The County Commission of Upshur County, West Virginia, held their regular meeting at the Courthouse Annex on Thursday, July 13, 2017 at 9:00 a.m. Terry Cutright called the meeting to order. Present were Terry Cutright, Commissioner; Troy A. Brady, Commissioner; Sam Nolte, Commissioner; Carol Smith, Upshur County Clerk; Carrie Wallace, County Administrator; Tabatha Perry, 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 discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the regular meeting minutes of June 29, 2017 as submitted.

Terry Cutright provided a review of Agenda Items to be covered in today’s meeting

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the number of Election Officials and Election Commissioners for the October 7, 2017 Special (Road Bond) Election (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the Number of Sets of Emergency Absentee Voting Commissioner for the October 7, 2017 Special Election (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved a request as submitted by Daya Masada Wright, Fiduciary Commissioner, for the “Recommendation to Clarify Title” of Jimmie G. Samples, Sr. as Committee in re: The Committee of Levonda Jane Samples.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved and authorized the President to sign the Small Cities Block Grant #16SCBG0008, Elkins Road PSD Phase III Water System Improvements Project, drawdown request #1 in the amount of $18,993 (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved and authorized the signing of a letter of support for the Buckhannon River Watershed Association to be submitted with the BRWA’s application for funds through the Office of Surface Mining Reclamation and Enforcement’s Watershed Cooperative Agreement Program to treat acidic mine drainage-remediation on Swamp Run (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved and authorized the President to sign correspondence to Fulton Financial Advisors concerning the James W. Curry’s Revocable Trust Agreement requesting the disbursement of an additional ten percent of the interest earned in FY 17 to the James W. Curry Library and to the James W. Curry Park (each) as recommended by the James W. Curry Library and Park Advisory Board (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved and authorized the President to sign the renewal of Lease No. 0025-0749 with the WV Dept. of Transportation, Division of Highways for the Tallmansville Radio Tower for a five year period (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved a request from Judith L. Williams, Director of the James W. Curry Public Library for an expenditure to Skateland in the amount of $175 for rink rental on August 1, 2017 for the grand finale event for the “Build a Better World” and “Curry Keva Club” summer reading programs (copy included).

Terry Cutright reviewed correspondence from Joseph B. Reed, MD, requesting the Commission to consider ways to promote the concept of “Go Green” for all new construction in Upshur County. (Report only, no action required)
UPSHUR COUNTY COMMISSION MEETING
July 13, 2017

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the advertisement for an evening open swim on July 26, 2017 from 6:00 p.m. to 10:00 p.m. (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved and authorized Carrie Wallace as Commission Representative to sign the Community Work Experience Program (CWEP) Contract with the West Virginia Department of Health and Human Resources, effective July 1, 2017 through June 30, 2018 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved and authorized Carrie Wallace as Commission Representative to sign the Joint Opportunities for Independence (JOIN) Contract with the West Virginia Department of Health and Human Resources, effective July 1, 2017 through June 30, 2018 (copy included).

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved and authorized the President to sign the U.S. Dept. of Transportation, Federal Aviation Administration, Grant Agreement #3-54-0039-031-2017 for Buckhannon-Upshur Airport Authority, Terminal Building Construction project (design phase) in the amount of $60,181 (copy included). There is a 10% match obligation to be divided equally between the BUAA and the WV Aeronautics Commission.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the appointment of Arely Robinson as member of the Upshur County Farmland Protection Board as recommended by Steve Butler, Board Chairman. Mr. Robinson’s term will expire on June 30, 2021 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the appointment of Joe Gower as Upshur County Fire Board, Inc. member. Tabatha Perry advised of an agenda correction, the appointment is for the 2nd Magisterial District (not 3rd). Mr. Gower’s term will expire on June 30, 2018 (copy included).

Jackie Heroman, Make-A-Wish Foundation representative, appeared before the Commission and provided a review of the “Walk for Wishes Event” to be held at the Hazel Ruby McQuain Park in Morgantown on September 30 and to discuss sponsorship opportunities. Ms. Heroman provided information and data on the history of “Make-A-Wish” and the services it provides to children with life-threatening medical conditions and advised that sponsorship would provide services to Upshur County residents.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the resignation of Elizabeth E. Kelley, Community Corrections Day Report Center employee, Upshur County office, effective July 6, 2017.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the employment of Kelly Bowyer as part-time case aide for the 26th Judicial Circuit Community Corrections Day Report Center, Upshur County office effective July 17, 2017 at the rate of $10.00 per hour pending background check results for up to 19.5 hours per week.

After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the resignation of Haley Williams, as Buckhannon–Upshur Recreational Park lifeguard, effective June 29, 2017 (copy included).

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the resignation of Amy E. Arbogast as E911 Communications Center telecommunicator, effective July 7, 2017.
After discussion, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission approved the (confidential) Application for Donated Leave.

After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved to grant (confidential) leave under the Family and Medical Leave Act.

Terry Cutright reviewed the following “For Your Information” items (copies included):

1. Public Service Commission of WV Commission Order issued June 22, 2017 regarding wireless enhanced 911 fees. This Order increases the wireless enhanced 911 fee from $3 to $3.34 per month, per subscriber, to become effective July 1, 2017.
2. Correspondence from Gary Duffield dated June 21, 2017 enclosing a letter that he sent to the Banks District Volunteer Fire Department asking for the specific reason(s) as to why his membership was terminated.
3. Upshur County E911 Communication Reports—May and June 2017
   - Monthly Call Summary Report
   - Monthly Department Summary Report
   - Monthly and YTD Wrecker Report
4. Correspondence from Tabatha R. Perry, Assistant Administrator, to Thomas Moates regarding his property located in Warren Tax District – Tax Map 6C, Parcel 4. During a regularly scheduled Commission Meeting conducted on June 22, 2017, the Commission moved to grant Mr. Moates a 60 day extension to bring the property into full compliance with the Ordinance.
5. Upshur County Sheriff’s Financial Statement for Period ending May 2017
6. Upshur County Animal Control/Humane Office Dog Report June 2017
7. Lewis-Upshur Animal Control Facility Cat Report June 2017
8. Upshur County Building Permits June 2017
9. Newsletters and/or Event Notifications
   - Press Release Regarding Dedication of Harley A. Brown Memorial Water Plant July 13th at 3:00 p.m.
   - Upshur County Family Resource Network Newsletter July 2017
   - WV Attorney General’s Office “Combating Addiction with Grace: Equipping the Community” conference on August 8th from 10:00 a.m. to 4:00 p.m. at South Ridge Church
10. Agendas and/or Notice of Meetings:
    - James W. Curry Library and Park Advisory Board June 28, 2017
    - Upshur County Solid Waste Authority July 10, 2017
    - Upshur County Family Resource Network July 10, 2017
    - Community Corrections Revised Board Meeting Agenda July 10, 2017
    - Wes-Mon-Ty RC&D Board of Directors July 11, 2017
    - Elkins Road PSD July 11, 2017
    - Upshur County Safe Structures & Sites Enforcement Board July 13, 2017
    - Buckhannon-Upshur Airport Authority July 13, 2017
11. Meeting Minutes:
    - Upshur Citizen Corp Council May 10, 2017
    - James W. Curry Library and Park Advisory Board May 24, 2017
    - Upshur County Family Resource Network Director’s Report June 2017
    - Upshur County Solid Waste Authority June 12, 2017
12. Meetings:
UPSHUR COUNTY COMMISSION MEETING  
July 13, 2017

- 07/04/17-6:00 p.m.-Hodgesville PSD
- 07/06/17-7:00 p.m.-Selbyville VFD
- 07/10/17-12:00 p.m.-Upshur County Family Resource Network
- 07/10/17-4:30 p.m.-Upshur County Solid Waste Authority
- 07/10/17-5:30 p.m.-B-U Recreational Park Advisory Board
- 07/10/17-6:00 p.m.-Lewis-Upshur Community Corrections Board-Upshur County
- 07/11/17-5:30 p.m.-Elkins Road PSD
- 07/11/17-7:00 p.m.-Selbyville VFD
- 07/12/17-7:00 p.m.-Upshur County Family Resource Network
- 07/12/17-4:30 p.m.-Upshur County Solid Waste Authority
- 07/12/17-5:30 p.m.-B-U Recreational Park Advisory Board
- 07/12/17-6:00 p.m.-Adrian VFD
- 07/13/17-1:00 p.m.-Adrian VFD
- 07/13/17-1:00 p.m.-Upshur PSD
- 07/13/17-3:00 p.m.-Upshur County Conventions & Visitors Bureau–UCDA Office
- 07/13/17-4:00 p.m.-Upshur County Safe Sites & Structures Ordinance Enforcement Bd.
- 07/13/17-4:00 p.m.-Buckhannon Upshur Airport Authority
- 07/13/17-7:30 p.m.-Buckhannon VFD
- 07/16/17-6:00 p.m.-Washington District VFD
- 07/17/17-12:00 p.m.-Buckhannon-Upshur Chamber of Commerce
- 07/18/17-10:00 a.m.-Wes-Mon-Ty Resource Conservation & Development
- 07/18/17-5:00 p.m.-Upshur County EETAB
- 07/18/17-6:30 p.m.-Upshur County Fire Board
- 07/19/17-7:00 a.m.-Upshur County Development Authority
- 07/19/17-12:00 p.m.- Lewis-Upshur LEPC-Lewis location
- 07/20/17-4:00 p.m.-Upshur County Public Library Board
- 07/20/17-6:30 p.m.-Upshur County Farmland Protection Board-Cancelled
- 07/20/17-6:30 p.m.-Upshur County Youth Camp Board
- 07/24/17-Region VI Local Elected Officials-Annual Meeting
- 07/26/2017-10:00 a.m.-James W. Curry Library and Park Advisory Board
- 07/31/17-6:30 p.m.-Upshur County Fire Fighters Association
- 09/07/17-6:00 p.m.-Buckhannon Upshur Board of Health

13. Appointments Needed or Upcoming

- Wes-Mon-Ty Resource Conservation & Development Council (2-year term)-Commission Representative
- Upshur County Fire Board (Community Representative-2nd District)-June 30, 2018
- Upshur County Fire Board (Community Representative-3rd District)-June 30, 2017

Tabled Items

1. US Census Bureau Local Updated Census Address Project
   The Commission approved all invoices for payment (copies included)
   The Commission approved all Vacation Orders.
The Commission approved the following “Settlements” (copies included):

- Carol Ann Atkins—Final Settlement Waiver
- Linda Jean Carter—Final Settlement Waiver
- Alice Roselee Ervin—Final Settlement Waiver
- Omar Richard Heatherly—Final Settlement Waiver
- Mary Kay Light—Final Settlement Waiver
- Gilbert Z. Smith—Final Settlement Waiver
- William Delan Villers—Final Settlement Waiver

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

- Zinn Hoe Service, Inc.—#4069—$731.62
- Devin W. or Lindsay A. Parson—#4070—$185.72
- Rae L. Emrick or Keith A. Moran—#4071—Corrective ticket
- Darlene Tomey—#4072—$2.10
- Dailey Gregory—#4073—$175.12
- David C. & Lynda S. Ringer—#4074—Corrective Ticket
- Jamie M. Allen—#4075—$150.77
- Curtis Michael or Rebecca A. Howes—#4076—Corrective Ticket
- Linda V. Ball—#4077—Corrective Ticket
- Linda V. Ball—#4078—Corrective Ticket
- Linda V. Ball—#4079—Corrective Ticket
- Linda V. Ball—#4080—Corrective Ticket
- Calvin H. & Virginia P. Rice—#4081—Corrective Ticket
- Stayton & Jacqueline Lewis—#4082—$134.38
- David W. & Carolyn D. Robinson—#4083—$2.10
- Shelz Studio LLC—#4084—$1,172.17
- Keith L. or Louise Gould—#4085—$2.10
- Michael L. or Celesta A. Stump—#4086—$2.10
- Donald R. or Cathy Linger—#4087—$76.89
- John Travis Bosley—#4088—$245.16
- Randy Joe Phillips—#4089—Corrective Ticket
- Melissa Jean McGee—#4090—Corrective Ticket
- John Travis Bosley—#4091—$4.37
- Randy Joe Phillips—#4092—Corrective Ticket
- Melissa Jean McGee—#4093—Corrective Ticket
- John Travis Bosley—#4094—$21.89
- Randy Joe Phillips—#4095—Corrective Ticket
- Melissa Jean McGee—#4096—Corrective Ticket
- Tiffany L. Squires (Nice)—#4097—$109.58
- Betty McClellan—#4098—$334.12
UPSHUR COUNTY COMMISSION MEETING  
July 13, 2017

- James and Maretta Phillips—#4099—$122.88
- Donald Gaines—#4100—$37.87
- Linda Dean—#4101—$175.12
- Danny M. McCourt—#4102—$100.65
- Hilda James—#4103—$60.78
- Janie D. Campbell—#4104—$45.91
- Billie Jo or Allen Tenney—#4105—$50.27
- William Jr. or Sandra Campbell—#4106—$175.12
- Stanley Glenn & Nancy White—#4107—Corrective Ticket
- Farrel & Brenda Smallridge—#4108—$54.21
- Farrel & Brenda Smallridge—#4109—$546.79
- Gerald or Keena Sanders—#4110—$145.52
- Sandy Loudin—#4111—Corrective Ticket
- Dale F. Woody et al—#4112—$260.57
- Richard T. & Thelma M. Myers—#4113—$947.74
- Maxine Stanley—#4114—Corrective Ticket
- Patience L. Brock—#4115—$175.12
- Donald Ray & Geraldine Ann Rowan—#4116—$175.12
- Frank A. & Suetta B. Gooden—#4117—Corrective Ticket
- Buck and Gail Frye—#4118—$210.14
- James W. or Lorma I. Piper—#4119—$64.25
- Thomas D. Riley—#4120—$248.49
- Ginger Danz Art—#4121—$3.46
- Raymond or Janet Phillips—#4122—$1.57
- David H. & Velma Sue Roby—#4123—$131.86
- Arvel Gartin—#4124—$8.93
- John & Ann Lantz—#4125—$629.00
- James & Christina Jones—#4126—Corrective Ticket
- Rocky Shroyer—#4127—$1.57
- Number One Auto Sales—#4128—$32.78
- Robert or Deborah Kittle—#4129—$104.28
- Robert or Deborah Kittle—#4130—$101.92
- Robert or Deborah Kittle—#4131—$100.87

The Commission reviewed a request for a revision to the FY 18 coal severance budget. After discussion, on motion by Troy A. Brady, seconded by Sam Nolte, the Commission approved the revision as submitted with a “Request for Revision to Approved Budget” to be sent to the Office of the State Auditor for approval (copy included).
The Commission reviewed agenda items for future meetings, received project updates and discussed administrative business items.
The Commission recessed at 11:15 a.m.
The Commission reconvened at 1:30 p.m.
Presentation of Certificate of Recognition to those who participated in the “Lowes Give Back Time” Project at the Buckhannon Upshur Recreational Park.
With no further business, on motion by Sam Nolte, seconded by Troy A. Brady, the Commission meeting adjourned at 1:48 p.m.