The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, February 14, 2013 at 9:00 a.m. Donnie R. Tenney called the meeting to order. There were present Donnie R. Tenney, Commissioner; JC Raffe, Commissioner; Troy A. Brady, Commissioner; William A. Parker, County Administrator; Megan J. Pomeroy, 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 reading of the minutes, on motion by JC Raffe, seconded by Troy A. Brady, the Commission approved the regular meeting minutes of January 31, 2013 as submitted.

After reading of the minutes, on motion by JC Raffe, seconded by Troy A. Brady, the Commission approved the regular meeting minutes of February 07, 2013 as submitted.

Virgil D. Miller, Chief Deputy of Administration, appeared before the Commission and provided a review of his request for service credit for usage of sick time (120 Days) earned as Deputy Sheriff to be credited to the Public Employees Retirement System (PERS) and requested that the Commission vote on the issue today.

Donnie R. Tenney reviewed the request of Deputy Miller and other elected officials for use of sick leave to be credited to PERS. The policy currently affects Deputy Miller, County Clerk, Debbie Thacker Willfong and Assessor, Helen R. Phillips as well as the request from Magistrate, John Michael Coffman. Mr. Tenney discussed the intent of the policy and talked about correcting the procedure for adopting policy so that the potential for misunderstanding and/or misinterpretation will be decreased or eliminated. Mr. Tenney addressed the three issues individually (copies included).

After discussion, on motion by JC Raffe, seconded by Troy A. Brady, the Commission approved the request of Debbie Thacker Willfong and Helen R. Phillips to use 120 days of sick leave for retirement service credit (copy included).

After discussion, on motion by JC Raffe, seconded by Troy A. Brady, the Commission approved the request of Virgil D. Miller to use 120 days of sick leave for retirement service credit (copy included).

Donnie R. Tenney reviewed the request of John Michael Coffman to use 66 days of unused sick leave for retirement service credit. Mr. Coffman clarified that his request was to have his accumulated sick leave time verified and “locked in”. After discussion, Troy A. Brady moved to grant the request to “recognize” that Mr. Coffman had accumulated 66 days of unused sick leave prior to his termination of employment (copy included). After discussion, JC Raffe moved the motion. William A. Parker advised that the Commission should consider the possible future problems of setting this policy as precedent. Mr. Coffman advised that he would attend a future policy board meeting to address this matter. After discussion, Troy A. Brady and JC Raffe withdrew their motion and second to recognize the 66 days of unused sick leave.

David H. Coffman, Upshur County Sheriff appeared before the Commission and provided a review of his written response to audit findings for Fiscal Year 2011 / 2012 concerning checks drafted on the Special Law Enforcement Investigation Fund. Sheriff Coffman advised that he has outlined his plan for compliance with the recommendations of the auditor (copy included).

Sheriff Coffman discussed the issue of compliance with the Use of County Vehicle policy. Donnie R. Tenney expressed concerns about liability both for the county and personal liability for the offender. William A. Parker requested that Sheriff Coffman “make a commitment to inform and educate” his officers on the policy even in the absence of a formal complaint. Sheriff Coffman advised that he will work hard to assure compliance.

The Commission recessed at 10:35 a.m.

The Commission reconvened at 11:00 a.m.

Debbie Thacker Willfong, Upshur County Clerk, appeared before the Commission and provided a review of the “Recommendation for the Extension of Time to Settle the Estate of Arnett Browne Corley, Deceased”. After discussion, on motion by JC Raffe, seconded by Troy A. Brady, the Commission approved the request.

Rodney Rolenson and Micah Hitt-Harris, Lewis-Upshur-Braxton Community Corrections Program representatives, appeared before the Commission and provided a review of their wage increase request as authorized by the Community Corrections
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Board (copy included). After discussion, on motion by Troy A. Brady, seconded by JC Raffety, the Commission approved the request.

Mr. Rolenson and Ms. Harris provided a review of the West Virginia Division of Justice and Community Services, Standard Conditions and Assurances and Special Conditions and Assurances for the Lewis-Upshur-Braxton Community Corrections Program for FY 2013-2014 Grant. After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the grant related documents.

Debbie Thacker Wilfong reviewed the audit finding for Fiscal year 2012 concerning the refund of cash charges for overpayments made in the form of checks (copy included). Ms. Wilfong advised that she has spoken with Kenny Drain from the WV State Auditor's Office who recommended that she write a refund policy for her office. William A. Parker advised that a written response is needed by the end of the day.

Ms. Wilfong requested to meet in executive session per WV Code 6-9A-4 to discuss charges on expense reports reviewed during the Audit of FY 2011, paid on August 6, 2010 on check #37916 in the amount of $1,800.23 and mileage reimbursement information (copy included). On motion by JC Raffety, seconded by Troy A. Brady, the Commission entered executive session. There were present Donnie R. Tenney, JC Raffety, Troy A. Brady, William A. Parker, Megan J. Pomeroy and Debbie Thacker Willfong. The Commission returned to open session at 12:15 p.m. No action was taken in executive session. The Commission requested Ms. Willfong to provide further documentation or provide a reimbursement to the County in the amount of $171.10.

The Commission recessed at 12:25 p.m.
The Commission attended the meeting of the Upshur County Policy Board which began at 1:15 p.m. (copy of minutes included)
The Commission attended the meeting of the Upshur County Department Supervisors at 3:00 p.m. (copy of minutes included)
The Commission reconvened at 4:10 p.m.
The Commission reviewed the following “For Your Information” items:
1. “Notice of Public Hearing”-Amendment to Enhanced 911 Ordinances---11:00 a.m. on Thursday, February 21, 2013---Increase from current monthly fee of $2.65 to: Residential $4.50 Business and Centrex $6.50
2. Correspondence from the West Virginia Division Justice and Community Services confirming receipt of grant application for STOP Violence Against Women Act (VAWA) in the amount of $30,000
3. Correspondence from Laura Ward, Director for Country Roads Transit
4. Correspondence from West Virginia University Cooperative Extension Service’s Small Farm Center concerning upcoming Conference
5. Regional Jail Cost Information
6. Upshur County E911 Communication Center Reports:
   • Monthly Call Summary Report-January 2013
   • Monthly Departmental Call Summary Report-January 2013
   • Monthly Wrecker Log Report-January 2013
7. Agendas and/or Notice of Meetings:
   • Buckhannon-Upshur Airport Authority-February 15, 2013
   • Elkins Road Public Service District-February 11, 2013
   • Upshur County Development Authority-Ex. Bd.-February 13, 2013
8. Meeting Minutes and/or Financial Reports:
   • Buckhannon-Upshur Airport Authority-January 11, 2013
   • Elkins Road Public Service District-January 08, 2013
   • Hodgesville Public Service District-January 05, 2013
   • Upshur County Development Authority-Ex. Bd.-January 09, 2013
   • Upshur County Solid Waste Authority-February 11, 2013
9. Board of Review & Equalization:
   • February 01, 2013 - 09:00 a.m. - Friday---Review Property Books-no appointments
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- February 06, 2013 – 09:00 a.m. – Wednesday
- February 07, 2013 – 01:00 p.m. – Thursday
- February 12, 2013 – 09:00 a.m. – Tuesday – Mineral Hearings
- February 15, 2013 – 09:00 a.m. – Friday
- February 21, 2013 – 01:00 p.m. – Thursday
- February 22, 2013 – 09:00 a.m. – Friday
- February 27, 2013 – 09:00 a.m. – Wednesday – Adjourn

10. Meetings:
- 02/05/13-6:00 p.m.-Hodgesville Public Service District
- 02/05/13-6:00 p.m.-Elkins Road Public Service District
- 02/07/13-7:00 p.m.-Banks District Volunteer Fire Department
- 02/07/13-7:00 p.m.-Selbyville Volunteer Fire Department
- 02/08/13-7:00 a.m.-Buckhannon Upshur Airport Authority
- 02/11/13-12:00 p.m.-Upshur County Family Resource Network
- 02/11/13-4:30 p.m.-Upshur County Solid Waste Authority
- 01/11/13-6:00 p.m.-Lewis-Upshur-Braxton Community Corrections Board
- 02/11/13-6:00 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 02/11/13-6:00 p.m.-Buckhannon River Watershed Association
- 02/12/13-7:00 p.m.-Adrian Volunteer Fire Department
- 02/12/13-7:00 p.m.-Ellamore Volunteer Fire Department
- 02/13/13-7:30 a.m.-Upshur County Development Authority – Exec. Board
- 02/13/13-12:00 p.m.-Upshur County Senior Center Board
- 02/13/13-1:30 p.m.-Upshur County Conventions & Visitors Bureau
- 02/13/13-6:00 p.m.-Upshur County Citizens Corp - CERT
- 02/13/13-7:30 p.m.-Warren District Volunteer Fire Department
- 02/14/13-1:00 p.m.-Adrian Public Service District
- 02/14/13-1:00 p.m.-Tennerton Public Service District
- 02/14/13-6:30 p.m.-Upshur County Safe Sites & Structures Ordinance Board
- 02/14/13-7:30 p.m.-Buckhannon Volunteer Fire Department
- 02/17/13-7:30 p.m.-Washington District Volunteer Fire Department
- 02/18/13/ 2013-12:00 p.m.-Buckhannon Upshur Chamber of Commerce
- 02/18/13-7:00 p.m.-Upshur County Fair Association
- 02/19/13-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
- 02/19/13-4:00 p.m.-Upshur County Public Library Board
- 02/19/13-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
- 02/20/13-12:00 p.m.-Lewis Upshur LEPC
- 02/21/13-6:30 p.m.-Upshur County Youth Camp Board
- 02/21/13-6:30 p.m.-Upshur County Fire Board
- 02/25/13-10:00 a.m.-Mt. CAP of West Virginia, CDC
- 02/25/13-6:00 p.m.-Upshur County Firefighters Association
- 02/27/13-7:00 a.m.-Upshur County Development Authority – Full Board
- 02/27/13-10:00 a.m.-James W. Curry Advisory Board
- 02/28/13-4:00 p.m.-Upshur County Farmland Preservation Board
- TBA-6:30 p.m.-Region VII Planning & Development Council

11. Appointments Needed or Upcoming:
- Buckhannon-Upshur Parks & Recreation Board-(Vacant Position- 06-30-13)-County
- Elkins Road Public Service District-(Vacant Position-09-30-16)
- James W. Curry Advisory Board-(Vacant- 12-30-12)-County
- James W. Curry Advisory Board-(Vacant- 12-30-12)-County
- Upshur County Solid Waste Authority-(Robert Wines - 06-30-12)-Soil Conservation District

The Commission approved all invoices for payment (copies included)
The Commission approved all Vacation Orders.
The Commission approved the following Settlements:
- Robert Anthony Lamirata-Final Settlement
- Lowell Ray Shaw-Final Settlement
- Junior Lonnie Kelley-Final Settlement
The Commission approved the following “Exonerations and/or Refunds”: (copies included)
- Charles Harris-#3161-$13.38
The Commission approved the following “Request to Attend Meeting”: (copies included)
- Mike Campbell-February 19, 2013
- Cecilia Stewart-February 28, 2013
- Steven M. Linger-February 28, 2013
- Janella L. Cochran-March 01, 2013

William A. Parker reviewed the request from Mid-State Soccer Club to use Pringle Tree Park for practice on Tuesday, Wednesday and Thursday evenings from 5:00 p.m. to 7:00 p.m. from March 1 through the May 31, 2013. Mr. Parker confirmed receipt of required insurance documentation. After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved the request (copy included).

After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved the application from Sarah Humphrey for Donated Sick Leave.

William A. Parker reviewed correspondence from the Elkins Road Public Service District with a recommendation of Sonny Matthews to fill the vacant Board of Director’s position (copy included). After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved the recommendation. Mr. Matthews’ term will expire on September 30, 2016.

With no further business, on motion by JC Raffety, seconded by Troy A. Brady, the Commission meeting adjourned at 4:25 p.m.