

# UPSHUR COUNTY COMMISSION MEETING

## January 11, 2018

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, January 11, 2018 at 9:00 a.m. Sam Nolte called the meeting to order. Present were Sam Nolte, Commissioner; Terry Cutright, Commissioner, Troy A. Brady, Commissioner; Carol Smith, Upshur County Clerk; Carrie Wallace, Upshur County Administrator; Tabatha Perry, Assistant County 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 A. Brady, the Commission approved the regular meeting minutes of January 4, 2018 as submitted.

Sam Nolte provided a review of Agenda Items/Scheduled Appointments to be covered in today's meeting.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign the Small Cities Block Grant #16SCBG0008, Elkins Road PSD Phase III Water System Improvements Project, drawdown request #5 in the amount of \$4,632.00 as requested by Tony O'Leary, Community Development representative (copy included).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign documentation authorizing Carrie L. Wallace, County Administrator, to use Samuel R. Nolte's official signature stamp to sign required documents on behalf of the Upshur County Commission (copy included).

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved and authorized the President to sign documentation authorizing Tabatha R. Perry, Assistant County Administrator, to use Samuel R. Nolte's official signature stamp to sign required documents on behalf of the Upshur County Commission (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the reappointment of Donna Kafer to the Upshur County Civil Service Board (copy included). Ms. Kafer's term will expire on December 31, 2021.

After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the resignation of Douglas K. White as part-time Circuit Court Bailiff effective January 24, 2018 (copy included).

After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the advertisement/job posting for one (1) part-time Circuit Court Bailiff position (copy included) as requested by David H. Coffman, Upshur County Sheriff (copy included)

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

1. Correspondence from Tabatha R. Perry, Assistant County Administrator, to Thomas Moates regarding his property located in Warren Tax District – Tax Map 6C – Parcel Number 4. During the regularly scheduled Commission Meeting conducted on January 4, 2018, the Commission moved to grant Mr. Moates an extension to bring the property into full compliance with the Ordinance by the end of March 2018.
2. Correspondence from Tabatha R. Perry, Assistant Administrator, to Todd Spencer Walter Gould regarding his property located in Washington Tax District – Tax Map 7J – Parcel Number 11. During the regularly scheduled Commission Meeting conducted on January 4, 2018, the Commission moved to grant Mr. Gould an extension to bring the property into full compliance with the Ordinance by the end of March 2018.

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3. Correspondence from Tabatha R. Perry, Assistant Administrator, to Frank Kelley regarding his property located in Washington Tax District – Tax Map 7J – Parcel Number 11.1. During the regularly scheduled Commission Meeting conducted on January 4, 2018, the Commission moved to grant Mr. Kelley an extension to bring the property into full compliance with the Ordinance by the end of March 2018.
4. Upshur County Road Name Index as of January 2018 - Prepared by Terri Jo Bennett, Upshur County Addressing and Mapping Coordinator.
5. Upshur County E911 Communication Reports --- November 2017
  - Monthly Call Summary Report
  - Monthly Department Summary Report
  - Monthly and YTD Wrecker Report
6. Upshur County Mileage Reports – November 2017
  - Upshur 911
  - Maintenance
  - Emergency Management
  - Sheriff
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound
7. Newsletters and/or Event Notifications:
  - Upshur County Family Resource Network-January 2018
8. Agendas and/or Notice of Meetings:
  - Upshur County Family Resource Network-January 8, 2018
  - Buckhannon-Upshur Parks and Recreation Advisory Board-January 8, 2018
  - Elkins Road PSD-January 9, 2018
  - Upshur County Senior Center Board of Directors-January 10, 2018
  - Upshur County Safe Sites and Structures Enforcement Board- January 11, 2018
  - City Council of Buckhannon-January 11, 2018
  - Buckhannon-Upshur Airport Authority-January 11, 2018
  - Buckhannon-Upshur Chamber of Commerce-January 15, 2018
  - City Council of Buckhannon-January 16, 2018
  - Upshur County Fire Board, Inc. January 16, 2018
9. Meeting Minutes:
  - Upshur County Family Resource Network Director’s Report-December 2017
  - Buckhannon-Upshur Parks and Recreation Advisory Board-December 11, 2017
10. Meetings:
  - 01/02/18-4:00 p.m.-Hodgesville PSD
  - 01/03/18-12:00 p.m.-Upshur County Senior Center Board
  - 01/04/18-7:00 p.m.-Banks District VFD
  - 01/04/18-6:00 p.m.-Buckhannon-Upshur Board of Health
  - 01/04/18-7:00 p.m.-Selbyville VFD
  - 01/08/18-12:00 p.m.-Upshur County Family Resource Network
  - 01/08/18-4:30 p.m.-Upshur County Solid Waste Authority

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- 01/08/18-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
  - 01/08/18-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County
  - 01/09/18-5:30 p.m.-Elkins Road PSD
  - 01/09/18-7:30 p.m.-Adrian VFD
  - 01/10/18-6:00 p.m.-Upshur County Citizens Corp – CERT
  - 01/10/18-7:00 p.m.-Ellamore VFD
  - 01/10/18-7:30 p.m.-Warren District VFD
  - 01/10/18-3:00 p.m.-Tennerton PSD
  - 01/10/18-7:00 p.m.-Buckhannon River Watershed Association-Board of Directors
  - 01/11/18-3:00 p.m.-Upshur County Conventions & Visitors Bureau
  - 01/11/18-1:00 p.m.-Adrian PSD
  - 01/11/18-4:00 p.m.-Upshur County Safe Sites & Structures Ordinance Board
  - 01/11/18-7:30 p.m.-Buckhannon VFD
  - 01/11/18-4:00 p.m. -Buckhannon Upshur Airport Authority
  - 01/15/18-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
  - 01/16/18-4:00 p.m.-Upshur County Public Library Board
  - 01/16/18-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
  - 01/16/18-6:30 p.m.-Upshur County Fire Board, Inc.
  - 01/17/18-7:00 a.m.-Upshur County Development Authority – Full Board
  - 01/17/18-12:00 p.m.-Lewis Upshur LEPC --- Upshur location
  - 01/18/18-3:00 p.m.-Upshur County Farmland Protection Board
  - 01/18/18-6:30 p.m. -Upshur County Youth Camp Board
  - 01/21/18-6:00 p.m.-Washington District VFD
  - 01/23/18- Wes-Mon-Ty Resource Conservation & Development Council-Senior Center Conference Room in Gilmer County
  - 01/29/18-6:00 p.m.-Upshur County Fire Fighters Association
  - 03/28/18-10:00 a.m.-James W. Curry Advisory Board
11. Appointments Needed or Upcoming:
12. Board of Review & Equalization Meeting Schedule
- 02/01/2018-1:00 p.m. – 3:00 p.m.-No appointments ---Review Property Books
  - 02/06/2018-9:00 a.m.–11:00 a.m.-Coal, Oil & Gas and Industrial appointments
  - 02/09/2018-1:00 p.m.–3:00 p.m.
  - 02/14/2018-1:00 p.m.–3:00 p.m.
  - 02/16/2018-9:00 a.m.–11:00 a.m. Adjournment

At 9:15 a.m. Sam Nolte opened a Public Hearing to consider evidence related to the possible closure of an unused paper alley located between parcels of land that Mary Herndon owns in Buckhannon District (copies included). Ms. Herndon joined the meeting by teleconference. Carrie Wallace provided a copy of the affidavit/advertising for the hearing and advised that no opposition has been presented. Ms. Herndon advised that she is the owner of the lots which the alley intersects and there are no liens against the subject properties. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved the closure of the unused paper alley and informed Ms. Herndon that she will be required to get a survey of the property and have it recorded in

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the Office of the Upshur County Clerk along with the signed Order. Ms. Wallace will follow up with preparation of the “Order” for the closure of the alley to be placed on next week’s agenda.

Carrie Wallace advised that the Commission has received 2 (two) proposals for consideration for legal representation in potential opioid litigation. The proposals were submitted by Fitzsimmons Law Firm, Wheeling, WV and Chafin Law Firm, Williamson, WV (copies included). Fitzsimmons Law Firm advised that the fee will be 25% contingency of successful litigation. Chafin Law firm stated the fees as the 25% contingency plus costs and expenses. Both firms stated that no fees will be required unless litigation is successful. Ms. Wallace inquired if the Commission would like to take a week to review proposals before setting up interviews. After discussion, on motion by Terry Cutright, seconded by Troy A. Brady, the Commission approved to table the agenda item to revisit next week.

David Godwin, Upshur County Prosecuting Attorney, appeared before the Commission to discuss the administration of grant funds as related to the VOCA grant travel reimbursements. Mr. Godwin expressed concerns about funds being paid according to County reimbursement policy vs. the rules of the grant (per-diem). Upshur County Clerk, Carol Smith advised that per County policy, employees are reimbursed for their actual meal expenses according to the receipts that are produced, per instruction from the state auditor. Sam Nolte advised that the matter will be reviewed with the auditor’s office and WV Division of Justice and Community Services who administer the grant funds.

Mike Rezac, WVCORP (West Virginia Counties Risk Pool) Consultant appeared before the Commission and provided a review of services available to the County. Mr. Rezac provided the Commission with a pamphlet listing the services and advised that the Risk Pool is available to conduct OSHA authorized safety training, review of drug testing policies, Sexual Harassment training and other services as listed.

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

The Commission approved all Vacation Orders.

The Commission approved the following “Settlements” (copies included):

- Ronald R. Dean—Final Settlement Waiver
- Clyde H. Gidley—Final Settlement Waiver
- Ernest Leo Sayres—Final Settlement Waiver
- Ray Hefner—Final Settlement Waiver
- Shirley B. Long—Final Settlement Waiver

The Commission approved the following “Exonerations and/or Refunds” (copies included):

- Questionable Press—#4236—\$2.10
- Francisco J. II and Christina Figueroa—#4237—Corrective Ticket

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

- Debra Carlyle—January 24, 2018
- Stacie Wentz—January 24, 2018

The Commission recessed at 12:00 p.m.

The Commission reconvened at 1:10 p.m.

With no further business, on motion by Terry Cutright seconded by Troy A. Brady, the Commission meeting adjourned at 2:40 p.m.