

# UPSHUR COUNTY COMMISSION MEETING

## April 26, 2018

The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, April 26, 2018 at 9:00 a.m. Sam Nolte called the meeting to order. Present were Sam Nolte, Commissioner; Troy A. Brady, Commissioner; Terry Cutright, Commissioner; Carol Smith, Upshur County Clerk; Carrie Wallace, Upshur County Administrator; Tabatha Perry, Assistant County Administrator; Jacqueline Dinklocker, Secretary; and Prissilla Peggs, 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 A. Brady seconded by Terry Cutright, the Commission approved the regular meeting minutes of April 12, 2018 and special meetings minutes of April 20, 2018 and April 25, 2018 as submitted.

Magistrates Mike Coffman and Kay Hurst appeared before the Commission to discuss court security in the Magistrate Court. The Magistrates employment of either a full-time bailiff or two part-time bailiffs was requested. The Magistrates provided information and arguments in support of the hiring with additional comments from Assistant Prosecutor, Kelley Cunningham and Judge Jacob Reger. Mr. Coffman advised that the \$25,000 that was allocated to Court Security in the FY 19 budget would come close to covering the cost. After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved the FY19 court security funding allocation for the employment of two part-time bailiffs in the Magistrate Court starting in July of 2018. The bailiffs will be utilized in other parts of the courthouse when not needed in Magistrate Court.

Sam Nolte reviewed scheduled appointments and agenda items.

After discussion, on motion by Troy A. Brady seconded by Terry Cutright, the Commission approved the appointment of the Sheriff of Upshur County as the Administrator of the Estate of Joyful Peace Sneed, deceased (copy included).

After discussion, on motion by Troy A. Brady seconded by Terry Cutright, the Commission approved the appointment of the Sheriff of Upshur County as Guardian for (the monies of) Madison Paige Jack, infant (copy included).

After discussion, on motion by Troy A. Brady seconded by Terry Cutright, the Commission approved the employment of Vernon Bennett as Early Voting Worker effective April 25, 2018 to May 5, 2018 at the rate of \$8.75 per hour (copy included). Mr. Bennett will replace Margaret Wilcher.

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved and authorized the President to sign the WV Board of Pharmacy application for the Lewis-Upshur Animal Control Facility for permit renewal to handle controlled substances for the period from July 1, 2018 to June 30, 2019 (copy included).

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved the reappointment of Clifton Shaw to the Upshur County Fire Board, Inc. for a second term, beginning July 1, 2018 and terminating June 30, 2021 (copy included).

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission requested Carrie Wallace, Upshur County Administrator, to prepare a letter to Sue McKisic, Upshur County Health Department Director, recommending that the Board of Health hold a public forum to educate the community and provide a comment period for the hypodermic needle exchange program.

Tabatha Perry reviewed a request from Jennifer Bennett, Treasurer for the Buckhannon Swim Club, requesting use of the Upshur County Recreational Park Pool during the 2018 season for practice, home swim meets and the NCWV Championship (copy included) Tabatha Perry noted the \$400 fee was waived for the 2017 season. After discussion, on motion by Terry Cutright seconded by Troy A.

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Brady, the Commission approved the request, pending the receipt of their certificate of insurance naming the Commission as an additional insured.

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved the request from Carrie Wallace on behalf of the Buckhannon-Upshur Chamber of Commerce, for the waiver of the rental fee for the large pavilion on July 16<sup>th</sup> for their monthly meeting.

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved the temporary seasonal employment of Hannah N. Lively as Pool Director / Concession Stand Manager for the 2018 season. Ms. Lively will begin work on or around May 7, 2018 at the hourly wage rate of \$10 until she begins full-time employment on June 10, 2018, at which time she will receive a weekly salary of \$500.00. This seasonal employment will end on August 18, 2018.

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved the seasonal employment of the following as B-U Recreational Facility Assistant Managers, effective May 13, 2018: Renee Carr at the rate of \$10.50 per hour, and Mackenzie T. Bosley and Elizabeth M. Harris at the rate of \$10.00 per hour. Tabatha Perry noted that Hannah Lively and Renee Carr will both be CPO certified.

After discussion, on motion by Troy A. Brady seconded by Terry Cutright, the Commission approved employment of Mackenzie Bosley and Tess Betler as seasonal coaches for the “Splashers” swim team. Employment will be effective June 1, 2018 and their cost of pay will be reimbursed to the County in full by “Splashers”. Each coach will be paid a flat fee of \$1,500 for the season (copy included).

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved the employment of Madison Tenney as full-time Administrative Assistant in the office of the Prosecuting Attorney, effective May 7, 2018; at the pay rate of \$11.25 per hour as recommended by David E. Godwin, Prosecuting Attorney, pending background check results (copy included).

After discussion, on motion by Troy A. Brady seconded by Terry Cutright, the Commission approved the employment of Kaly Ocheltree as a part-time Tri-County Child Exchange & Visitation, Program Monitor, effective May 1, 2018 at the rate of \$8.75 per hour as recommended by Bethany Burkhardt, Program Director. Ms. Ocheltree will work a maximum of 19 hours per week.

After discussion, on motion by Terry Cutright seconded by Troy A. Brady, the Commission approved the resignation of Stephanie M. Jack, as full-time Upshur County Emergency Communications Center supervisor, effective April 21, 2018.

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

1. Correspondence from Janie Moore, Director of the Magistrate Court Services Division for the Supreme Court of Appeals of WV, commending the Commission of Upshur County for taking concerns about security in the Upshur County Magistrate Court under advisement to protect the Upshur County Magistrates, staff and the citizens of Upshur County.
2. Upshur County Sheriff’s Financial Statement for period ending March 2018
3. Mountain Lakes Drug and Violent Crime Unit Press Release
4. Upshur County E911 Communication Reports --- March 2018
  - Monthly Call Summary Report
  - Monthly Department Summary Report
  - Monthly and YTD Wrecker Report
5. “The Hub” Article dated April 17, 2018 – New Funding for Code Enforcement in WV

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6. Newsletters and/or Event Notifications:
  - Shedding Light on Mental Health conference brought in partnership by NAMI & West Liberty University – June 7<sup>th</sup> and 8<sup>th</sup> at the Highlands Event Center
  - 2018 Young Filmmakers Camp Flyer – June 25<sup>th</sup> through 29<sup>th</sup>
7. Agendas and/or Notice of Meetings:
  - Upshur-Buckhannon Board of Health-May 3, 2018
  - City Council of Buckhannon-May 15, 2018
8. Meeting Minutes:
  - James W. Curry Library and Park-October 25, 2017
  - Upshur County Safe Structures and Sites Enforcement Board-March 8, 2018
  - Upshur Citizen Corp Council-March 14, 2018
  - Upshur County Fire Board-March 20, 2018
  - Wes-Mon-Ty RC&D Board of Directors-March 20, 2018
9. Meetings:
  - 04/09/18-12:00 p.m.-Upshur County Family Resource Network
  - 04/09/18-4:30 p.m.-Upshur County Solid Waste Authority
  - 04/09/18-5:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
  - 04/10/18-7:30 p.m.-Adrian VFD
  - 04/11/18-12:00 p.m.-Upshur County Senior Center Board
  - 04/11/18-3:00 p.m.-Tennerton PSD
  - 04/11/18-6:00 p.m.-Upshur County Citizens Corp – CERT
  - 04/11/18-7:00 p.m.-Buckhannon River Watershed Association - Board of Directors
  - 04/11/18-7:00 p.m.-Ellamore VFD
  - 04/11/18-7:30 p.m.-Warren District VFD
  - 04/12/18-10:00 a.m.-Adrian PSD
  - 04/12/18-3:00 p.m.-Upshur County Conventions & Visitors Bureau
  - 04/12/18-4:00 p.m.-Upshur County Safe Sites & Structures Ordinance Board
  - 04/12/18-4:00 p.m.-Buckhannon Upshur Airport Authority
  - 04/12/18-7:30 p.m.-Buckhannon VFD
  - 04/15/18-6:00 p.m.-Washington District VFD
  - 04/16/18-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
  - 04/17/18-10:00a.m.-Wes-Mon-Ty Resource Conservation & Development Council
  - 04/17/18-6:30 p.m.-Upshur County Fire Board, Inc.
  - 04/17/18-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
  - 04/18/18-7:00 a.m.-Upshur County Development Authority – Executive Board
  - 04/18/18-12:00 p.m.-Lewis Upshur LEPC --- Upshur location
  - 04/19/18-2:00 p.m.-Upshur County Farmland Protection Board – CANCELLED
  - 04/19/18-6:30 p.m.-Upshur County Youth Camp Board – Selbyville

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- 04/23/18-10:00 a.m.-Mountain CAP of WV, Inc. a CDC
- 04/25/18-10:00 a.m.-James W. Curry Advisory Board
- 04/30/18-6:00 p.m.-Upshur County Fire Fighters Association
- 05/01/18-5:30 p.m.-Elkins Road PSD
- 05/01/18-4:00 p.m.-Hodgesville PSD
- 05/03/18-6:00 p.m.-Buckhannon-Upshur Board of Health
- 05/03/18-7:00 p.m.-Banks District VFD
- 05/03/18-7:00 p.m.-Selbyville VFD
- 05/07/18-6:00 p.m.-Lewis-Upshur Community Corrections Board-Lewis County
- 05/09/18-4:00 p.m.-Upshur County Public Library Board -- Special Meeting
- 05/17/18-2:00 p.m.-Upshur County Farmland Protection Board

### 10. Appointments Needed or Upcoming:

- Upshur County Safe Structures and Sites Enforcement Board (unexpired term- June 30, 2018) – Community Member

At 10:30 a.m., Attorneys, Daya Masada Wright and David J. Romano appeared before the Commission for a hearing concerning the “Recommendation for Removal of Jason L. Dixon as Administrator in the Estate of Nathaniel Wayne Beckner, deceased. On Motion by Terry Cutright, seconded by Troy A. Brady, the Commission ordered for Jason L. Dixon to immediately tender an original Second Annual Settlement to the Fiduciary Commissioner and an original Final Settlement with supporting documentation, when the estate is in posture to do so. In addition to the aforementioned, the Commission ordered for Jason L. Dixon to not be removed as Administrator of the Estate and further ordered for him to promptly tender the Fiduciary Commissioner fees, when the estate is in the posture to do so.

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

The Commission approved all Vacation Orders.

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

- Robert Stanley Harris—Final Settlement Waiver
- George L. Pizoli—Final Settlement Waiver
- Edward W. Tenney—Final Settlement Waiver

The Commission approved the following “Consolidation of Land Tracts” (copies included):

- Union District-blend Map 2 Parcel 26.12 with Map 2 Parcel 26.1 to make Map 2 Parcel 26.1-Owners, David and Carie Michael

Carol Smith reviewed a request for a budget revision. After discussion, on motion by Troy A. Brady, seconded by Terry Cutright, the Commission approved the budget revisions as discussed with a “Request for Revision to Approved Budget” to be sent to the Office of the State Auditor for approval. (copy included).

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

With no further business, on motion by Troy A. Brady seconded by Terry Cutright, the Commission meeting adjourned at 1:25 p.m.