From: "Sue Ware" <wvgrandparents10@gmail.com>
To: "C L Wallace" <clwallace@upshurcounty.org>
Date: 10/16/2016 1:29:02 PM
Subject: mission street sign sunny acres drive

I had an opportunity to read the meeting minutes from the commission meeting oct 06, 2016. I take acception with two of the bullet statements

Mr. Ware advised that during the Addressing and Mapping project, his street was renamed and no street sign has been put up and he believes that the County should be responsible in requiring the developer of the subdivision to erect street signage.

At no time did I say that the street was renamed during the addressing and mapping project

Mr. Ware argued that the responsibility and cost of the sign should be the responsibility of the county and/or subdivision developer, not property owners and requested the assistance of the Commission to request the developer to place the road signs.

At no time did I say that the county was responsible for funding the street sign, I did say that no tax dollars should be spend on the sign.

Also: I did not see any mention of the amount of money the county received from the state to offset expenses of the project.
Upshur County Commission Meeting October 6, 2016

Terry: Now we move back to, uh, that was our 9:30 appointment wasn’t it. Uh, discussion regarding email correspondence from Mr. and Mrs. Robert Ware............Approval and signature of correspondence in response . Uh,

Carrie: Sir are you here to ..... 

Terry: Did you have something........

R Ware: Yes

Carrie: Sir, would you like to speak to the commission?

R Ware: I can. Uh, do I go up here I’ll need to ......

Terry: Sir, if you would, please. Thank you for coming in Mr. Ware.

R Ware: Good morning,

R Ware: Good morning. Uh, I don’t know how in the world we ever got here. I thought my request was kind of, an ordinary request about setting a street sign.

Terry: Uh huh.

R Ware: Uh, and now here we stand. And I don’t know why. Uh, I’ve had a chance over the past couple of months to uh, try to, uh, you gentlemen in email, no response. What I got back was that your email addresses were not available. So I don’t know what’s been wrong with your web page. I did contact Miss Wallace, is that your name Miss Wallace?

Carrie: Yes

R Ware: And she did respond. She said she would get all of the information to me. Again and, to, uh the streets people. Again, I waited a couple of weeks. No response. Not even acknowledgement that I lived out there. That’s when I said this is it, I’ve had it with this time. That’s when I wrote to the department of Homeland Security saying can you help me. I haven’t heard from those folks yet. I wrote a letter to the editor expressing a concern, that the Upshur County Commission is not following their ordinances. And I, uh, in the email I had with uh, with Miss Bennett, she said that there is no provision in there to enforce street signs. Well, there is. The

Terri Jo: I (unknown), I didn’t say that. I said that there’s a provision in the ordinance that says that we have the authority to do it, but we don’t have a policy in place that we currently enforce the, uh, you know, displaying the street sign or displaying the physical address.

R Ware: To me, that says we’re not gonna enforce the policy.
Terri Jo: Well, it's just that we haven't done it yet.

RWare: Well, you've had a couple of years. Now, I'm sorry, but I'm gettin' a little bit anxious here. But the problem is this: I'm an old man. I've had 2 heart attacks and 2 strokes. Now, my day is comin', and the last thing I want is my wife sitting on that porch holding my hand wondering if somebody's gonna come to help her. It's comin', and you folks don't want to pay any attention to me. Well, I've had it. The street sign's gonna go up. It's gonna go up. And I don't think the tax payers should pay for it. Your ordinance says and the state, the law says that the developer's supposed put those things up. I'm assuming this, that you all got some compensation from the state of West Virginia in this process. And in order to do that, I believe this, you had to certify that all those things were correct. Now to me, that's misrepresentation of documents, that's falsification of documents. At the end of my, at my death, and it's comin', I've instructed my wife to file a law suit. And that law suit is gonna say nonfeasance. You all know what that is. You're refusin' to follow your own rules. Had that developer put the street sign up, now next (unknown) gonna be talkin' about the numbers, about these house numbers out there. I've had a chance to read those ordinances, and the state policy. It's quite clear how those numbers are being developed. I understand that part. My house is number 36. To me, that means I'm 360 feet away from that (unknown). Does that make sense?

Terri Jo: It sure does

RWare: Okay, the house behind me, on the right hand side, should that be an even or odd number?

Terri Jo: It should be an even number.

RWare: It's not. It's 129. There is one other even number in my development, number 58. Now, number 58 doesn't even live on that street. He lives a quarter of a mile away, drives down every day and gets his mail. Now folks, we have a problem here. There is a problem. I've talked to one other editor of a newspaper in another county and he's experiencing the same thing, and what I was told is this, last week, emergency responders responded from the (unknown) they couldn't find it. Couldn't find it. And the ambulance driver got so frustrated he says just give me the god damn directions. Quit giving me an address because we can't find it. Now that's the last thing I want to happen here with my wife. Please, just have (unknown) let me have the ability to go to bed at night and know that when it comes my wife is not gonna be sitting there scared, afraid and alone. And it's coming, it's coming. As all of us are going to approach that. Would you want your wife sitting there holding your hand wondering if anybody's going to respond?

Terry: No,

Unknown: No

RWare: You wouldn't. None of you would. And we're all gonna die. It's gonna happen. I'm just trying to plan for my death so that my widow is not going through the same thing that hundreds of widows go through every day. Afraid, scared and alone. Please, have that (unknown) put up the street sign.

Terry: We'll see what we can do.

RWare: Thank you sir
Carrie: Can I just make one comment? Just to clarify. When you said that you didn’t receive a response for two weeks you were stating that you didn’t receive a response from the commissioner, now Terri Jo and I were speaking with you via email for

Ware: You were on vacation

Carrie: two weeks. yes

Ware: And I understood that. I accepted that. I didn’t, I didn’t complain about that. Everybody has to have a vacation. When you got back, she responded immediately and said she was gonna send it to the streets people. And I waited

JC: Mr. Ware I received no email from you. In my email

RWare: No, cause you address is wrong, on your web page. Whoever, Raffety, I sent it to you and I sent it to, uh, this gentleman on the end. Both times, address that came back undeliverable.

Carrie: And you went to Upshurcounty.org?

RWare: Yes

Carrie: web site?

RWare: yes

Buddy: I never.....

JC: I never use an Upshurcounty.org

Carrie: no, no, no, the Upshurcounty.org website has your Suddenlink email address which is correct

JC: Yes, the address seen on there is the correct address

RWare: Two times, I sent it to both, both your

Buddy: I didn’t receive it

RWare: I know Terri Jo sent you all my correspondence, she said she did

JC: I did receive your correspondence but did not receive your email

Carrie: I, I think we should highlight Section 7.2 the ordinance that addresses the issue and I provided this to you before in email correspondence:

"The property owner, and or owners, of any subdivision or other development shall erect, or cause to be erected street signs in conformance with this ordinance, at any and all intersections within such subdivision or development upon construction of any street on or after the effective date of this ordinance, unless by vote of the Upshur County Commission, such responsibility is assumed by the
Upshur County Commission or it’s duly authorized agent. Where any property owner, and or subdivision owners is currently required to erect street signs but has fail to do so, the future erection of street signs shall be in conformance with this ordinance. “ I believe that would mean that because the subdivision owners did not erect the street sign when they owned that plot of land, now it would be your responsibility to do so..

RWare: No

Carrie: As a private land owner

RWare: No, it isn’t, it isn’t. I think there’s other provisions within your ordinance or it’s in the state law that says that those guys should have done it, had they have not done it, you’re supposed to go back and say, listen, you didn’t follow the rules. You gotta put the street sign up. There’s a $500.00 a day penalty for not doing that. From the day your send that letter out to them. I think that’s in Section 10 something. I, I’m not, I’m not an authority on this stuff, I’m just now trying to get into it. All I want is a street sign.

Terry: Do you have a homeowners association up there?

RWare: It takes care of the street. That’s all, that’s all we do is take care of the street. There’s two streets that go into that development. Neither street has street signs. Not just mine, but one’s a quarter of a mile away and doesn’t have a street sign, either. Just, they gotta make a lot of money, for god’s sake, asking them to spend a hundred bucks and put the sign up. But I am asking this, please do not spend tax payer dollars on it.

Terry: Ok, I don’t think we could. You know, if we paid for putting those signs up we’d set a precedence

RWare: Yes, you would

Terry: Put them up all over the county.

Buddy: And we have never done that since I’ve sat here, we have never paid for a sign...

RWare: If I was sitting in that chair I’d say the same thing. We’re not gonna do it, it’s not our responsibility, we don’t have the money for it. I’m asking this, have the developer put the sign up as he should have years ago. I think it’s quite clear he should have done it at the time of the development. Even if you didn’t have the rule at that point, your rule says it doesn’t matter, you still have to go back and do it, the owner (unknown) at that time still has to go back and do it. I believe that’s what it says, I read that someplace either in your ordinance or in State law.

Carrie: The county ordinance reads the owner of the property would have to erect the street sign

RWare: Yes

Carrie: Which the developer would not be in compliance and now you are the owner of the property.
RWare: No, I am just one of many owners. I own one lot. That development is still in process out there, they’re still selling lots. The developer is still the owner of that development. In my opinion.

Buddy: Who is.

JC: Have you approached the developer.

RWare: No I have not.

Buddy: Who is the developer?

RWare: There’s two guys I think somebody sent me their names. I know as you look at the sign I know there’s two different numbers to call...there’s two difference people on that own that.

Carrie: Charles Smith and Earl Williams are listed on the deed.

Buddy: I wonder if it is something that we might be able as the Commission to have a letter sent to them just to see if they would look at that, and advise them we have had complaints just to see if they would erect the sign. That doesn’t mean we can make them do it, but maybe that’s something this commission can do saying that, you know what I mean, we’ve had people here that’s concerned and

RWare: I agree with that, one hundred percent.

Buddy: and have a legitimate,

RWare: And let them have an opportunity.

Buddy: a legitimate concern, you know what I mean? And I can understand your concern, you know what I mean? And, I’m sure all three of us can. But, maybe we can send a letter to the developers out there, and for a hundred bucks, I mean, why wouldn’t they want to put up a sign.

RWare: I’d want to.

Buddy: and, with that being said and if they couldn’t and I lived on that road, you know what I mean, before I would put my wife and me having a heart attack and somebody couldn’t find it, I’d pay the hundred dollars instead of going through the stress, that’s what I would do, you know what I mean, because that needs to be done. If you’re concerned about having a heart attack, and what that’s gonna do to your wife, you know what I mean, if this doesn’t work for a hundred bucks, the satisfaction to my wife I’d be more than happy to pay the hundred bucks so my wife wouldn’t have to go through it.

RWare: This is what Mr. Cutright said, now you’re setting a precedence. The tax payers now. The people who live on the street’s now responsible for putting up their own signs.

Buddy: I’m just saying and before I would put my wife through that, for a hundred bucks I would do that.

RWare: Think about, think about on down the road, the next developer comes along, says oh, don’t worry about it, some knucklehead will put the sign up for me. I don’t have to spend a hundred bucks.
Buddy: I think, I think we can send, it'd be my opinion cause it takes two, to send a letter to the developers just to see if they would erect the sign, you know what I mean, and see if they would do it for a hundred bucks I would say they would do it. But with that being said, you know what I mean, if they didn't, and I was worried about my wife having to go through that or I had a heart attack and EMS not showing up or whatever and she's gonna have to go through that are they coming or whatever, for a hundred bucks, I'd put the sign up instead of going through all the...

RWare: Well, I'll tell ya, when this, when we get it resolved, the sign's gonna go up, and what I'll do is I'll pay for that sign and I'm gonna come in here and ask you gentlemen to reimburse me for it. I know you're gonna deny it, but I'm gonna ask for that and I will take the next step. I will write more letters and I'm gonna take this, and if I have to I'll take it to the President of the United States. Please, somebody, come out here and think about us poor old people out here dying. Please, just think about it. For a hundred bucks you're saying I'm not gonna do it. Is what you just told me, I'm not gonna do it.

JC: We'd had previous requests before the Commission prior to this one inquiring about the same issue and we did not authorize the payment of the sign. In fact, the individuals that previously contacted the Commission did not appear before the Commission but by correspondence requested the same information and made the same request that you made. We've advised them, that, uh, if they have an association, I live in a development that has an association, and about a year and a half ago, we all chipped in to pay for a sign, uh, we did not assume that the county would bear the responsibility for the sign. Uh, as an alternative, though, I, I, I know you believe that a sign is important, and that may very well be the case because that is something that someone can see. But we have the means by which our 911 Center receives information from a, uh, victim, someone who is having uh, stress or a heart condition, such as you described, uh, the directions and the photograph of the residence is in possession of the 911 center. The street sign, uh, makes no difference to the responding, uh, you know, emergency squad or the fire department, because they are basing their arrival on the GPS and the other technological means by which the service gets to your residence. So, in a case the street sign were down, say, someone hit the street sign with a car previous to the incident where you needed help, there's no street sign, the ambulance or the fire department or law enforcement agency can be directed to your residence by 911. So if your concern that you have is the absence of the street sign on your street will preclude emergency services from responding to you, that is wrong. Emergency services can respond to anywhere in the county, my understanding, based on the number, based on the distance from the main road, but the means by which the emergency squad or other agency would get to your house, is from directions provided them by the 911 emergency responders to anywhere in the county, it is my understanding, based on the number, based on the distance from the main road, but the means by which the emergency squad or other agency to get to your house, is from directions provided to them by the 911 dispatchers.

RWare: Well I would like to see any EMS responder respond to 58 Sunny Acres Drive because it does not exist. It's a quarter mile away on another road.

JC: Well, I think she's going to, uh, get the uh,

RWare: If I sit up on the porch and look out at Route 20 there is a bank of mailboxes, 8 mailboxes. If you look at those mailboxes, 2 of them are even, all the rest of them are odd. Mine's an even one, number 58. Anybody with any kind of reasoning would think that number 58 would be the next house behind me, but it's not. Number 129 is behind me. Now how in the world did that happen. Now you
can, you’ve developed systems through backup systems based on the first system being accurate. Your first system’s not right. The addressing is not correct on that road. It’s not correct.

JC: Terri Jo, I think, is ...

RWare: Now this is just getting deeper and deeper, and deeper. Again, I’m going to go back to my original request just get me, tell that man to put up a street sign. You have the authority to do that. Your ordinance says you have the authority to do it, and if he doesn’t comply, you have the authority, let my rephrase that, you have the legal obligation to make him do it. You have that obligation to me, to the state, to this entire county, you have the obligation. Please, fulfill your obligation. That’s all I’m asking.

Terry: Buddy, was that a motion to send a letter to the developer?

Buddy: I’ll make that motion, to send a letter to the developer, along with a copy of what’s wrote

Terry: In the ordinance

Buddy: in the ordinance to see if the developer will go ahead and put up a sign. I couldn’t guarantee you Mr. Ware he would do that, but I’m sure you’ll let us know whether he does or whether he doesn’t and if we hear correspondence back from the developer, I will certainly see that Carrie Wallace sends you an email, and keeps you informed of what takes place.

RWare: Well I can assure you all of this, if he doesn’t respond, the entire state of West Virginia is going to know about this. They’re going to know about it.

JC: I’ll second the motion.

Terry: It’s been moved and seconded that we send the developer a letter requesting that he erect a street sign. All in favor signify by saying aye,

Buddy and JC: Aye

Terry: opposed no. Ayes have it. So ordered.

Carrie: We also had a letter addressed to Mr. and Mrs. Robert Ware on the agenda today. Will you be sending this letter?

JC: I will make a motion that we send the correspondence

Buddy: Second

Terry: Did you second that Buddy?

JC: yes

Buddy: Yes
Terry: It’s been moved and seconded to send Mr. and Mrs. Ware a response letter. All in favor signify by saying aye.

JC: Aye

Buddy: Aye

Terry: Opposed no. Ayes have it. So ordered. Thank you Mr. Ware.

RWare: Thank you. Again, my apologies. I didn’t, again, I never thought the we’d ever be standing here having a conversation like this over something that’s as minor as a street sign. Thanks.

Terry: That’s what we meet for. Thank you.

RWare: Thank you.

Buddy: Thank you, sir.