The County Commission of Upshur County West Virginia, held their regular meeting at the Courthouse Annex on Thursday, July 12, 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 July 05 2012 as submitted.

William A. Parker provided an update/status report concerning the establishment of the Upshur County Appraisal-Assessment Advisory Board. Mr. Parker has reviewed WV Code §7-1-3l with Helen R. Phillips, Upshur County Assessor. William A. Parker and Ms. Phillips will be scheduling a meeting with involved parties and will follow up with the Commission at a future meeting.

Virgil D. Miller, Upshur County Sheriff, appeared before the Commission and presented a request to employ Michael R. Kelley, Chief Deputy as Process Service/Bailiff/Court Security Officer (copy included). William A. Parker provided a review of background information. Frank Hartman, an attorney for Mr. Kelley provided arguments on behalf of his client, Michael R. Kelley, stating that the issue should be a completely separate issue from the pending litigation concerning the contested election. After discussion, due to lack of a motion, no action was taken.

The Commission recessed at 10:00 a.m.

The Commission reconvened at 10:25 a.m.

William A. Parker reviewed a request from Steve Linger, E911 Communications Center Director, for termination of the employment of Shanna M. McLean as part time E911 Dispatcher due to job performance issues. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved Mr. Linger's request, effective June 29, 2012.

William A. Parker provided a review of the Basic Ordering Agreement (BOA) with Global Science and Technology, Incorporated for Network Support, Administration and Consulting in the amount $980.00 per month. Terms and conditions of the contract are unchanged from the current contract. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved and authorized the President to sign the renewal of the maintenance contract for the period July 01, 2012 through June 30, 2013 (copy included).

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved and authorized the President to sign the West Virginia Community Corrections Grant Agreement and all related documents in the amount of $247,495 for fiscal year 2012-2013 (copy on file in the Office of the Upshur County Commission).

After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved and authorized the President to sign the FAA (Federal Aviation Administration) Grant Agreement offer-AIP 03-54-0039-026-2012- in the amount of $150,000 and all related documents (copy on file in the Office of the Upshur County Commission).

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. A hearing date for the matter is scheduled for July 18, 2012 at 9:00 a.m.

The Commission reviewed the following “For Your Information” items:
1. Correspondence from the Office of the Governor concerning Juvenile Accountability Block Grant Award in the amount of $15,000 for Fiscal Year 2012-2013
3. Building Permit Report-June 2012
4. Agendas and/or Notice of Meetings:
   • Upshur County Family Resource Network-July 09, 2012
5. Meeting Minutes and/or Financial Reports
   • Upshur County Family Resource Network-June 11, 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 Senior Center Board
- 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 6:00 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 6:00 p.m.-Buckhannon-Upshur Recreational Park Advisory Board
- 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 12:10:00 a.m.-James W. Curry Advisory Board
- 07/25/12 12:40 p.m.-Upshur County Fair Association
- 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
UPSHUR COUNTY COMMISSION MEETING
July 12, 2012

- 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
- Region VII Planning & Development Council- (Vacant --- 09/30/14)- County
- Region VII Planning & Development Council- (Sam Nolte- 06-30-12)- County
- Region VII Planning & Development Council- (Dennis Klingensmith- 06-30-12)- County
- Region VII Planning & Development Council- (Dave Thomas- 06-30-12)- County
- Region VII Planning & Development Council- (Emiel Butcher- 06-30-12)- County
- Region VII Planning & Development Council- (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 approved the following Settlements:
• Bernice Louise Keller-Final Settlement
• Richard Lee Lemons-Final Settlement
• Ida Ellen Perrine-Final Settlement
• Wanda Lyvooh Curtis-Final Settlement
• Perry Lee Page-Final Settlement
• Charles Edward Bevins III-First Annual Settlement
• Douglas Nathaniel Williams-Second Annual Settlement
• Joyce Stockert-Annual Settlement
The Commission approved the following “Exonerations and/or Refunds”:
(copies included)
• Buren E. Ruffle-#3055-$211.90
  William A. Parker reviewed a road name request from county resident, Laura Ann Stewart. After discussion, on motion by JC Raffety, seconded by Creed G. Pletcher, the Commission approved Clover Grove Dr for the private driveway off of McCartney Dr. as recommended by Terri Jo Bennett, Addressing and Mapping Coordinator (copy included).
  The Commission met with Debbie Thacker Wilfong concerning a “Freedom of Information Act” request from David D. Taylor for documents relating to the Contested Election Petition and Response.
The Commission recessed at 12:00 p.m.
The Commission attended the meeting of the Upshur County Policy Board at 1:00 p.m.
The Commission attended the meeting of the Upshur County Departmental Supervisors at 2:00 p.m.
The Commission reconvened at 3:00 p.m.
Upshur County resident, John Allison appeared before the Commission and expressed concerns regarding legislation (WV State Code §33-17A-4) which prevents residents who have been denied insurance coverage by an insurance company because of cancelation or nonrenewal to receive information concerning their denial of coverage, which he feels is an infringement of his rights.  Mr. Allison more specifically cited WV State Code §33-17A-4a, paragraph (f) “…The underwriting standards filed with the Commissioner shall be considered confidential by law and privileged are exempt from disclosure…, are not open to public inspection, are not subject to subpoena, are not subject to discovery or admissible in evidence in any criminal, civil or administrative action and are not subject to production pursuant to court order…” (copy included) After discussion, the Commission advised Mr. Allison to provide a written summary of his complaint to Donnie R. Tenney.  Mr. Tenney advised that he would follow up with the County Commissioner’s Association of West Virginia to address Mr. Allison’s complaint with the West Virginia State Legislature.
With no further business, on motion by Creed G. Pletcher, seconded by JC Raffety, the Commission meeting adjourned at 3:40 p.m.