The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, July 05, 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 28, 2012 with the following correction: (¶ 9) “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” (end ¶).

Crystal Shaw, Relay for Life of Upshur County representative appeared before the Commission and provided an update/review of the cancer research fund raising activities and support provided by Relay For Life Teams in Upshur County. Ms. Shaw reviewed the “Relay for Life Month” proclamation. The purpose of the proclamation is to recognize cancer survivors, remember cancer victims and encourage County residents to participate in the fight against cancer. After discussion, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission approved and authorized the Commission to sign the “Relay for Life Month” proclamation”, which designates July 2012 as “Relay for Life Month” in Upshur County. (copy included)

Donnie R. Tenney provided a review of the Comprehensive Economic Development Strategy (CEDS) Project Priority Listing and assignment of local priority points. The listing of projects and priorities remains unchanged from previous weeks review and no comments have been received. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the listing of CEDS projects with priorities as submitted. (copy included)

Donnie R. Tenney reviewed West Virginia Code §7-1-3l. Authority to establish county appraisal-assessment board; functions and duties of board; duties of assessor. William A. Parker advised that he had reviewed the code with Helen R. Phillips, Upshur County Assessor. After discussion, the Commission delayed action pending further discussion with Ms. Phillips.

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved the extension of Joint Opportunities for Independence (JOIN) contract and extension of the Community Work Experience Program (CWEP) contract with the West Virginia Department of Health and Human Resources. Creed G. Pletcher advised follow up with Mary Austin, Community Services Manager to discuss the reason for the reduced number of referrals in recent years. (copies 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. Timothy Stranko, Steptoe & Johnson PLLC, is on today’s agenda for a 1:30 p.m. meeting as advisor to the Commission to review hearing procedures outline and/or review of research. Area residents presented a “Petition to keep Michael Kelley on the Fall 2012 Ballot”.

The Commission reviewed the following “For Your Information” items:
1. Correspondence from the Office of the Governor concerning award of a Justice Assistance Grant (JAG) of $20,000 for partial funding of a Prevention Resource Officer (PRO) at Buckhannon-Upshur Middle School
2. Copy of Correspondence from the Kenneth T. Davidson, Mayor for the City of Buckhannon to Major General James A. Hoyer, Adjutant General of the West Virginia Army National Guard, concerning construction of Readiness Center
3. Upshur County Payroll Information for Fiscal Year 2012-2013
4. Agendas and/or Notice of Meetings:
   - Elkins Road Public Service District-July 02, 2012
   - Upshur County Fire Board-July 19, 2012
5. Meeting Minutes and/or Financial Reports
   - Upshur County Fire Board-Financial Report-July 01, 2012
6. 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
   - 07/12/12-7:30 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
   - 07/18/12-4:00 p.m.-Upshur County Public Library Board
   - 07/19/12-7:00 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

7. 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
• James W. Curry Advisory Board- (Vacant-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 Bar Association
• 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
• Upshur County Safe Structures & Sites Board- (Jeff Wamsley-06-30-12) -Fire Chief
• Upshur County Safe Structures & Sites Board- (Dr. Ramirez - 06-30-12)- County
• Upshur County Safe Structures & Sites Board- (Mary Anne Newman-06-30-12) -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 recessed at 10:45 a.m.
The Commission attended a meeting at the Emergency Operations Center concerning the power outage situation.
The Commission reconvened at 1:15 p.m.
Representatives from the Palace Valley area appeared before the Commission to discuss options concerning a request to change the name of Barking Holler Rd, a private driveway. Terri Jo Bennett, Addressing and Mapping Coordinator, provided a review of E911 Addressing and Mapping Ordinance requirements. The property owners along Barking Holler Rd are unable to meet the 80% of landowner approval threshold for compliance of the ordinance. The Commission advised that a possible solution would be to add landowners by subdividing tract(s). (copies included)
Terri Jo Bennett presented a road name request from county resident, Caroline Long. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved Ms. Bennett’s recommendation of Deerfield Dr for the private driveway off of Parkwood Dr. (copy included)
Terri Jo Bennett advised the Commission of a structure on Canaan Rd which was incorrectly addressed during the data collection phase of the Addressing and Mapping Project. No action was taken at this time. The Commission requested Ms. Bennett to review the matter with the homeowner and follow up at a future meeting.
Timothy Stranko, Steptoe & Johnson PLLC, did not appear for the scheduled meeting with the Commission. William A. Parker made contact with him by phone. At 1:40 p.m., on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission entered executive session per WV Code §6-9A-4. Present were Donnie R. Tenney, Creed G. Pletcher, JC Raffety, William A. Parker and Timothy Stranko (via conference call) to discuss matters concerning the Contested Election Petition - David D. Taylor, Petitioner v. Michael R. Kelley, Respondent-Misc.10-416. The Commission returned to open session at 2:00 p.m. No decisions were made in executive session.
The conference call with Timothy Stranko continued in open session. Mr. Stranko advised that matters pertaining to the case could not be discussed; however he could take procedural questions. Frank Hartman, Attorney for Michael R. Kelley requested that action be taken concerning the employment issue (as discussed during executive session in last week’s meeting). Mr. Stranko deferred to William A. Parker who advised that the matter could not be addressed until it is placed on the agenda in proper format.
The Commission commended County employees for job performance under difficult circumstances during the current power emergency; Greg Harris and Maintenance Department, E911 Communications Center employees, Office of Emergency Management employees and Carol Smith, Bookkeeping Department as well as others who went out of their way to maintain operations.
With no further business, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission meeting adjourned at 2:40 p.m.