The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, June 28, 2012 at 9:00 a.m. Donnie R. Tenney called the meeting to order. There were present Donnie R. Tenney, Commissioner; Creed G. Pletcher, Commissioner; JC Raffety, Commissioner, William A. Parker, 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 Creed G. Pletcher, seconded by JC Raffety, the Commission approved the regular meeting minutes of June 21, 2012 with the following correction: (¶ 5) …After discussion, on motion by Creed G. Pletcher, seconded by Donnie R. Tenney…. (instead of JC Raffety).

Gary Rapking, West Virginia University Extension Office representative, appeared before the Commission and provided a review of the need for improvements at the Upshur County Livestock Facility. Mr. Rapking requested that a dressing area be added in the future but stressed that the primary need for the facility is upgrading the sewage disposal system. Donnie R. Tenney advised Mr. Rapking to follow up with Greg Harris, Director of Facility Operations, to explore options and costs.

Lewis-Upshur-Braxton Community Corrections representatives, Micah Hitt-Harris, Program Director and Rodney Rolenson, Project Director, appeared before the Commission and presented a request to hire temporary part time personnel. Ms. Hitt-Harris pointed out that personnel shortages have arisen and the facility is currently understaffed. The request follows employment guidelines and does not require advertisement due to the temporary nature of the position. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the employment of Melanie Edmond as part time temporary personnel effective June 28, 2012 at the rate of $8.87 per hour.

Donnie R. Tenney inquired about utilizing regional jail inmates for community service projects such as roadway cleanup. William A. Parker advised that there would be liability issues to follow up on if implemented. Ms. Hitt-Harris and Deputy Rolenson were advised to follow up with regional jail, magistrates and Judge Keadle’s office.

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved Freedom Bank, First Community Bank, JP Morgan–Chase Bank, Premier Bank and Progressive Bank as County depositories for fiscal year 2012-2013.

William A. Parker provided the third and final reading to amend the Building Permit Ordinance. The primary purpose of the amendment is to achieve compatibility with the Upshur County Flood Plain Ordinance. Donnie R. Tenney expressed concerns about whether the amendment would require additional man-hours, making it necessary to increase the fee for building permits. Mr. Parker advised that even though the ordinance would not create an additional workload, the proper enforcement of both the Building Permit Ordinance and the Flood Plain Ordinance could require additional man-hours. Mr. Parker advised a review of the fee structure after a few months may be the best approach. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the third and final reading and authorized the Commission to sign the amended Building Permit Ordinance. (copy included)

Terri Jo Bennett, Building Permit Officer, suggested that notices be sent to county residents informing them if the real property they own is located in a flood plain area. Special conditions must be addressed for any development within the flood plain.

William A. Parker reviewed correspondence from the Office of the State Treasurer, concerning the direct deposit of funds from the Coalbed Methane Severance Gas Tax Distribution from the West Virginia Development Office (copy included). After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the request to receive funds by direct deposit into the General County Fund.
After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the employment of Sarah K. Humphrey as Deputy Circuit Clerk. Effective date of employment is July 02, 2012 at the rate of $8.20 per hour.

William A. Parker reviewed correspondence from the Robert C. Byrd Corridor H Highway Authority requesting the appointment of a representative for a four (4) year term. After discussion, on motion by Creed G. Pletcher, seconded by Donnie R. Tenney, the Commission approved the appointment of JC Raffety. Mr. Raffety's term will expire on July 16, 2016. (copies included)

Donnie R. Tenney provided a review of the Comprehensive Economic Development Strategy (CEDS) Project Priority Listing and assignment of local priority points. Item will be placed on July 5th meeting agenda for action. (copy included)

William A. Parker provided a review of West Virginia Code §7-1-3l Authority to establish county appraisal-assessment board; functions and duties of board; duties of assessor. (copy included) The Commission will follow up with Helen Phillips, Upshur County Assessor before taking further action.

William A. Parker provided a review of West Virginia Code §7-1-3l Authority to establish county appraisal-assessment board; functions and duties of board; duties of assessor. (copy included) The Commission will follow up with Helen Phillips, Upshur County Assessor before taking further action.

William A. Parker provided a review of correspondence from the Upshur County Commission to Ms. Hilda Tenney concerning the purchasing of commodities by constitutional officers and budget appropriations. The correspondence is a reply to Ms. Tenney's concerns expressed in a "Letter to the Editor" “…in an effort to correct misconceptions and/or misunderstanding(s)" After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved and authorized the Commission to sign and send the letter. (copy included)

The Commission discussed the amendment to the U. S. SCRAMx Agency Sales and Services Agreement with Alcohol Monitoring Systems, Inc. After discussion, William A. Parker was requested to provide information for cost comparison. Mr. Parker advised that he would provide the information later in today’s meeting.

The Commission reviewed the information concerning the employment of Jessica M. Lantz as Deputy Assessor/GIS Technician for the Office of the Upshur County Assessor. Employee's salary will be charged to the Assessor's Valuation Fund Payroll Department and costs to be paid by said fund. The Assessor has the authority to employ and no approval action is required.

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the change of employment status of Stephen E. Foster, Director of the Upshur County Development Authority. Mr. Foster’s position as UCDA Director will be terminated effective June 30, 2012. Effective July 01, 2012, Steven E. Foster will provide services to the UCDA as an independent contractor. (copy included)

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the resignation of Burl J. Smith as member of the Upshur County Solid Waste Authority effective June 30, 2012. (copy included)

After discussion, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission approved the appointment of James S. Hollen III as board member of the Upshur County Solid Waste Authority as recommended by Joyce Harris-Thacker, Chairman. Mr. Hollen will fill the unexpired term of Burl J. Smith expiring on June 30, 2014. (copy included)

William A. Parker provided an update on matters relating to the Contested Election Petition and Response-David D. Taylor, Petitioner v. Michael R. Kelley, Respondent-Misc. 10-416. Mr. Parker confirmed the hearing date of July 18, 2012 at 9:00 a.m. was agreeable to all parties.

The Commission reviewed the following “For Your Information” items:
1. Correspondence from the Office of the State Auditor concerning Upshur County’s Purchase Card operations
2. Correspondence from the West Virginia Courthouse Facilities Improvement Authority regarding the schedule for upcoming grant funding-The Commission will follow up with Greg Harris, Director of Facility Operations on needed projects
3. Correspondence from the West Virginia Development Office concerning Fiscal year 2012 Land and Water Conservation Funds (LWCF)
4. Copy of invoice submitted to the City of Buckhannon by the Clerk of the County Commission for the May 08, 2012 Municipal Election
5. Agendas and/or Notice of Meetings:
   - Upshur County Solid Waste Authority-June 09, 2012
6. Meeting Minutes and/or Financial Reports
   - Upshur County Citizen Corp Council-June 13, 2012
   - Upshur County Public Library Board-May 22, 2012
7. Meetings:
   - 07/02/12-6:00 p.m.-Elkins Road Public Service District
   - 07/02/12-6:00 p.m.-Hodgesville Public Service District
   - TBA-12:00 p.m.-Upshur County Senior Center Board
   - 07/05/12-7:00 p.m.-Banks District Volunteer Fire Department
   - 07/05/12-7:00 p.m.-Selbyville Volunteer Fire Department
   - 07/09/12-12:00 p.m.-Upshur County Family Resource Network
   - 07/09/12-4:30 p.m.-Upshur County Solid Waste Authority
   - 07/09/12-6:00 p.m.-Community Corrections Board
   - 07/09/12-6:30 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
   - 07/10/12-7:00 p.m.-Ellamore Volunteer Fire Department
   - 07/10/12-7:00 p.m.-Adrian Volunteer Fire Department
   - TBA-7:00 a.m.-Upshur County Development Authority-Executive Board
   - 07/11/12-1:30 p.m.-Upshur County Conventions & Visitors Bureau
   - 07/11/12-7:30 p.m.-Warren District Volunteer Fire Department
   - 07/12/12-1:00 p.m.-Adrian Public Service District
   - 07/12/12-3:00 p.m.-Tennerton Public Service District
   - 07/12/12-6:30 p.m.-Upshur County Safe Sites & Structures Ordinance Board
   - 07/13/12-7:30 p.m.-Buckhannon Volunteer Fire Department
   - 07/13/12-7:00 a.m.-Buckhannon Upshur Airport Authority
   - 07/15/12-7:30 p.m.-Washington District Volunteer Fire Department
   - 07/16/12-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
   - 07/16/12-7:00 p.m.-Upshur County Fair Association
   - 07/17/12-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
   - 07/17/12-5:00 p.m.-UC Enhanced Emergency Telephone Advisory Board
   - 07/17/12-4:00 p.m.-Upshur County Public Library Board
   - 07/18/12-7:00 p.m.-Lewis Upshur LEPC- Lewis EMS
   - 07/19/12-6:30 p.m.-Upshur County Youth Camp Board
   - 07/19/12-6:30 p.m.-Upshur County Fire Board
   - 07/25/12-10:00 a.m.-James W. Curry Advisory Board
   - 07/26/12-4:00 p.m.-Upshur County Farmland Preservation Board
   - 07/30/12-7:00 p.m.-Region VII Planning & Development Council
   - 08/01/12-7:00 a.m.-Upshur County Development Authority-Annual Meeting
   - TBA-6:00 p.m.-Buckhannon River Watershed Association
8. Appointments Needed or Upcoming:
   - Buckhannon-Upshur Airport Authority - (Richard Clemens-06/30/12-City)
   - Buckhannon-Upshur Health Department- (Dalton Cutright- 06/30/12-City)
   - Buckhannon-Upshur Parks & Recreation Board- (Richard Edwards-06-30-12-City)
   - Buckhannon-Upshur Parks & Recreation Board- (Doug Bush - 06-30-12)-Bd. of Education
• Buckhannon-Upshur Parks & Recreation Board- (Joe Fealy-06-30-12)-County
• Buckhannon-Upshur Parks & Recreation Board- (Laura Reed-06-30-12)-County
• Buckhannon-Upshur Parks & Recreation Board- (Kelly Davis- 06-30-13)-County
• James W. Curry Advisory Board- (William A. Parker- 12-30-12)-County
• James W. Curry Advisory Board- (Mark Riggs-12-30-12)-County
• Elkins Road Public Service District- (Carey Wagner- 09-30-12)- County
• Elkins Road Public Service District- (Vacant — 09/30/14)- County
• Hodgesville Public Service District -(Robert Wright- 06-30-12)- County
• Region VII Planning & Development Council- (William A. Parker- 12/31/12)- County
• Region VII Planning & Development Council- (Connie Tenney-12/31/12)- County
• Region VII Planning & Development Council - (Sam Nolte- 12/31/12) - County
• Region VII Planning & Development Council -(Dr. Pamela Balch-12/31/12)- County
• Region VII Planning & Development Council- (A.G. Trusler- 12/31/12) - County
• Upshur County Building Commission (Richard Ralston II-11-10-12) - County
• Upshur County Civil Service Board- (Terry D. Reed- 12-31-12) - County
• Upshur County CVB- (Dale Darnell- 5/2012)- City- Tourism Representative
• Upshur County CVB- (Dale Hawkins- 5/2012)- BU Chamber- Tourism Representative
• Upshur County CVB- (Carol Long- 5/2012)- WV Strawberry Festival Representative
• Upshur County CVB- (Dr. Joseph Reed- 5/2012)- Community Member Representative
• Upshur County CVB- (John Waltz- 5/2012)- City of Buckhannon Representative
• Upshur County Development Authority- (Sam Nolte-06-30-12)-County
• Upshur County Development Authority- (Dennis Klingensmith- 06-30-12)- County
• Upshur County Development Authority- (Dave Thomas- 06-30-12)- County
• Upshur County Development Authority- (Emiel Butcher- 06-30-12)- County
• Upshur County Development Authority- (Terry D. Reed- 06-30-12) - County
• UC Enhanced Emergency Telephone Advisory Board- (Rodney Rolenson 06-30-12)- Law Rep
• UC Enhanced Emergency Telephone Advisory Board- (Steve Long- 06-30-12)- Fire Service
• Upshur County Fire Board- (Joe Malcolm - 06-30-12 - 2nd Term)- Fire Association
• Upshur County Fire Board- (Ed Beer-06-30-12-1st Term)- County
• Upshur County Library Board- (Dennis Xander- 06-30-12)- County or Bd. of Education
Virgil D. Miller, Upshur County Sheriff, appeared before the Commission and requested a meeting in executive session to discuss personnel matters concerning Michael R. Kelley. Donnie R. Tenney advised that the pending matter concerning the Contested Election Petition and Response would not be discussed during executive session. On motion by JC Raffety, seconded by Creed G. Pletcher, the Commission entered executive session at 10:30 a.m. per WV Code 6-9A-4. Present were Donnie R. Tenney, Creed G. Pletcher, JC Raffety, William A. Parker and Virgil D. Miller. No action was taken during executive session. The Commission returned to open session at 10:40 a.m. William A. Parker advised that he and Sheriff Miller left the executive session meeting to review the matter. After the review, the matter was not presented to the Commission during the executive session.

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the appointment of Larry Heater as board member of the Elkins Road Public Service District. Mr. Heater’s term will expire on September 30, 2014.

The Commission discussed the amendment to the U.S. SCRAMx Agency Sales and Services Agreement with Alcohol Monitoring Systems, Inc. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved and authorized the President to sign the amended agreement. (copy included)

The Commission approved all invoices for payment (copies included)

The Commission approved all Vacation Orders.

The Commission approved the following Settlements:

- David H. Criss-Final Settlement
- Violet G. DeBarr-Final Settlement
- Bernice Virginia Tokarcik-Final Settlement
- Alma Marie Corder McCulty-Final Settlement

The Commission approved the following “Exonerations and/or Refunds”:

- Joseph L. and Sue E. Mayle-#3031-Corrective Ticket
- South Buckhannon Mission Church-#3032-$537.40
- Tri State Toter Service Inc.-#3033-$63.73
- Terena D. Davis-#3034-$107.00
- Eric and Sharla Godwin-#3035-Corrective Ticket
- Kathy G. and Timothy P. Bryan-#3036-$831.02
- Kathy G. and Timothy P. Bryan-#3037-Corrective Ticket
- Alice and Clinton Mick-#3038-$1.06
- William Crites-#3039-$112.77
- Patricia Ann Conrad-#3040-Corrective Ticket
- Gregory and Diane or Jason or Allison Hill-#3041-$16.99
- Judson and Cathy Eskew-#3042-$131.98
- Christina Iliff-#3043-$54.58
- Alvie D. and Linda L. Kimble-#3044-Corrective Ticket
- Roy and Gaylene Hildreth-#3045-$40.39
- PNC Equipment Finance-#3046-$2,620.92
- Stewart J. Gould-#3047-$108.06
- Jennifer Ann Bennett Herring-#3048-Corrective Ticket
- Andrew Brinkley-#3049-Corrective Ticket
- Andrew Brinkley-#3050-Corrective Ticket
- Bernice Karikhoff-#3051-$2.10
• Darren L. or Shannon Snyder-#3052-$27.70
• Judson L. and Cathy J. Eskew-#3053-$136.08
• Jeffery L. Giannone-#3054-$14.96

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

• James Farry-July 29, 2012
• James Farrell-July 29, 2012

With no further business, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission meeting adjourned at 11:45 a.m.