noted that the recommended revisions to the ordinance reflect the current procedures which are used in naming and/or changing road names. After discussion, on motion by Troy Brady, seconded by Terry Cutright, the Commission approved to set dates for the reading(s) of the amended ordinance during regular scheduled meetings of the Upshur County Commission as follows: October 4, 2018 and October 11, 2018. The final reading of the amended ordinance will take place on October 25, 2018 at which time the adoption of the revised ordinance will be considered. No further changes can be made during this meeting.

Carrie Wallace reviewed Board of Assessment Appeals requests for hearings. Ms. Wallace advised that there were 9 initial requests and 8 cancellations, leaving 1 request for appeal still pending. Ms. Wallace noted that she expects that the remaining request will also cancel and advised that if the cancellation occurs, then the Board is not required to meet. No action was taken at this time. If New River Energy does not cancel their request for appeal, the Commission will take action during a future meeting to schedule a hearing on October 4, 2018 at 10:00 a.m.

Ms. Wallace reviewed correspondence from Rick Harlow, President of the Upshur County Firefighters Association requesting clarification with regards to (increasing) the Fire Service Fee. Ms. Wallace provided and reviewed a copy of WV Code §7-17-12 which details the procedure for requesting an increase and advised that the other questions in the letter have been sent to William Swann, attorney with Kay, Casto and Chaney, for review. Once a response is received, Ms. Wallace will forward the information to Mr. Harlow.

After discussion, on motion by Terry Cutright, seconded by Troy Brady the Commission approved and authorized the President to sign a 120-day modification to the Upshur County Commission/Buckhannon-Upshur Airport Authority line of credit through Community Bank. The current balance is in the amount of one hundred sixty-five thousand three hundred fifty-five dollars and forty cents (\$165,355.40). Draws on the line of credit will not be authorized during the 120-day extension.

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## September 20, 2018

Sam Nolte reviewed the following “For Your Information” items:

1. Correspondence from Donald M. Kersey, III, Elections Director & Deputy Legal Counsel for the WV Secretary of State, announcing the Help America Vote Act Grant Award in the amount of two hundred thirty-seven thousand eight hundred sixty-six dollars and twenty-six cents (\$237,866.26) for the purposes of improving the administration of federal elections by enhancing election technology and making security improvements. -*Carol Smith, Upshur County Clerk, reviewed planned expenditures using the grant funding and advised that new voting equipment will be in place by the upcoming November 6, 2018 General Election.*
2. Correspondence from Tanya Zickefoose and Larry Lance, B-UMS Counselors, requesting donations and sponsorships for the “Buccaneer’s Pantry” to end childhood hunger within the B-UMS. -*Carrie Wallace provided additional information and advised that the Middle School does not have a source of funding for their back-pack program. After discussion, on motion by Troy Brady, seconded by Terry Cutright, the Commission approved the Courthouse lobby, Courthouse Annex lobby and Administrative Annex as drop off locations for donations of back-pack supplies and to insert flyers soliciting donations in employee paychecks. Commissioners Nolte, Brady and Cutright pledged personal sponsorship of one student each for the year and encouraged Community participation and donations.*
3. Administrative Order Concerning Weapons, Security, and Searches on Courthouse Grounds entered by the 26<sup>th</sup> Judicial Circuit Chief Judge Kurt W. Hall on the 11<sup>th</sup> day of September 2018.
4. Administrative Orders designating Robert E. Hawkins, Virgil D. Miller, James W. Vance, Crystal S. Linger and Douglas K. White as Court Security Officers for the Circuit Court of Upshur County, entered by the 26<sup>th</sup> Judicial Circuit Chief Judge Kurt W. Hall on the 11<sup>th</sup> day of September 2018.
5. Updated Contract Administration Notes for Millsite Run South ’16 TS – Curry Park – Submitted by Nate Kennedy, Forester
6. WVDOH District 7 informational material disbursed during the meeting held on August 28, 2018
7. Upshur County Animal Control/Humane Officer Monthly Dog Report for the month of August 2018
8. Lewis-Upshur Animal Control Facility Cat Report for the month of August 2018
9. Lewis-Upshur Animal Control Facility Adoption Financial Transactions – August 2018
10. Newsletters and/or Event Notifications:
  - FALL FEST schedule of events – September 26<sup>th</sup> through 29<sup>th</sup> at Jawbone Park
  - CommUnity & Kindness Day of Service – Saturday, October 13<sup>th</sup> beginning at 8:00 a.m. at Jawbone Park
  - Building/Zoning Code Tutorial Session – City Hall Council Chambers on November 7<sup>th</sup> at 6:00 p.m.
  - Informational handout regarding WVABLE – Administered by the WV State Treasurer’s Office

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## September 20, 2018

### 11. Agendas and/or Notice of Meetings:

- Upshur County Senior Center-September 12, 2018
- Upshur County Public Library-September 18, 2018
- Upshur County Farmland Protection Board-September 20, 2018
- City Council of Buckhannon-September 20, 2018
- Buckhannon-Upshur Airport Authority-September 21, 2018
- Upshur-Buckhannon Board of Health-September 27, 2018
- Elkins Road PSD-October 2, 2018

### 12. Meeting Minutes:

- Upshur County Farmland Protection Board-March 15, 2018
- Upshur County Farmland Protection Board-May 17, 2018
- Upshur County Safe Structures & Sites Enforcement Board-July 19, 2018
- Elkins Road PSD- August 7, 2018
- Adrian PSD-August 9, 2018
- Adrian PSD – Phase VII & Phase VIII Progress Meeting-August 16, 2018

### 13. Meetings:

- 09/04/18-4:00 p.m.-Hodgesville PSD
- 09/06/18-6:00 p.m.-Buckhannon-Upshur Board of Health
- 09/06/18-7:00 p.m.-Banks District VFD
- 09/06/18-7:00 p.m.-Selbyville VFD
- 09/10/18-12:00 p.m.-Upshur County Family Resource Network
- 09/10/18-4:30 p.m.-Upshur County Solid Waste Authority
- 09/10/18-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 09/10/18-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur County
- 09/11/18-7:30 p.m.-Adrian VFD
- 09/12/18-12:00 p.m.-Upshur County Senior Center Board
- 09/12/18-3:00 p.m.-Tennerton PSD
- 09/12/18-6:00 p.m.-Upshur County Citizens Corp – CERT
- 09/12/18-7:00 p.m.-Ellamore VFD
- 09/12/18-7:00 p.m.-Buckhannon River Watershed Association--Board of Directors
- 09/12/18-7:30 p.m.-Warren District VFD
- 09/13/18-10:00 a.m.-Adrian PSD
- 09/13/18-3:00 p.m.-Upshur County Conventions & Visitors Bureau
- 09/13/18-4:00 p.m.-Upshur County Safe Sites & Structures Enforcement Board
- 09/13/18-7:30 p.m.-Buckhannon VFD
- 09/13/18-4:00 p.m.-Buckhannon Upshur Airport Authority
- 09/16/18-6:00 p.m.-Washington District VFD
- 09/17/18-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 09/18/18-4:00 p.m.-Upshur County Public Library Board
- 09/18/18-6:30 p.m.-Upshur County Fire Board, Inc.
- 09/18/18-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 09/19/18-7:00 a.m.-Upshur County Development Authority – Full Board
- 09/19/18-12:00 p.m.-Lewis Upshur LEPC --- Lewis location

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- 09/20/18-2:00 p.m.-Upshur County Farmland Protection Board
  - 09/20/18-6:30 p.m.-Upshur County Youth Camp Board – Selbyville
  - 09/24/18-6:00 p.m.-Upshur County Fire Fighters Association
  - 09/26/18-10:00 a.m.-James W. Curry Advisory Board
  - 10/02/18-5:30 p.m.-Elkins Road PSD
  - 10/22/18-12:00 p.m.-Region VII Planning & Development Council
  - 10/23/18-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development Council
14. Appointments Needed or Upcoming:
- Upshur County Public Library Board (unexpired term June 30, 2019) – Commission Appointment

### Tabled Items

1. Discuss property owned by Thomas Moates located in Warren Tax District – Tax Map 6C – Parcel Number 41 (*last extension was approved during April 5<sup>th</sup> meeting*)-*Tabatha Perry advised that she has spoken with a DEP representative for the Open Dump Program and reported that he expects to have a dumpster on site, free of charge, by the end of the week. Mr. Moates will supply the labor.*

Carrie Wallace announced that Doyle Cutright, EMS Director, has been in contact with North Carolina EMS Officials concerning flood relief and donations are being accepted at the Assessors Office and will be transported to affected areas next week.

Brian Fletcher, Fred W Eberle Technical Center Instructor and Tyler Cutright, Courtney Lesondak & Caleb Leggett, Fred W Eberle Technical Center students appeared before the Commission to request support and certification from the County Commission for their application/project submission for the Economic Projects Impacting Communities (EPIC) Competition (copy included). Eligibility for the competition requires the entrants to “have ...4 partners for the project...One (1) partner must be the County Commission...” and advised that they are not seeking monetary support. The group plans to build a “tiny house” type of project and requested ideas for review. Sam Nolte suggested that there is a need at the Wellness Complex for a “mobile concession stand” since it cannot accommodate a permanent structure at this time and such a project could also be used elsewhere in the community such as Festival Fridays, Strawberry Festival, etc. After discussion, on motion by Terry Cutright, seconded by Troy Brady the Commission approved the sponsorship of the project and to submit a certification of their support.

Tabatha Perry provided an update/status report concerning Safe Structures and Sites case number 121417-01. The property is owned by Clarence and Dorothy Rowan and located in Union Tax District – Tax Map 9E – Parcel Number 22.8 Ms. Perry advised that Gregory Harris, Safe Structures and Sites Enforcement Board Permit/Ordinance Officer has inspected the property and reported that improvements have been made and the property has been brought into compliance with ordinance requirements. After discussion, on motion by Troy Brady, seconded by Terry Cutright the Commission approved to close the case and requested Ms. Wallace to follow up with correspondence to Mr. and Ms. Rowan.

The Public Hearing to consider evidence related to the request for closure of an unused paper alley scheduled for 10:00 a.m. was delayed pending the arrival of Mr. Derico.

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## September 20, 2018

At 10:20 a.m., Sam Nolte opened a Public Hearing to consider evidence related to the request for closure of an unused paper alley located between parcels of land that High Point Construction and Mr. Michael Derico & Ms. Mary Derico own in Buckhannon District. Tim Shaw, (property owner), Dale Bennett, Surveyor and Mr. Derico (adjoining property owner) appeared and provided pertinent information regarding the request. Carrie Wallace reviewed requirements for the alley closure and stated that proof of service to the lienholder had not been provided. Mr. Shaw advised that the request for the alley closure was originated by the lienholder. Ms. Wallace stated that a letter from First Community Bank President, Jeremy Hoard, can be submitted to satisfy that requirement. Mr. Derico requested to have the width of the 12 ft. alley be split between himself and Mr. Shaw. Mr. Shaw had no objection to the request. Mr. Bennett provided aerial photos of the property. After discussion, on motion by Terry Cutright, seconded by Troy Brady the Commission approved the closure of the unused paper alley as requested with the width of the property adjoining Mr. and Mrs. Derico's parcel to be split equally between Mr. Shaw and Mr. and Mrs. Derico. Mr. Shaw agreed to pay the full cost of the required survey.

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

The Commission approved all Vacation Orders.

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

- Ruth Bush FKA Ruth Bush Moyers—Final Settlement Waiver
- Clifton Dale George—Final Settlement
- Mary Ann Houston—Final Settlement Waiver
- Mildred Loretta Lewis—Final Settlement Waiver
- Donald J. Lynch—Final Settlement Waiver
- Jessie V. Marsh—First Annual Settlement
- Joyful Peace Sneed, Incompetent—Final Settlement
- Joyful Peace Sneed—Final Settlement
- Lavina D. Wendell—Final Settlement

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

- Brian Shreves—October 15-18, 2018

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

With no further business, on motion by Troy Brady seconded by Terry Cutright, the Commission meeting adjourned at 12:30 p.m.