The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, May 02, 2013, at 9:00 a.m. Donnie R. Tenney called the meeting to order. There were present Donnie R. Tenney, Commissioner; JC Raffety, Commissioner; Troy A. Brady, Commissioner; 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 Troy A. Brady, seconded by JC Raffety, the Commission approved the regular meeting minutes of April 25, 2013 as submitted.

After discussion, on motion by Troy A. Brady, seconded by JC Raffety, the Commission approved a request from the Upshur County Republican Executive Committee, Central West Virginia Republican Women, to use the area in front of the Courthouse Annex from 11:00 a.m. to 1:00 p.m. on Thursday, June 20, 2013 for a West Virginia Day, 150th Birthday Celebration (copy included). The group plans to serve birthday cake, cookies, coffee and soft drinks with singing and speakers to commemorate the occasion. Donnie R. Tenney requested Megan J. Pomeroy to follow up with maintenance to provide a table and chairs.

After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the commission approved and authorized the President to sign the West Virginia Development Office, Community Participation Grant Program Application and all related documents, for Project Number 13LEDA0714 in the amount of $4,000 for the benefit of the Ellamore Volunteer Fire Department to purchase radio equipment (copy included).

After discussion, on motion by JC Raffety, seconded by Troy A. Brady, the Commission approved Miranda Noel Lincicome and Victoria Anne Giffen as volunteers for the Lewis-Upshur Animal Control Facility.

The Commission reviewed the following “For Your Information” items:
1. Correspondence from West Virginia Division of Culture and History—Sesquicentennial Parade Application—Interested Representatives of Upshur County for Parade
2. Correspondence from Bonnie L. Bevers, Division of Justice and Community Services, regarding receipt of Justice Assistance Grant Program Application—$28,000
3. Upshur County Road Name Index—April 2013
4. Correspondence from Dennis and DeAnn Berry regarding Small Cities Block Grant—Phase III Waterline Extension with Elkins Road Public Service District—Donnie R. Tenney requested Megan J. Pomeroy to send copy of the correspondence to Region VII Planning and Development Council
5. Meeting Minutes and/or Financial Reports:
   • Buckhannon River Watershed Association—April 15, 2013
6. Meetings:
   • 05/02/13-7:00 p.m.-Banks District Volunteer Fire Department
   • 05/02/13-7:00 p.m.-Selbyville Volunteer Fire Department
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- 05/06/13-10:00 a.m.-Mt. CAP of West Virginia, CDC
- 05/07/13-6:00 p.m.-Hodgesville Public Service District
- 05/07/13-6:00 p.m.-Elkins Road Public Service District
- 05/08/13-7:30 a.m.-Upshur County Development Authority – Exec. Bd.
- 05/08/13-12:00 p.m.-Upshur County Senior Center Bd.
- 05/08/13-1:30 p.m.-Upshur County Conventions & Visitors Bureau
- 05/08/13-6:00 p.m.-Upshur County Citizens Corp - CERT
- 05/08/13-7:30 p.m.-Warren District Volunteer Fire Department
- 05/09/13-1:00 p.m.-Adrian Public Service District
- 05/09/13-1:00 p.m.-Tennerton Public Service District
- 05/09/13-6:30 p.m.-Upshur County Safe Sites & Structures Ordinance Bd.
- 05/09/13-7:30 p.m.-Buckhannon Volunteer Fire Department
- 05/10/13-7:00 a.m.-Buckhannon Upshur Airport Authority
- 05/13/13-12:00 p.m.-Upshur County Family Resource Network
- 05/13/13-4:30 p.m.-Upshur County Solid Waste Authority
- 05/13/13-6:00 p.m.-Lewis-Upshur-Braxton Community Corrections Bd.
- 05/13/13-6:00 p.m.-Buckhannon-Upshur Recreational Park Advisory Bd.
- 05/13/13-6:00 p.m.-Buckhannon River Watershed Association
- 05/14/13-7:00 p.m.-Adrian Volunteer Fire Department
- 05/14/13-7:00 p.m.-Ellamore Volunteer Fire Department
- 05/15/13-12:00 p.m.-Lewis Upshur LEPC
- 05/16/13-6:30 p.m.-Upshur County Youth Camp Bd.
- 05/19/13-7:30 p.m.-Washington District Volunteer Fire Department
- 05/20/13/2013-12:00 p.m.-Buckhannon Upshur Chamber of Commerce
- 05/20/13-7:00 p.m.-Upshur County Fair Association
- 05/21/13-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
- 05/21/13-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Bd.
- 05/22/13-7:00 a.m.-Upshur County Development Authority – Full Bd.
- 05/22/13-10:00 a.m.-James W. Curry Advisory Bd.
- 05/23/13-4:00 p.m.-Upshur County Public Library Bd.
- 05/23/13-4:00 p.m.-Upshur County Farmland Preservation Bd.
- 05/23/13-6:30 p.m.-Upshur County Fire Bd.
- TBA-6:00 p.m.-Upshur County Firefighters Association
- July 2013-6:30 p.m.-Region VII Planning & Development Council

7. Appointments Needed or Upcoming:
   - Adrian Public Service District-(Vacant Position-10-31-17)-County
   - Buckhannon-Upshur Parks & Recreation Bd.-{Vacant Position- 06-30-12}-County
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- Buckhannon-Upshur Parks & Recreation Bd.- (Vacant Position- 06-30-13)- County
- James W. Curry Advisory Bd.- (Vacant- 12-30-12)- County
- James W. Curry Advisory Bd.- (Vacant- 12-30-12)- County
- Upshur County Solid Waste Authority-(Robert Wines-06-30-12)- Soil Conservation District

Joe Malcolm, county resident expressed concerns about emergency responders and others being unable to locate addresses due to the implementation of the new addressing. Mr. Malcolm noted that GPS devices may not display the new road names. Terri Jo Bennett, Addressing and Mapping Coordinator responded to questions and stressed the importance of proper display of addresses.

The Commission recessed at 9:45 a.m.

The Commission reconvened at 10:00 a.m.

Michael Miller, Upshur County Animal Control Officer, appeared before the Commission and provided a review and update on the issue of an aggressive/vicious dog as discussed at the April 25 Commission meeting. Dwayne Lipscomb, owner of the dog, appeared to discuss options. Mr. Lipscomb stated that he intends to comply with the vicious dog license requirements, however, he objected to not being able to walk the dog on a leash off of his property. Mr. Lipscomb advised that he has installed an “invisible fence” to keep the dog contained to his yard, and feels that both he and his wife can control the animal when on a leash. Donnie R. Tenney advised that the order would be amended to allow Mr. Lipscomb and/or Mrs. Lipscomb to walk the dog on public sidewalks and/or roadways but must be secured with a strong leash and must not be allowed to bark at or lunge at residents. Further action could follow if neighborhood residents still feel threatened.

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

The Commission approved all Vacation Orders.

The Commission approved the following Settlements:

- Owen D. Black-Final Settlement
- Roland Miller Bogert-Final Settlement
- Ralph J. Calhoun, Sr.-Final Settlement
- Herschel Ferrell Carpenter-Final Settlement
- Monna Kay Lewis-Final Settlement
- James Steven Young-Final Settlement
- Virginia Mae Zirkle-Final Settlement

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

- Aaron R. Smith-#3189-$53.32
- Steven P. Riggs or Resource Testing LLC-#3190-$108.05

The Commission approved the following “Request for Time Out of Office” for Commission employees: (copies included)
• Terri Jo Bennett-May 17, 2013 (1/2 day vacation) and May 20, 2013

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

• Warren District-Map 7E Parcel 52 with Map 7E Parcel 52.1—Owners Walter David Manning

• Buckhannon District-Map 4H Parcel 52 with Map 4H Parcel 52.13—Owners Darrell and Diane Lanham

The Commission recessed at 11:00 a.m.

The Commission reconvened at 1:00 p.m.

On motion by JC Raffety, seconded by Troy A. Brady, the Commission entered executive session per WV Code 6-9A-4 to review discrimination allegations. Present were Donnie R. Tenney, JC Raffety, Troy A. Brady, Megan J. Pomeroy and Timothy Stranko, Attorney. The Commission returned to open session at 1:40 p.m. No decisions were made in executive session.

With no further business, on motion by JC Raffety, seconded by Troy A. Brady, the Commission meeting adjourned at 1:40 p.m.