

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 4, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 4<sup>th</sup> day of January 2013.

The County Commission meeting was called to order at 9:25 a. m.

Daniel E. Wright, Circuit Clerk was asked to swear in Matthew D. Wender and Denise A. Scalph as the Commissioners of Fayette County.

Commissioner Wender welcomed everyone to the swearing in.

Commissioner Wender informed that Denise A. Scalph will be finishing up a two (2) year term and he would be starting a six (6) year term.

Mr. Wright reported that this is a historic day that Denise Scalph is the first woman elected as a Commissioner for the Fayette County Commission.

Mr. Wright swore in Denise Scalph and Matthew Wender as Commissioners of the Fayette County Commission.

Commissioner Wender called the Commission meeting to order at 9:25 a.m.

Commissioner Lopez offered a motion to name Commissioner Matthew D. Wender as President of the Fayette County Commission for the year 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to elect Commissioner John Lopez as Purchasing Agent. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion that Stephanie Sears be designated as Assistant Purchasing Agent and Deborah Berry, County Administrator, Earl Pauley, Park Superintendent, Theresa White, OES Director, and David Neal, E911 Director be authorized to make purchases up to \$600.00 without prior County Commission approval for the year 2013. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she has prepared the Organization Order informing that the regular session of the Commission be held on every other Friday beginning January 4, 2013 during the calendar year of 2013.

Commissioner Wender offered a motion to adopt the Organization Order for the calendar year of 2013. Commissioner Lopez seconded. Unanimous. Order signed.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tax tickets for Patterson R. Blackburn Co., Nicky W. and Danny W. Adkins, Shelby J. Moses and Twyla D. Westfall and Saun Brown. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released January 15, 2013. Commissioner Scalph seconded. Unanimous.

Sheriff Steve Kessler appeared before the Commission to inform them that Renee Harper has resigned as the Director of the Community Corrections Day Center and to discuss a proposal made by Ms. Harper to come back and work part time at \$20.00 an hour 15 hours a week.

After a brief discussion, the Commissioners defer the decision to Sheriff Kessler regarding additional help.

Sheriff Kessler asked the Commission about using the old 911 Center for the Sheriff Department Detective Bureau.

Discussion was held no decision was made.

Discussion was held regarding the dilapidated property in the Danese area.

Carl Burdette was in attendance to discuss the three (3) dwellings North of the Danese School roof total collapsed.

Angela Gerald was present during the discussion. Ms. Gerald told Mr. Burdette that she would go out and take pictures and enter the dilapidated buildings in her data base.

Eddie Young, Assessor appeared before the Commission to discuss the property tax values. Mr. Young told the Commissioners if values go up by 30% the Commission would have to advertise.

Commissioner Lopez informed the Commissioners he had received a request from Terry Abbot requesting \$1,000.00 funding for the Montgomery City Hoops to purchase a basketball time clock.

The Commission finds that there is a need for a basketball time clock for the gym located at the former Montgomery Middle School due to the fact that physical activity there is a need for young folks to

participate in physical activity. The basketball time clock would aid. Therefore, the Commission would provide funding for the basketball time clock in the amount not to exceed \$1,200.00.

Discussion was held regarding designing a county seal.

Daniel Wright, Circuit Clerk informed the Commissioners the Fayette County Historic Landmark Commission had worked with Mona Goodall regarding a design.

The Commissioners asked Mr. Wright to contact Mona Goodall and Rita Price to see if they would be interested to help with the design of a county seal.

Commissioner Wender signed the Small Cities Community Development Block Grant contract for the Boonesborough Water Extension Project Grant, amount \$700,000.00. Resolution signed.

The Commissioners signed the Fayette County Fire Levy Protection Agreement for the Pax Volunteer Fire Department Incorporated for the period July 1, 2012 to June 30, 2013.

Commissioner Wender signed a Memorandum of Understanding for the Fayette County Team for Violence Against Woman Act.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Fayette County Community Corrections Day Report Center Grant for the month of November, amount \$23,139.36.

The Commissioners signed a letter to the West Virginia State Auditor's Office informing them of the account information for the direct deposit for the Fayette Coal County Reallocation Tax Account.

Ms. Berry informed the Commissioners she received a letter from Casto Technical Services informing that the HVAC Maintenance Agreement will expire on December 31, 2012.

Ms. Berry told the Commissioners that the current agreement price is \$8,692.00 per year, payable at the rate of \$2,173.00 per quarter. The agreement price will increase to \$9,213.52 for the year 2013 payable at the rate of \$2,303.38 per quarter.

Discussion was held, Commissioner Wender asked Ms. Berry to get two (2) additional quotes before any decision is made.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk asking that the Commission solicit for quotes for floor tiles in the rear record room of his office.

The Commissioners asked Ms. Berry to get three (3) quotes for the tile.

The Commissioners signed a letter to the West Virginia Courthouse Facilities Improvement Authority requesting an extension for the 9<sup>th</sup> Cycle Grant for the 2<sup>nd</sup> Phase of the Courthouse Electrical Upgrade.

Ms. Berry informed the Commissioners that the Board of Equalization and Review mineral hearings will be held at 9:00 a.m. and the industrial hearings will be held at 1:00 p.m. on February 6, 2013.

The Commissioners planned the following dates and time for the purpose of reviewing and equalizing the assessments of the County:

February 1, 2013	Friday	9:00 A.M.
February 6, 2013	Wednesday	9:00 A.M. (Mineral)
and		1:00 P.M. (Industrial)
February 11, 2013	Monday	9:00 A.M.
February 15, 2013	Friday	1:00 P.M.

February 22, 2013

Friday

9:00 A.M.

The Commissioners signed letters to Carl Harris, Prosecuting Attorney and Eddie Young, Assessor informing them of the dates and time of the Board of Equalization and Review hearings.

Ms. Berry informed the Commissioners she received a requisition from Kelvin Holliday, County Clerk requesting that the County purchase a special chair with headrest for Alicia Treadway, Registrar.

Discussion was held, Commissioner Lopez asked to hold until Budget Session.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land from the Assessor's Office to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Linda K. Williams, Christian and Cynthia Kapler and Mark E. Dove. Commissioner Lopez seconded. Unanimous.

The Commissioners approved and signed Resolutions and Grant Agreements for the Community Participation Grants for the Fayette Historic Theater (\$2,000.00) and the Friends of Lewis House (\$4,000.00).

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. requesting two new heat pumps for his office and his secretary Karen Martin.

Judge Hatcher informed he received a quote from Camco Heating and Cooling, amount \$2,050.00 each.

Judge Hatcher is also requesting to seek a proposal to provide safe and adequate heat for his Law Clerk.

The Commissioners asked Ms. Berry to get two (2) additional quotes.

Ms. Berry presented to the Commissioners their tentatively scheduled County Commission Meetings for the year 2013.

The Commissioners recessed the County Commission to go into an Executive Session at 12:00 p.m. for a personnel matter.

The Commissioners reconvened the County Commission meeting at 1:29 p.m.

Commissioner Wender offered a motion to hire Richard Smith, Jr. as an additional maintenance staff at the starting entry salary. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed he would be having a meeting with the OES Director, Deputy OES Director and the Fayette County Firefighters Association and the 911 Director prior to the next County Commission meeting.

The meeting was adjourned at 1:45 p.m. The next scheduled meeting is January 18, 2013.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 18, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender (9:30), John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 18<sup>th</sup> day of January 2013.

Commissioner Scalph called the meeting to order at 9:05 a. m.

Early voting tests begin at 9:05 a. m. for the Board of Education Special Bond Levy being held on February 9, 2013.

Norma Williams and Deloris Nelson presented keys for the ballot boxes to the Commissioners.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released January 30, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve October 19, November 9, November 13, November 20, November 30, and December 7, 2012 minutes. Commissioner Lopez seconded. Unanimous.

Commissioner Wender arrived at the meeting at 9:30 a. m.

John David appeared before the Commissioners to request funding for Southern Appalachian Labor School (SALS).

Mr. David presented Southern Appalachian Labor School (SALS) audited financials for last Fiscal Year to the Commissioners.

Jeff Maynard, Dave Stepp and Dave Langford with Appalachian Electric Power (AEP) appeared before the Commissioners to give a report on the power outages in Fayette County.

Mr. Langford gave the report. Mr. Langford told the Commissioners they are talking through issues of communication between the Office of Emergency Services (OES) and AEP.

Bart Jackson with Page Kincaid Public Service District states that on 61 they had an issue with power on the eastside of 61 and no problem with the westside of the road.

Jeff Maynard informed he will look into switching loads on the substation so power supply is more reliable.

Mr. Maynard also gave a report on transmission lines in Fayette County.

Dave Stepp gave a report on projects for Fayette County.

Robert D. Pauley appeared before the Commission to discuss the land at Wolf Creek Park.

Mr. Pauley told the Commissioners he wants the property to be grandfathered into his property.

The Commissioners told Mr. Pauley the County would be unable to grandfather the property to his property. He would have to work with Dave Pollard, County Resource Coordinator on the solution.

David Neal, E911 Coordinator and Tim Richardson, Zoning Officer appeared before the Commissioners to discuss the 911 Tower application for the new 911 Center.

They told the Commissioners they are moving ahead with the application. The public hearing is scheduled for March 4<sup>th</sup> to finalize.

Rick Rutledge and Adam Hodges members of the Fayette County Farmland Protection Board appeared before the Commission to give an update on the upcoming three (3) closings.

Steve Cruikshank, Deputy OES Director and the Fayette County Firefighters Association appeared before the Commission to discuss hiring a Deputy Fire Coordinator.

Mark Bass, President of the Fayette County Firefighters Association questioned about a letter written in October 2012 with no response from the Commissioners.

Mr. Bass told the Commissioners the Fayette County Firefighters Association wants an update on the next step in regards to the future Fire Coordinator and what's happening to the hiring of the Deputy Fire Coordinator.

Commissioner Wender gave an update on what is going on with the Commission side.

The Fayette County Firefighters Association requests that the Commission be involved in hiring the Fire Coordinator, but it needs to take place soon.

The Fayette County Firefighters Association recommends still hiring a Deputy Fire Coordinator.

The Commissioners recommends focusing on hiring a Fire Coordinator, see how it goes, then discuss later hiring a Deputy Fire Coordinator. The Fayette County Firefighters Association agrees with the Commission.

Larry Prichard with the Summit Bechtel Scout Reserve appeared before the Commissioners to discuss the 2013 Summer Jamboree.

Mr. Prichard told the Commissioners that everything's coming together good, the lake's are being filled, the bathroom's are being done.

Mr. Prichard told the Commissioners July 15<sup>th</sup> to July 24<sup>th</sup> is the jamboree, scouts will arrive, the staff will be arriving around July 4<sup>th</sup> for preparation.

Ms. Berry presented items for approval and discussion to the Commissioners.

Ms. Berry presented a Request for Lease Payment from Hali, LLC for a one month lease extension from December 23, 2012 to January 23, 2013 in the amount of \$5,000.00 for NARR Base Camp.

Commissioner Wender offered a motion to approve rent for NARR Property as long as the price goes toward the purchase of the property. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an Order approving increase in the rate of reimbursement for mileage allowance to 56.5 cents effective January 1, 2013 to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Order to increase the rate of reimbursement for mileage allowance to 56.5 cents effective January 1, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an Order appointing Police Chief Matt Jeffries to fill the unexpired term of David Kinser as a

representative of the Town of Fayetteville on the Fayette County New River Gorge Bridge Day Commission to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Order appointing Police Chief Matt Jeffries to fill the unexpired term of David Kinser as a representative of the Town of Fayetteville on the Fayette County New River Gorge Bridge Day Commission. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a request from Kelvin Holliday, County Clerk requesting a one-time line item adjustment in his budget for record books in the amount of \$5,396.40 to correct an error from his Fiscal Year Budget 2011-2012.

Commissioner Lopez offered a motion to approve the request of Kelvin Holliday for a one time line item adjustment in his budget for record books in the amount of \$5,396.40. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an invoice from esri in the amount of \$8,075.00 for the onsite septic system database project.

Ms, Berry told the Commissioners they had approved payment of \$8,000.00 in February 2012 for the project.

Commissioner Scalph offered a motion to approve the additional amount of \$75.00 for the onsite septic system database project. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a Letter of Support for James A. Kincaid, Jr. with the Page-Kincaid Public Service District for the Robson/Mulberry Sewer Project.

The Commissioners signed a Letter of Support from the Fayette County Commission endorsing a grant application for Southern Appalachian Labor School (SALS) for a Citizen Corps Mini-Grant to improve emergency services in the County.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of February 2013.

The Commissioners signed the Consumers Tax and Use Tax return for the period ending December 31, 2012 for Fayette County Park.

Commissioner Wender signed a change of scope forms for Project 12LEDA0323-Governor's Community Partnership Grant for the Fayette County Historical Society from repairs to the museum and schoolhouse to change to purchase three (3) air conditioners.

The Commissioners received/reviewed and approved a request from Melvin Withrow to reimburse him for CDL License in the amount of \$48.00 to drive trash truck and truck to pick up food from Food Distribution Center in Gassaway.

Ms. Berry informed the Commissioners the CCAWV Legislative Association Meeting and Educational Training Series will be held February 24-26, 2013 at the Marriott Hotel in Charleston. WV.

The Commissioners received and reviewed a request from Charles Garvin to photograph the inside and outside of the Fayette County Courthouse in an effort to document its design aspects. The estimated cost would be \$300.00.

Commissioner Scalph offered a motion to approve the request of Charles Garvin to photograph the inside and outside of the Fayette County Courthouse at the estimated cost of \$300.00. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed a request from Daniel Wright, Circuit Clerk for a CCIS User License in the amount of \$9,000.00 to scan documents daily for his office.

Mr. Wright told the Commissioners the Supreme Court is to purchase six (6) scanners for his office. Mr. Wright told the Commissioners in the past his office has received preservation grants to microfilm documents. This would enable his office to start scanning current documents electronically.

Commissioner Wender offered a motion that Fayette County Commission creates a position for a Director of Fayette County Emergency Management Agency and move along quickly. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a note from Stephen Cruikshank, Deputy OES Director informing that he will be retiring effective April 30, 2013.

The Commissioners received and reviewed a County Budget Guidelines from the West Virginia State Auditor Office regarding Property Tax Revenue-Assessed Values for Calculating the Reduced "Rolled Back" Levy Rate.

The Commissioners received and reviewed a letter from Mountain Transit Authority requesting for local commitment from the Fayette

County Commission in the amount of \$4,000.00 for Fiscal Year Budget 2013-2014.

The Commissioners received and reviewed a letter from the Fayette County Emergency Food Assistance Center requesting \$5,000.00 funding for Fiscal Year Budget 2013-2014.

The Commissioners received and reviewed a letter from the Governor thanking the Commission for their application to the Governor's Community Participation Program along with Senators Laird and Miller they are pleased to approve the request in the amount of \$2,500.00 to purchase materials and equipment for the Fayette-Nicholas American Red Cross to conduct Disaster Preparedness training.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of their December minutes.

The Commissioners received and reviewed Regional Jail Cost for Fiscal Year 2004-2005 (prior to CC Grant), Fiscal Year 2009-2010, Fiscal Year 2010-2011, Fiscal Year 2011-2012 and Fiscal Year 2012-2013.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for the week of January 4 to January 10, 2013, amount \$375.00.

The Commissioners received and reviewed a Pledge Statement from the SunTrust Bank listing securities pledged as of December 31, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements and Cash State and Asset List as of December 31, 2012.

The Commissioners received and reviewed a letter from the Federal Energy Regulatory Commission regarding the revised scoping document for Hawks Nest Hydroelectric Project, P-2512 and Glen Ferris Hydroelectric Project, P-14439.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the 75% of the coal severance tax will be directly deposited on or before January 10, 2013, amount \$158,061.08, the 25% of the coal severance will be directly deposited on or before January 11, 2013, amount \$39,601.98 and the December 2012 Greenbrier Table Games Tax will be directly deposited on January 16, 2013, amount \$83.77.

The Commissioners received and reviewed checks for Jail Fees from the City of Mount Hope, amount \$195.20, the Town of Fayetteville, amount \$146.40 and a check for Soldiers and Sailors Fund, amount \$25.00.

The meeting was adjourned at 1:35 p. m. The next scheduled meeting is February 1, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 1, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, Denise A. Scalph

The Fayette County Commission met in a regular session on this 1<sup>st</sup> day of February 2013.

Commissioner Wender called the meeting to order at 9:10 a.m.

The Commission recessed the County Commission meeting to test the election equipment for the upcoming Special School Bond Levy Election being held February 9, 2013.

The Commissioners recessed the testing of the election equipment due to problems with the printer.

The Commissioners reconvened the County Commission meeting at 9:30 a. m.

Eddie Young, Assessor presented the Real and Personal Property Tax Books for the Board of Equalization and Review Hearings to the Commissioners.

Mr. Young presented exonerations to be approved and signed by the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tax tickets for Kyle M. and Tabatha Stephens and Robert Pittman. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign minutes of December 14, 2012 and January 4, 2013. Commissioner Wender seconded. Unanimous.

Discussion was held regarding a Job Description for the Fire Coordinator Position.

Debbie Berry, County Administrator, presented the Commission with the job descriptions for the Fire Coordinator and the Director of Fayette County Emergency Management Agency positions. It was proposed that the interview committee be comprised of Steve Cruikshank, Deputy OES Director, Debbie Berry, County Administrator, and Mark Bass, President of the Firefighters Association and be advertised for 2 weeks. Salary Requirements.

Bob Meadows and Walter Beene appeared before the Commissioners to discuss the work at the Gun Club.

Mr. Meadows told the Commissioners that they agreed to pay for materials for the high house and the low house and they were going to do the labor.

Mr. Meadows told the Commissioners they received two (2) estimates. Mr. Meadows would like for the Fayette County Park to look and see if they can do it. Mr. Meadows is also asking Earl Pauley, Park Superintendent to pick up the material.

Mr. Meadows told the Commissioners they will purchase the building and set it up, need a change of scope the building is 12 x 20 instead of 8 x 10.

The Commissioners asked that the Gun Club work on the high and low houses for less than \$1,000.00 and asked that Earl Pauley pick up materials.

The Commissioners received and reviewed the two (2) estimates from the Gun Club. The Commissioners asked Mr. Meadows to get an estimate from Melvin Withrow.

Ms. Berry told the Commissioners she is waiting for the grant agreement before a purchase order is issued.

Okey Skidmore, Manager of the Fayette County Memorial Building informed the Commissioners that Tim Carrico, Athletic Director Woodrow Wilson High School had requested use of the Building for the Girl's Region III Section 2 Basketball Tournament.

Mr. Skidmore told the Commissioners he had contacted Mr. Carrico and told him that he needed something in writing and as of today he has not received a request from Mr. Carrico.

Commissioner Wender recessed the County Commission meeting and called the Board of Equalization and Review hearing to order at 9:30 a. m.

Since no one appeared to protest and no hearings were scheduled, Commissioner Wender asked that the Board of Equalization and Review hearing be adjourned and will reconvene at 9:00 on February 6, 2013.

The Commissioners received and reviewed a letter from John David of Southern Appalachian Labor School (SALS) requesting that a letter of support be written for plans to develop a low-income housing project as part of a YouthBuild project.

Commissioner Scalph offered a motion to approve and sign a letter of support for plans to develop a low-income housing project as part of a YouthBuild project. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from John David with Page Kincaid Public Service District requesting funding in the amount of \$25,000.00 for pump repairs.

The Commissioners recessed the County Commission meeting at 10:30 a. m. and reconvened to test election equipment for the upcoming Special School Bond Levy Election being held February 9, 2013.

The Commissioners signed the certification certifying the public test conducted for the School Levy Election, February 9, 2013 was tested and found to be free from error.

The Commissioners reconvened the County Commission meeting at 10:45 a. m.

The Commissioners received and reviewed a letter from the Kanawha Falls Public Service District informing that Alfred Lynch resigned as a Commissioner on the Kanawha Falls Public Service District.

The Board is requesting that John Craffey be put on as a Commissioner in place of Alfred Lynch.

Commissioner Scalph offered a motion to appoint John Craffey to replace Alfred Lynch as a member of the Kanawha Falls Public Service District. Commissioner Wender seconded. Unanimous. An Order and a letter to serve signed.

The Commissioners signed a letter to the Elected Officials and Department Heads requesting that each office, prior to March 1, 2013 submit a detailed request for appropriations for anticipated or expected expenditures for the ensuing Fiscal Year and to schedule an appointment to discuss their budget on Friday, March 8, 2013.

Ms. Berry presented two (2) Community Participation Grant Agreements and Resolutions for the Fayette-Nicholas Chapter American Red Cross in the amount of \$2,500.00 and Gauneka Ruritan Club to renovate the Falls View Community Center in the amount of \$5,000.00 for President Wender to sign to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Community Participation Grant Agreement and Resolution for the Fayette-Nicholas Chapter American Red Cross in the amount of \$2,500.00. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Community Participation Grant Agreement and Resolution for the Gauneka Ruritan Club to renovate the Falls View Community Center in the amount of \$5,000.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a drawdown request for the Governor's Community Participation Grant for the Sheriff's Department/Dog Warden vehicle in the amount of \$4,000.00 for President Wender to sign to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Governor's Community Participation Grant for the Sheriff's Department/Dog Warden vehicle in the amount of \$4,000.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a grant application and Resolution for the Governor's Community Participation Grant for the Fayette County 911

Center for equipment and furnishings in the amount of \$15,000.00 for President Wender to sign to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Governor's Community Participation Grant for the Fayette County 911 Center for equipment and furnishings in the amount of \$15,000.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a request from Circuit Clerk Daniel Wright for a CCIS User License in the amount of \$9,000.00 to scan documents daily for his office.

Mr. Wright told the Commissioners that the Supreme Court is to purchase six (6) scanners for his office. In the past his office has received preservation grants to microfilm documents. This would enable their office to start scanning current documents electronically.

Mr. Wright told the Commissioners there is a one time fee of \$9,000.00 and a maintenance fee will be \$180.00 per user per year (\$1,080.00 a year for 6).

Commissioner Wender asked that this be put on the February 6, 2013 agenda.

Ms. Berry informed the Commissioners they received from the State \$425,300.00 for the Fayette County 911 Tower Assistance Grant Fund. Ms. Berry told the Commissioners they would have to open a new account. Ms. Berry presented to the Commissioners documents to be signed.

Commissioner Scalph offered a motion to approve opening a new account at the Fayette County National Bank for \$425,300.00 for the Fayette County 911 Tower Assistance Grant Fund. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed minutes from Page Kincaid Public Service District for the month of December 2012.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler requesting that Trina Blackburn's salary increase from \$21,999.92 a year to \$26,499.92 effective February 1, 2013.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that Loralie N. Hissam and Sherry Davis claims have been approved.

The Commissioners received and reviewed a letter from Senators Ronald (Ron) Miller and William Laird, IV enclosing a document certifying the funding of a Community Participation Grant of \$5,000.00 awarded to the Commission to renovate the Falls View Community Center.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the executed grant award and contract for the Small Cities Block Grant for the Kanawha Falls Public Service District, amount \$700,000.00.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 11 to January 17, 2013, amount \$145.00 and the week of January 18 to January 24, 2013, amount \$115.00.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the December 2012 Table Games will be directly deposit on January 16, 2013, amount \$7,977.63 and funds due for the December Limited Video Lottery will be directly deposit on January 28, 2013, amount \$6,066.67.

The Commissioners received and reviewed from the Bank of New York Mellon an Account Statement for the period November 1, 2012 through November 30, 2012.

The Commissioners received and reviewed checks for 911 fees from Shentel, amount \$1,018.50 and Cebridge Telecom, WV, amount \$18,620.00; Franchise Fees from Suddenlink Communications, amount \$49,382.67; check from the Division of Human Serves, FRN, amount \$10,000.00; a check from the Culture and History, Archives Grant Circuit Clerk, amount \$9.091.00; a check from the Supreme Court for Community Corrections, amount \$216.00; a check from the Division of Health for the Fire Levy Fund State Grant, amount \$4,500.00 and a check from the FCSWA reimbursement, amount \$798.15.

The meeting was adjourned at 11:25 a. m. The next scheduled meeting is February 6, 2013.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 6, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a special session on this 6<sup>th</sup> day of February, 2013.

President Matt Wender called the meeting to order at 9:15 a.m.

Commissioner Wender informed that Eddie Young, Assessor will bring to the Commission the taxpayer who asked for the mineral hearing after the meeting with the State and the Assessor's Office.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of January 18, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Community Participation Grant Agreement and Resolution for the Fayette County Shooting Sports Program in the amount of \$5,000.00 for President Wender to sign to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Community Participation Grant Agreement and Resolution for the Fayette County Shooting Sports Program in the amount of \$5,000.00. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter to Bill Lanham, Superintendent for the Town Fayetteville with paperwork for a Community Participation Grant for the New River Gorge Heritage Festival in the amount of \$2,000.00.

Commissioner Wender recessed the County Commission meeting at 9:30 a. m. and called the Board of Equalization and Review meeting to Order.

Teddy Jewell appeared before the Commission to present his application for review of property assessment.

Teddy Jewell, Timothy Waggoner, Attorney for the West Virginia State Tax Department and Christopher Farmer, Geologist for the West Virginia State Tax Department were sworn in.

The problem between Teddy Jewell and the State was resolved. The flaw was in mapping and taxes were reduced. The revised amount of \$9,001 in coal value.

Commissioner Wender informed the Commission would take the evidence in this matter and make a decision by February 22, 2013.

The Commission recessed the Board of Equalization and Review hearing at 9:35 a.m.

The Commission reconvened the County Commission meeting at 9:35 a.m.

Ms. Berry presented a request from Tim Carrico, Athletic Director for Woodrow Wilson High School for the use of the Fayette County Memorial Building for the girl's Region III, Section 2 Basketball Tournament on February 20<sup>th</sup> and February 22<sup>nd</sup>, 2013 to the Commissioners.

Commissioner Lopez offered a motion to approve use of the Fayette County Memorial Building for the Woodrow Wilson High School Girl's Region III, Section 2 Basketball Tournament on February 20<sup>th</sup> and February 22<sup>nd</sup>, 2013. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a request from Circuit Clerk Daniel Wright for CCIS User License in the amount of \$9,000 to scan documents daily for his office. The Supreme Court is to purchase six (6) scanners for

the office. In the past his office has received preservation grants to microfilm documents electronically. One time fee of \$9,000.00. Maintenance Fee will be \$180.00 per user per year (\$1,080.00 a year for 6) to the Commissioners.

Commissioner Lopez offered a motion to approve request from the Circuit Clerk to purchase CCIS User License in the amount of \$9,000.00 to scan documents daily for his office and to approve Maintenance Fee of \$180.00 per user per year (\$1,080.00 a year for 6). Commissioner Scalph seconded. Unanimous.

Commissioner Wender made a motion to reconvene the Board of Equalization and Review hearings at 11:00 a. m.

Pete Schreiber representative for the WV Land Portfolio was sworn in.

Christopher Farmer, Geologist for the West Virginia State Tax Department presented to the Commissioners case Parcel/Map No. 10-01-999-0609-3032-0000. The PC6 on these accounts were valued T-20s to begin with and when they reviewed in Charleston they lowered the values on some of the PC6 after reviewing later some changed back to the original T-20s values and some of the T-40s unmineable. WV Land Portfolio then received more information. Amounts were decreased back to T-20. County Commission reviewed the numbers.

Mr. Farmer presented to the Commissioners case Parcel/Map No. 01-9999-0609-3032.0000 the PC6 was returned to a T-20 value and was returned to its original appraised coal value of \$120,823 it was increased, Parcel/Map No. 01-9999-0609-3069.0000 reduced to \$3,315 went from T-40 to unmineable, Parcel/Map No. 01-9999-0609-2729.0000

reduced to \$119,268 went from T-40 to T-20, Parcel/Map No. 01-9999-0609-2747.0000 reduced to \$26,510 remained as T-40, Parcel/Map No. 01-9999-0609-3050.0000 reduced to \$84,276 remained as T-40, Parcel/Map No. 01-9999-0609-2694.0000 reduced to \$5,905 went from T-40 to unmineable, Parcel/Map No. 01-9999-0609-2756 reduced to \$537 went from T-40 to unmineable.

The Commission recessed the Board of Equalization and Review hearing at 11:05 a.m.

The Commission reconvened the Board of Equalization and Review hearing at 11:45 a.m.

Jack Gembach, III representative for Midvale Colliery and T.A. Deitz Estate was present and was sworn in.

Consol Energy leases land from Midvale Colliery and T.A. Deitz Estate. Land was stated active on January 1, 2012 and was not. Amendment was received from Consol Energy to the Assessor's Office today.

Mr. Gembach is asking that the property be changed to reserve property which will decrease to \$2.2 million. State Tax Department opinion is that this is a clerical error recommends proceeding as exoneration does not have to be during Board of Equalization and Review hearing. The mistake was made clerically on the review by the Consol Energy.

Prosecuting Attorney Carl Harris recommends leaving case open and having numbers reviewed.

Assessor Eddie Young believes this should be resolved by the Board of Equalization and Review.

Mr. Gembach informed the Commissioners that Eagle Land Company has withdrawn their application.

The Commission recessed the Board of Equalization and Review hearing at 12:00 p. m.

Commissioner Wender reconvened the County Commission at 12:00 p. m.

Commissioner Wender made a request to Stephanie Sears to review repeat purchases over \$15,000 a year and research whether or not they need to bid out. Historically, over \$15,000 knowing going forward they are the vendors we use.

The Commission reconvened the Board of Equalization and Review hearing at 12:45 p .m.

Barbara Singer, representative for H3 LLC was sworn in.

One of H3 LLC's accounts was changed (No change on the other accounts.)

Mr. Farmer presented case Parcel/Map No. 10-01-9999-0900-0792.0000 had T-20 on Sewell reduced to T-40 \$21,041 from approximately \$165,000.

The Commission adjourned mineral hearings as Board of Equalization and Review at 12:50 p. m. and will reconvene shortly to hear Industrial Hearings.

The Commission reconvened as Board of Equalization and

Review to hear Industrial hearings at 1:00 p. m.

Brian Perry representative for Georgia-Pacific, LLC was sworn in. Also present were Leslie Patrick and Denise Wilson.

Mr. Perry told the Commissioners that the land being reviewed is currently idle. Georgia-Pacific wants part for equipment to be reduced by 50% and real property to be reduced to 2012's amount.

Mr. Perry told the Commissioners that Georgia Pacific is asking for a \$678,600 reduction in the building value.

Commissioner Wender informed that the Fayette County Commission will take all requests under advisement and will make their decision by February 22<sup>nd</sup>, 2013.

The Commission adjourned as Board of Equalization and Review until February 11<sup>th</sup>, 2013.

The meeting was adjourned at 1:15 p.m. The next scheduled meeting is February 11, 2013.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 11, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a special session on this 11<sup>th</sup> day of February, 2013.

Commissioner Wender called the meeting to order at 9:05 a.m.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve 1<sup>st</sup> half payrolls to be released on the 15<sup>th</sup> and approve 2<sup>nd</sup> half payrolls to be released on the 28<sup>th</sup>. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Governor's Community Participation Grant Application and Resolution for CODA Mountain Music Academy/Equipment for \$5,000.00 for Commissioner Wender to sign to the Commissioners.

Commissioner Scalph offered a motion to approve and authorize Commissioner Wender to sign the Governor's Community Participation Grant and Resolution for CODA Mountain Music Academy/Equipment in the amount of \$5,000.00. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Governor's Community Participation Grant Agreement and Resolution for the Sportsman Recreation Center to construct a concrete pad and storage building in the amount of \$3,000.00 for Commissioner Wender to sign to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize Commissioner Wender to sign the Governor's Community Participation Grant Agreement and Resolution for the Sportsman Recreation Center to construct a concrete pad and storage building in the amount of \$3,000.00. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month March 2013.

Debbie Berry presented a letter to Kelvin E. Holliday, County Clerk for the Commissioners to sign (Copy of the letter attached). The letter is asking for an update on the County Clerk's office operations of the office and managing important documents.

Commissioner Scalph offered a motion to approve and sign letter and send the letter to Kelvin E. Holliday regarding operations of the County Clerk's Office and managing important documents. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to enter into the Board of Equalization and Review hearing at 9:15 a. m. Commissioner Scalph seconded. Unanimous.

Brandon Seward representative for Landquest, LLC was sworn in.

Mr. Seward informed the Commissioners that the first property in question is Lot 3, Section 3, Beards Fork - Pictures were shown. This property was previously appraised in 2012 for \$16,600, it is currently appraised for \$20,600.

Mr. Young told the Commissioners the basis of the change, the County modifier increased and the depreciation table changed.

Mr. Young told the Commissioners he felt that the proposed appraisal is correct.

Mr. Seward felt appraisal was too high. Arguments were made.

Mr. Seward presented the second property in question, Lot 6, Block A, Montgomery Heights, Property 50 x 115.

Mr. Seward told the Commissioners this property was previously appraised for \$16,700, it is currently appraised for \$21,700 (removed heat and reduced \$900).

Mr. Young told the Commissioners the basis of the change, the County modifier increased and the depreciation table changed.

Mr. Young told the Commissioners he felt that the proposed appraisal is correct.

Mr. Young explained depreciation on houses and property to the Commissioners and Mr. Seward.

Mr. Seward felt properties are not up to those standards and should not be assessed like his neighbors. Mr. Seward requested representation from Roger Lambert who is involved with other sales with Landquest.

Commissioner Wender asked Brian Parsons, Assistant Prosecuting Attorney to take the matter to the Prosecuting Attorney and get a legal opinion and respond back to the Commission before February 22<sup>nd</sup>.

Mr. Seward presented the following properties in question:

	Lot 7 Smithers Creek Resubdivision	
Previously -	\$18,000	
Current -		\$22,100

Mr. Young left to reevaluate property. Mr. Young returned and informed the Commissioners he had reassessed the value, current appraisal has been changed to \$17,100. Mr. Young told the Commissioners he feels this appraisal is correct.

	Part Lot Kanawha Falls	
Previously -	\$29,500	
Current -		\$31,700

Mr. Young told the Commissioners he felt that the proposed appraisal is correct.

10-MTH 20 Mile	
Previously -	\$38,300
Current -	\$30,300

Mr. Young told the Commissioners he felt that the proposed appraisal is correct.

Mr. Seward withdrew this property. This was accepted by the assessor.

Lot 19 Lilly Meadows	
Previously -	\$19,100
Current -	\$25,100

Mr. Young told the Commissioners he felt that the proposed appraisal is correct.

Mr. Seward withdrew this property. This was accepted by the assessor.

Lot 52 Glasgow Subdivision	
Previously -	\$26,200
Current -	\$30,500

Mr. Young told the Commissioners he felt that the proposed appraisal is correct.

Mr. Seward withdrew this property. This was accepted by the Assessor.

Lot 114 Kilsyth	
Previously	\$16,000
Current -	\$19,600

Mr. Young reassessed the value, the current appraisal value has been changed to \$10,600. Mr. Young told the Commissioners he feels this appraisal is correct.

Lot 29, Lee Subdivision  
Previously - \$18,600  
Current - \$24,100

The Commissioners asked the Assessor to revisit the properties and take pictures then make recommendation.

The Commissioners asked the Assessor to write a letter with his recommendation and copy Landquest.

The Commission recessed the Board of Equalization and Review hearing at 10:30 a. m. and reconvened the County Commission meeting.

Tim Richardson, Zoning Officer and David Neal, E911 Coordinator appeared before the Commission to discuss a tower site for Homeland Security on private land.

A public hearing is set for March 4<sup>th</sup>, 2013.

Mr. Richardson told the Commissioners their name is on the \$100,000 Assurety Bond.

Mr. Richardson told the Commissioners they need to make a decision on whether to waive the fees for the Assurety Bond, application fee and the permit fee. Neither Mr. Richardson nor Mr. Neal see this tower as ever being removed and this is a great service that is needed.

Prosecuting Attorney Carl Harris sees no problem waiving both fees because of the advantage this tower will bring.

The Assurety Bond issue is discussed.

The Commissioners asked Mr. Neal to get an Agreement between the Landowner and the State for the Prosecuting Attorney to review before the Commission makes a decision about the Assurety Bond.

David Neal gave an update on the 911 Tower. Mr. Neal told the Commissioners everything is ready to proceed after the March 4<sup>th</sup> public hearing.

Commissioner Wender requested a written timeline from David Neal.

Commissioner Wender called for a motion on the Tower for the State on private property.

Commissioner Scalph offered a motion to waive the \$500 application fee and the \$2,000 permit fee. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to issue a letter asking for contracts regarding removal of the tower. If there is no such Agreement, the County requests a letter from the State in place of the Assurety Bond. Commissioner Lopez seconded. Unanimous.

Commissioner Wender made motion to reconvene as the Board of Equalization and Review Board at 11:05 a. m. to discuss hearings.

The Commissioners signed letters to Teddy Jewell, WV Land Portfolio, LLC, Midvale Colliery and TA. Deitz Estate, H3 LLC and Georgia Pacific giving their decision for their applications for review of property assessment.

1. Robert Keefer - No Hearing
2. Teddy Jewell - Parcel/Map No. 10-01-19-0039.0000, the State

Recommendation to decrease value from T-20 to T-40.

Commissioner Lopez offered a motion to approve the State recommendation to decrease value from T-20 to T-40. Commissioner Scalph seconded. Unanimous.

3. WV Land Portfolio, LLC Parcels/Map Nos. 01-9999-0609-3032.0000, 01-9999-0609-3069.0000, 01-9999-0609-2729.0000, 01-9999-0609-2747.0000, 01-9999-0609-3050.0000, 01-9999-0609.2694.0000, 01-9999-0609-2756.0000, the State recommendation on the seven (7) properties to decrease value from a T-40 to T-20.

- I. 3032 appraised coal value \$120,823
- I. 3069 appraised coal value \$ 3,315
- II. 2729 appraised coal value \$119,268
- III. 2747 appraised coal value \$ 26,510
- 5. 3050 appraised coal value \$ 84,2766. 2694 appraised coal value \$ 5,905
- 7. 2756 appraised coal value \$ 537

Commissioner Scalph offered a motion to approve the State recommendation on the seven (7) properties. Commissioner Lopez seconded. Unanimous.

4. Midvale Colliery and T. A. Deitz Estate the State recommendation returned the following numbers:

- District 03 0002 - \$1,377,719 (2013)
- District 03 0005 - \$235,437

Commissioner Wender offered a motion that the coal value of Lot 10-0005 \$235,437 to be correct. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion that the coal value of Lot 10 0002 \$1,377,719, to be correct. Commissioner Scalph seconded. Unanimous.

5. H3 LLC - Commissioner Lopez offered a motion to accept the State's recommendation of reduction of T-20 to T-40. Commissioner Scalph seconded. Unanimous.

6. Eddie Young presented to the Commissioners thirty-five (35) properties to be reduced from T-20 to T-40. Mr. Young told the Commissioners that these are small parcels and no mining activity.

Commissioner Scalph offered a motion to approve the thirty-five (35) properties for reduction as presented by Eddie Young, Assessor

from T-20 to T-40, small parcels and no mining activity. Commissioner Lopez seconded. Unanimous.

7. Georgia-Pacific - Industrial Hearing

Commissioner Lopez offered a motion to approve the inventory and parts reduction by half of the amount and the real estate be assessed for the 2012 amount and approve the State's recommendation on the plant and equipment. Commissioner Scalph seconded. Unanimous.

The County Commission adjourned as the Board of Equalization and Review.

The Commission reconvened the County Commission meeting at 11:45 a. m.

Ms. Berry presented a letter of support for the Southern Appalachian Labor School (SALS) for the proposal for a Housing Counseling Assistance Program for the Commissioners to sign.

A discussion was held concerning the waiver for the application fee for the tower proposed for the Thurmond area.

Ms. Berry presented a letter of support to Governor Earl Tomblin regarding funding for a sewer project in the Winona area for the Commissioners to sign.

The Commissioners received and reviewed a letter from the West Virginia University Extension Service inviting the Commissioners to join them at the 9<sup>th</sup> Annual Small Farm Conference being held February 28, through March 2, 2013 at Morgantown, West Virginia.

The Commissioners received and reviewed a letter from Danese Public Service District informing the Commissioners of their plans for a Danese-AML Project.

The Commissioners received and reviewed a letter from Attorney David Nelson with the firm of Allen, Kopet, and Associates confirming that his law firm have been retained to represent the Fayette County Commission, along with Deputies Nicholas Hall, Captain Sizemore and former Deputy Dana Wysong in the civil rights lawsuit that has been filed by Matthew Cole in the Ninth District Court for the Southern District of West Virginia, Charleston Division.

The Commissioners received and reviewed an e-mail from Theresa White, OES Director attaching a copy of her training requirements for her position.

The Commissioners received and reviewed a check from the Division of Justice and Community Services for the Community Correction Center and the Perdue Pharma Grant, amount \$29,584.36.

The meeting was adjourned at 11:55 a. m. The next scheduled meeting is February 15, 2013.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 15, 2013

COURTHOUSE

FAYETTEVILLE, WV 25849

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a special session on this 15<sup>th</sup> day of February 2013.

Commissioner Wender called the meeting to order at 9:10 a.m.

Discussion was held regarding issues that took place election night. Belva/Dixie, Precinct 32 opened the ballot box at the Courthouse election night. Meadow Bridge, Precinct 68 will be opened, the first thing this morning because everything was locked in the ballot can. Present for the opening of the ballot box was Commissioner Wender, Keith Butcher, Superintendent Fayette County Board of Education, Lou Jones, member of the Fayette County Board of Education, Carl Harris, Prosecuting Attorney, Kelvin Holliday, County Clerk, and the poll workers. Mount Hope, Precinct 23 tally sheets were taken upstairs and not processed downstairs election night.

Precinct 68 Meadow Bridge was opened in front of the Commissioners and the Fayette County Board of Education at 9:25 a. m. The Certificates of Results was retrieved.

The Commissioners pulled Precincts No. 9 and 19 to be hand counted.

Commissioner Scalph offered a motion to open the Early Voting Provisional Ballots. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

The hand counts were correct.

Commissioner Wender offered a motion to recess the County Commission until after the Board of Equalization and Review 11:25 a. m.

Commissioner Wender offered a motion to convene as the Board of Equalization and Review at 1:00 p. m.

Since no one appeared to protest and no hearings were scheduled, Commissioner Wender asked that the Board of Equalization and Review hearings be adjourned until February 22, 2013 at 9:00 a. m.

Commissioner Wender reconvened the County Commission meeting at 1:15 p. m.

Discussion was held regarding the use of the Jail Museum by the WV University Extension Office for a fund raiser.

After the discussion, the Commission approved the use of the Jail Museum for the WV University Extension Office fund raiser, but they would have to provide proof of insurance just like they provide for the rental of the Fayette County Memorial Building.

Commissioner Scalph offered a motion to approve the use of the Jail Museum by the Fayette County 4-H Leaders Association as long as the Liability Insurance is provided that covers the County and the other specifications met when renting the Fayette County Memorial Building. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a drawdown request from the Community Corrections Day Report Center to the Commissioners.

The Commissioners received and reviewed a letter from Travelers Insurance regarding the Matthew Cole lawsuit.

The Commissioners received and reviewed an Administrative Order from the Department of Health and Human Resources regarding the Kanawha Falls Community Water.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding Loralie N. Hissam claim.

The Commissioners received and reviewed a copy of the REAP 2013 Evaluation of Countywide Litter Control Efforts Checklist.

The Commissioners received and reviewed from Branch Banking and Trust Company securities held as collateral to secure the deposits of Fayette County Commission as of January 31, 2013.

The Commissioners received and reviewed from SunTrust Bank a Pledge Statement listing securities pledged as of January 31, 2013.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period January 1, 2013 to January 31, 2013.

The meeting was adjourned at 1:35 p. m. The next scheduled meeting is February 22, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 22, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 22<sup>nd</sup> day of February 2013.

Commissioner Wender called the meeting to order at 9:25 a.m. for the Board of Equalization and Review.

Commissioner Wender informed the Fayette County Commission is sitting as Board of Equalization and Review this morning Friday, February 22, 2013. This is the last scheduled day for hearings for the Board of Equalization and Review for the upcoming fiscal year.

Commissioner Wender read the Order certifying the Board of Equalization and Review.

The Commissioners signed the Order certifying the Board of Equalization and Review for the year 2013.

Commissioner Wender informed today we have nobody scheduled to discuss with the Board of Equalization and Review their tax assessment and this being the last day of the Board of Equalization we will adjourn. However, Commissioner Wender informed that the Fayette County Commission last week did sign and sent letters to those mineral owners and industrial owners hearings request their response to their request for consideration of the property taxes so that is complete there were no additional hearings last week so we have no more decisions to make. The Chair would entertain a motion that we adjourn as Board of Equalization and Review for this fiscal year.

Commissioner Scalph offered a motion that since no additional matters came before the Commission today we would adjourn sine die as the Board of Equalization and Review. Commissioner Wender seconded. Commissioner Lopez was not present to vote on this motion.

Commissioner Wender offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

Commissioner Wender informed they are here today to certify the Fayette County Board of Education Special School Bond Election held on February 9, 2013.

Ms. Berry presented an Order certifying the Fayette County Board of Education Special School Bond Election to the Commissioners.

Commissioner Scalph offered a motion that the Fayette County Commission certifies the Fayette County Board of Education Special School Bond Election held on February 9, 2013 certifying that it has been completed and they approve the results. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Berry presented a request from the Fayetteville Convention and Visitors Bureau requesting permission to conduct a Community Service Project with the Boy Scouts of America who will be attending the 2013 National Scout Jamboree.

Ms. Berry informed the Commission the project involves the cleaning and painting of the Jail Museum and will take place over a three (3) day period in July.

Commissioner Scalph offered a motion to grant permission to the Fayetteville Convention and Visitors Bureau to do a Community Service Project with the Boys Scouts of America provided the lease be signed. Commissioner Wender seconded. Unanimous.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tax tickets for Lesley Boggs and Patrick P. and Betty Wills. Commissioner Wender seconded. Unanimous.

David Neal, E-911 Coordinator appeared before the Commission to discuss the tower and wrecker service.

Mr. Neal gave an update with a timeline for the tower.

Commissioner Wender made a request that Mr. Neal check to make sure the material is readily available so it can be purchased as soon as the Purchase Order is issued.

Commissioner Wender requests that a Purchase Order be issued today for the steel for the tower.

Mr. Neal informed the Commissioners he will call the contractor to make sure they will be available when the tower is delivered after talking to the steel company to get their timeline.

The Commissioners asked Mr. Neal to report to the Commission with these answers in writing.

Discussion was held regarding an update on the wrecker services.

Mr. Neal informed the Commissioners that the wrecker services are requesting that rotation be followed and to get monthly reports submitted to them.

Commissioner Scalph suggested a follow-up meeting with the wrecker services to make sure everything is going with suit.

The Commissioners asked Mr. Neal to return at 12:15 p. m. with response from the steel company and contractor.

Commissioner Lopez entered the meeting at 10:00 a. m.

Commissioner Wender called the Public Hearing to order at 10:00 a. m. to discuss and receive citizens' input relating to the community development, the needs of low-and moderate-income persons and the Small Cities Community Development Block Grant Program for water upgrade project application. Attached is a list of names that attended.

W. D. Smith, Executive Director with Region 4 Planning and Development Council gave an update to the Commissioners on the Small Cities Block Grant (SCBG) Kanawha Falls Public Service District.

Commissioner Wender opens the floor to the Public Service District representatives to request that the Commission submit a competitive project.

Judson Wallace makes request for Armstrong Creek Public Service District to replace Powellton tank and replace some lines. Mr. Wallace explained issues with the tank as is now.

Mr. Wallace is requesting that the Commission consider Armstrong Public Service District for the Small Cities Block Grant (SCBG).

Mr. Wallace told the Commission this would affect Powellton and Elk Ridge area, 300 to 500 customers. Total Project cost would be \$2.2 million.

Mr. Smith told the Commissioners there is a high percent of loss water with these broken lines.

Beverly Walkup with the New Haven Public Service District request new water services be brought into the northern Fayette County area. Spring water is contaminated. Can't request Small Cities Block Grant (SCBG) until West Virginia American Water comes on board, but will request as soon as they come on board?

Dave Pollard, County Resource Coordinator suggested that letters be sent to the Public Service Commission regarding this situation.

The Public Hearing for the Armstrong Public Service District and the New Haven Public Service District was concluded at 10:40 a. m.

Commissioner Scalph offered a motion to endorse the application for the Armstrong Public Service District. Commissioner Lopez seconded. Unanimous.

Commissioner Wender made a request that W. D. Smith and Dave Pollard be put on future agenda to discuss current water and sewer projects in April.

Ann Skaggs appeared before the Commission to give an update on the Historical Society.

Ms. Skaggs thanked the Commission for their support and presented pictures from the electrical upgrade that the Commission contributed to.

Ms. Skaggs told the Commissioners she will send a letter to request funding for the March Budget Session.

Brain Sparks and Andrea Mender appeared before the Commission to give an update on the WVU Extension Office.

Mr. Sparks presented the Commission with packets and told the Commission the basic focus is on education.

Ms. Mender gave an update on the Youth Development Program.

Ms. Mender told the Commissioners that 4-H Camp is July 8<sup>th</sup> to July 12<sup>th</sup>, 2013.

Marion Tanner appeared before the Commission to discuss the New River Master Gardener's Project with the Boy Scouts with gardens being planted at the Fayette County Park. The project will consist of three (3) gardens, the Woodland Garden, Rain Garden and the Meadow Garden.

Ms. Tanner presented the Budget for the cost of each garden to the Commission.

The Commissioners signed a support letter for Southern Appalachian Labor School (SALS) to continue home rehabilitation work within Fayette County.

David Neal, E-911 Coordinator appeared before the Commission to give an update on the discussion with the Steel Company and Contractor.

Attached is Page 2 of the quote from Premier Construction Group LLC.

Commissioner Wender request that a letter be initiated to all the State Towers stating that a Purchase Order was issued today and we expect the tower to come from their warehouse to be delivered by mid-March.

Commissioner Wender requested that a letter be sent to Premier Construction Group LLC to confirm they will be available as soon as tower is delivered.

Commissioner Wender asks that David Neal and Debbie Berry sign the letter.

Ms. Berry presented a letter from Dan Pauley requesting replacement of two (2) vehicles through State Surplus to the Commissioners.

Commissioner Wender informed it's okay to get cost and then the Commission would review.

Commissioner Wender offered a motion that John Lopez, Purchasing Agent is authorized to spend \$20,000.00 on two (2) cars at the State Surplus. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a request from Kelvin Holliday, County Clerk requesting a new fax machine for his office to the Commissioners. The Commissioners approved.

Ms. Berry presented a request from the Fayette County Green Advisory Team requesting use of the Courthouse Grounds for a New River Earth Day Event on Saturday, April 20, 2013 and the use of the Fayette County Memorial Building as a back-up plan in case of inclement weather to the Commissioners.

Commissioner Scalph offered a motion to approve the request of the Fayette County Green Advisory Team to use the Courthouse lawn for a New River Earth Day Event and to use the Fayette County Memorial

Building as a back-up plan in case of inclement weather. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter from Kristin King requesting to set up a separate fund for special events at the Fayette County Park to the Commissioners.

The Commissioners asked Stephanie Sears, Staff Accountant to figure out the numbers and submit to the Commission for discussion.

Daniel Wright, Circuit Clerk appeared before the Commission to discuss a celebration in Fayette County for the State of West Virginia which will be 150 years on June 20, 2013.

The Commission asked that a Committee be formed for planning and gathering ideals. (See attached Planning Committee)

Commission Scalph offered a motion to approve the formation of the Planning Committee to plan events for WV Day on and around June 20, 2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the City of Beckley asking that the Fayette County Commission acknowledge, recognize, and designate the Fayette/Raleigh Metropolitan Planning Organization established by the Resolution as the Metropolitan Planning Organization (MPO) for our urban area.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the January 2013 Table Games distribution will be directly deposit on February 19, 2013, amount \$7,332.82 and the January 2013 Greenbrier Table Games distribution will be directly deposit on February 19, 2013, amount \$111.99.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$20.00, Procom, amount \$41.16 and Granite Telecommunications LLC, amount \$549.50; WV Development Office for vehicle for Dog Warden, amount \$4,000.00.

The meeting was adjourned at 3:10 p. m. The next scheduled meeting is March 8, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 8, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 8<sup>th</sup> day of March 2013.

Commissioner Wender called the meeting to order at 9:07 a. m.

Eddie Young presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tax tickets for J & M LLC, Judy Wickline, Ronnie D. and Helen V. Lewis, Terry E. Willis, Sr. Commissioner Lopez seconded.

Unanimous.

Commissioner Lopez offered a motion to approve 1<sup>st</sup> half payrolls, checks to be released on March 15<sup>th</sup> and to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded.

Unanimous.

Discussion was held on Property Tax Levy Rate for Fiscal Year 2013-2014 decision. Commissioner Scalph offered a motion to approve Property Tax Levy Rate of 14.22 for this Fiscal Year 2013-2014 Tax Levy Rate. Commissioner Lopez seconded. Unanimous.

Leslie Taylor from Region IV Planning and Development Council for Kanawha Falls Public Service District was present to sign the Intergovernmental Agreement.

Commissioner Lopez offered a motion to approve Commissioner Wender to sign the Intergovernmental Agreement. Commissioner Scalph seconded. Unanimous.

Eddie Young, Assessor appeared before the Commission to discuss his Budget for Fiscal Year 2013-2014.

Mr. Young is requesting raises for his employees. Everything remains the same as last year.

Sheriff Steve Kessler appeared before the Commission to discuss his Budget for Fiscal Year 2013-2014.

Sheriff Kessler is requesting extra staff and more overtime funding.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss his Budget for Fiscal Year 2013-2014.

Mr. Harris is requesting a lawyer and a secretary for his office.

Tim Richardson, Zoning Officer appeared before the Commission for Angela Gerald to discuss dilapidated buildings. Two (2) buildings were voluntarily taken down, working on other houses.

Mr. Richardson told the Commissioners plans are being made to test eleven (11) houses in the Valley next week.

Debbie Aliff, Payroll Clerk gave an update on Worker's Compensation issue. The County is in the good. No violations.

Brian Sparks, Agriculture Agent with WVU Extension Office appeared before the Commission to discuss his Budget for Fiscal Year 2013-2014.

No change from the prior year, but is requesting that some work be done on their building.

Commissioner Wender suggested getting Melvin Withrow to coat the roof of the Extension Office and to look at the porch and make a recommendation to the Commission on how to fix it.

Kelvin Holliday, County Clerk appeared before the Commission to discuss his Budget for Fiscal Year 2013-2014.

Mr. Holliday is requesting to the Commission to switch to all iVotronic machines for the elections, requesting additional part-time staff.

Mr. Holliday told the Commissioners that his dues were increased.

Carl Harris discussed with the Commissioners the Frasier Creek property taxes.

Mr. Harris told the Commissioners the amount owed on the property taxes is \$1,781,521.00. There was a discussion of what should happen next.

Discussion was held regarding the Fire Coordinator. The

Firefighter's Association Interview Committee recommends Joe Crist as the Fire Coordinator. His salary range would be \$35,000 to \$38,000. Commissioner Lopez offered a motion to approve Joe Crist to be made an offer to accept the position of Fire Coordinator starting at \$35,000.00 with a 6-month probationary period. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding an Emergency Management Agency Director position. The Emergency Management Agency committee recommends Jim Sizemore and the 2<sup>nd</sup> choice Shawn Wolford.

Commissioner Scalph offered a motion to offer Jim Sizemore the position of Emergency Management Agency Director at the starting salary of \$42,500.00 with a 6-month probationary period. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter of support from Barbara Painter with Southern Appalachian Labor School expressing their support of the Drug Take Back Project in the Loop Creek area of Fayette County for the Commission to sign.

Ms. Berry presented an Order for the Commissioners to sign to transfer money from the General County fund to the Dog Tax fund, amount \$4,500.00.

Commissioner Lopez offered a motion to approve the Order to transfer money from the General County Fund to the Dog Tax Fund. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented two (2) invoices from Hali, Inc., LLC regarding the NARR Property to be paid from the Fire Levy Fund to the

Commissioners. The invoices are for the month from 01-23-13 to 02-22-13, amount \$5,000.00 and the month from 02-23-13 to 03-22-13, amount \$5,000.00 the total amount \$10,000.00 for the NARR property.

Commissioner Scalph offered a motion to approve the payments for the NARR property totaling \$10,000.00 for the months of February and March until March 22<sup>nd</sup>. These are the final two (2) payments from the Commission. The equipment is to start being moved. Commissioner Lopez seconded. Unanimous.

Jim Mullins and Russell Haynes, PhD. with Mountain Transit Authority appeared before the Commission to discuss a funding request.

Dr. Haynes gave a background on how the Mountain Transit Authority started. Dr. Haynes told the Commissioners the first bus ran 35 years ago. Dr. Haynes and Mr. Mullins gave a brief overview of the operation. They are making two (2) requests one for \$4,000.00 and the other for \$7,800.00 for advertising.

The Commissioners asks that they return on April 5<sup>th</sup>.

Earl Pauley, Park Superintendent, Peggy Bennett and Kristin King appeared to discuss the Park and Garage Budgets for Fiscal Year 2013-2014.

Ms. Berry presented a letter from Camp Kismet to reduce their rental rate.

The Commissioners told Mr. Pauley to charge the full amount, but will refund some if no damages are done during the camp.

The Commissioners received and reviewed an invitation from the West Virginia Culture and History inviting the Commissioners to the

ceremony to recognize the recipients of Records Management and Preservation Board Grants on Tuesday, March 19, 2013 at 1:00 p.m.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the January Limited Video Lottery will be directly deposit on February 26, 2013, amount \$5,805.39.

The Commissioners received and reviewed an invoice to the Fayette County Board of Education for reimbursement of expenditures related to their February 9, 2013 Board of Education Special Bond Levy Election, amount \$87,290.54.

The Commissioners received and reviewed a 911 Fee check from Cebridge Telecom, WV, amount \$18,399.50.

The meeting was adjourned at 3:30 p. m. The next scheduled meeting is March 13, 2013.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 13, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a special session on this 8<sup>th</sup> day of March 2013.

Commissioner Wender called the meeting to order at 9:35 a. m.

Ms. Berry presented a Contract for the merging of the ARRA and the Recreation Trail funds for the Meadow River Rail Trail Project to the Commissioners.

Commissioner Lopez offered a motion to combine the two (2) funds into one bidding process and approve for Commissioner Wender to sign documents. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Letter of Support to the West Virginia Division of Homeland Security for the Southern Appalachian Labor School (SALS) for a Citizen Corps Mini-Grant to the Commissioners.

Commissioner Lopez offered a motion to approve signing the Letter of Support for the Southern Appalachian Labor School for a Citizen Corps Mini-Grant. Commissioner Scalph seconded. Unanimous.

The Commission enters into a Budget Work Session at 10:00 a.m.

The meeting was adjourned at 4:15 p.m. The next scheduled meeting is March 15, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 15, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 15<sup>th</sup> day of March 2013.

Commissioner Wender called the meeting to order at 9:15 a. m.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

Dan Snead, Kevin Radford and Dan Akers appeared before the Commission to discuss issues at the new Fayette county 911 Center.

Mr. Snead told the Commissioners he doesn't feel these issues are out of the ordinary. It's a complex building being tweaked.

Mr. Snead told the Commissioners he feels issues are under control.

Mr. Snead told the Commissioners that a meeting was held earlier this week to discuss these issues and solutions were found.

Tim Richardson, Zoning Officer asked about a Certificate of Occupancy.

Mr. Snead said a Certificate of Occupancy should be released next week after State Fire Marshal Office inspects.

Mr. Richardson informed that this was not requested through the Building Code Enforcement Office and the Building Code Enforcement Office doesn't feel proper inspections were done on the HVAC System and he feel better inspections needs to be completed.

Dan Akers informed the HVAC System issues are all cosmetic and can be fixed. He feels nothing wrong with the HVAC System.

David Neal, E911 Coordinator agrees that the issues are fixed. He feels the HVAC System is fixed as well.

Mr. Neal gave the Commissioners an update on the tower.

Mr. Neal told the Commissioners the antenna is being shipped.

Scott Miller and Skip Jennings appeared before the Commissioners to request funding for the upcoming Fiscal Year 2013-2014 for Just for Kids.

Mr. Miller gives background and an update on Just for Kids.

Last year in Fayette County they interviewed 113 children. Budget is being cut by \$30,000.00. Just for Kids serves three (3) counties-Fayette Raleigh and Wyoming.

Commissioner Wender suggested Just for Kids make a request to the Fayette County Board of Health.

Mr. Miller told the Commissioner that Fayette County's Center was the first accredited Center in the State.

Christy Bailey with the National Coal Heritage Area Authority appeared before the Commissioners to discuss a grant for the Layland Miner's Memorial Project.

Ms. Bailey told the Commissioners the Project has been awarded \$7,500.00 and asked the Commissioners if they would act as the Fiscal Agent for the Project.

Commissioner Scalph offered a motion to approve Fayette County Commission to act as the Fiscal Agent for the Layland Miner's Memorial Project. Commissioner Lopez seconded. Unanimous

Angela Gerald appeared before the Commissioners to present Assessment Report forms for the Brownsfield Grant for Commissioner Wender to sign.

Ms. Gerald appeared to notify the Commission that the County is to remove a house owned by Josh Conaway.

Ms. Gerald told the Commissioners that the asbestos testing was completed. None was found.

Commissioner Scalph offered a motion to approve the advertisement of this demolition for property owned by Josh Conaway. The owner has been notified three (3) times. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented the paperwork for th Woodland Oaks Garden Club Rails Trail Grant for the Commissioners to review and sign.

Ms. Berry presented a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of April.

Rex Stewart and Waylon Bryant appeared before the Commission to discuss funding for Operation Firewalker.

Dr. Kathy Miscarry, Executive Director of the West Virginia Mental Health Consumers Association presented information to the Commissioners. Gave an update and background on the program.

Dr. Miscarry informed the Commissioners they have applied for a Wounded Warrior Grant for \$90,000.00 and a State Grant for \$136,000.00. The State is a three (3) Grant and the Wounded Warrior is a one (1)year Grant with an option to apply next year.

Dr. Miscarry told the Commissioners they are requesting \$4,800.00 from the Commission which is a match to what they already raised.

Brian Smith, Fayette County Farmer's Market appeared before the Commission request funding.

Mr. Smith told the Commissioners they have been in operation for six (6) years. Started paperwork to become a 501C.

The City of Oak Hill is offering land for a permanent structure. The City of Oak Hill has committed \$25,000.00.

Mr. Smith told the Commissioners they are requesting \$10,000.00 for everyday operations and makes a request for construction Phase I- \$15,000.00.

Commissioner Wender suggests that the Commission helps with the in-house labor.

The Commissioners ask Ms. Berry to set a meeting up to discuss with Melvin Withrow and Allen Ballard.

Tristan Cleveland and Adam Hodges appeared before the Commission to give them an update on the VISTA Program.

Ms. Cleveland told the Commissioners that April 27, 2013 is Litter Sweep.

The Commissioners asked Mr. Hodges to draft a thank-you letter to the people who have helped "clean-up" Fayette County the past three (3) years for the Commission to sign.

Tyler Bragg and Rachel Davis appeared before the Commission to discuss the Fayette County Website update.

Mr. Bragg presented the Service Level Agreement for the Commissioners to sign.

Commissioner Scalph offered a motion to approve Commissioner Wender to sign the Service Level Agreement and contract for the

creation and maintenance of the website. Commissioner Lopez seconded. Unanimous.

Mr. Bragg told the Commissioners the cost to have network account, e-mail account and update on County e-mail is \$5.10 a month per user.

Commissioner Scalph offered a motion to approve Mr. Bragg to pursue a govt.wide e-mail for Fayette County Government. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve \$500.00 expenses to connect fiber line between Courthouse and Courthouse Annex to improve communications. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested to Ms. Berry to ask Danielle to get in touch with Mr. Bragg and Global Science Technology.

Commissioner Wender asked Mr. Bragg to get a letter of recommendation from other businesses that work with Global Science Technology. Commissioner Wender informed the Project needs to be bid out.

Carrie Carr, with the New River Humane Society appeared before the Commission to discuss their Budget for Fiscal Year 2013-2014.

Discussion was held regarding needing to review how to demolish the old building at the Animal Shelter

Carrie Strunk, Aletha Stolar, Dave Pollard and Rachel Davis appeared before the Commission to discuss the Fayette County Solid Waste Authority (FCSWA).

Ms. Strunk informed for their Budget for Fiscal Year 2013-2014 they are requesting stopping payment reimbursed to County for extra help to put money toward part-time or full time coordinator and Commission help with funding a full-time person if permitted.

Discussion was held regarding the need of a part-time/full-time coordinator.

Ms. Davis is to be the centralized contact for the Fayette County Solid Waste Authority. She will be responsible for minutes, financial reports, and checks.

Commissioner Wender asks that all in attendance get copy of minutes (Carri Strunk, Aletha Stolar, Dave Pollard Rachel Davis).

Rachel Davis and Dave Pollard will be taking on the responsibility of the Fayette County Solid Waste Authority. Debbie Aliff and Jackie Hickman will be relieved of their duties and will be transferred to Rachel Davis.

Stephanie Sears will help with the Audit if needed.

Monies reimbursed by the Fayette County Solid Waste Authority will be put toward monies paid to our resource coordinator' office.

The Commissioners received and reviewed a letter from New River Alliance of Climbers informing they will be holding the 10<sup>th</sup> Annual New River Rendezvous on May 16 to May 19, 2013. They are requesting permission to use the Courthouse lawn on Saturday morning May 18 from 7:00 a. m. to 10:00 a. m. to promote world-class climbing in Fayette County.

Commissioner Scalph offered a motion to approve New River Alliance of Climbers permission to use the Courthouse lawn on Saturday morning May 18 from 7:00 a. m. to 10:00 a. m. to promote world-class climbing in Fayette County. Commissioner Lopez seconded. Unanimous.

The Commissioners approved and signed an invoice to the Fayette County Board of Education for their Annual Memorandum of Agreement West Virginia University Cooperative Extension and the County Extension Service Committee for the period July 2012 to June 2013, amount \$24,237.00.

The meeting was adjourned at 3:35 p. m. The next scheduled meeting is March 22, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 22, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 22<sup>nd</sup> day of March 2013.

Commissioner Wender called the meeting to order at 9:10 a. m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tickets (see attached). Commissioner Scalph seconded.

Unanimous.

Commissioner Lopez offered a motion to approve and sign real property tickets for Terry V. and Christy Skaggs, David K. and Kimbra Hobbs, Betty Miller. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

Commissioner Wender introduces and welcomes Shawn Wolford as the new Fayette County Emergency Management Agency Director. Mr. Wolford to start April 1, 2013.

Commissioner Wender offered a motion to enter into an Executive Session regarding a personal matter. Commissioner Scalph seconded. Unanimous.

Commissioner Wender reconvened the County Commission meeting at 9:35 a. m.

Discussion was held regarding the Winona Pool Hall. The building is collapsing onto public property.

Commissioner Wender requests that a letter be sent to the Division of Highways requesting they clean up the roadways.

The Commission asks that a discussion with Angela Gerald to take place on April 5, 2013 about this dilapidated building.

Commissioner Wender requests to table approving the Fiscal Year 2013-2014 Budget until later on into the meeting.

The Commission discussed some other Coal Severance requests.

Commission Scalph offered a motion to add Harlem Heights Park for the next two (2) years and this year allocation of \$5,000.00 a year. Commissioner Lopez seconded. Unanimous.

Commission Scalph offered a motion to increase Coal Severance Budget for Just for Kids from \$4,000.00 to \$8,000.00. Commissioner Lopez seconded. Unanimous.

Commission Scalph offered a motion to add \$10,000.00 for the Upper Kanawha Valley Economic Development Corporation. Commissioner Lopez seconded. Unanimous.

Dave Pollard, County Resource Coordinator presented a potential Redistributed Coal Severance Project to the Commissioners.

Chad Riley from Thrasher Engineering presented a request to expand the road from the new 911 Center.

Mr. Pollard informed he is requesting a commitment from the Fayette County Commission to allocate this funding for two (2) to five (5) years for the Wolf Creek Park.

Commission Scalph offered a motion that Fayette County Commission approves the commitment for the net 2-5 years of reallocated Coal Severance money to go to Wolf Creek Park Development to the Fayette County Urban Renewal Authority and the Fayette County Building Commission. Commissioner Lopez seconded. Unanimous.

Attorney Phil Tissue appeared before the Commission regarding a Petition for Elective Share to appoint a Fiduciary Commissioner in the Estate of Harry T. Sears.

Carl Harris, Prosecuting Attorney recommends to the Commission to defer this issue for a Fiduciary Commissioner to be appointed.

It has been requested that Attorney James Blankenship be appointed to serve as Fiduciary Commissioner.

Commissioner Scalph offered a motion to defer this issue to a Fiduciary Commissioner and appoint James Blankenship as the Fiduciary. Commissioner Wender seconded. Unanimous. Order signed.

Commissioner Scalph offered a motion to approve an adjustment to the Coal Severance Budget to allocate money to the Valley High School Baseball (related expenses) for \$2,500.00. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve an adjustment to the Coal Severance Budget to allocate money to purchase a vehicle for the Emergency Management Agency Director up to \$15,000.00. Commissioner Scalph seconded. Unanimous.

Commissioner Wender made a request to enter into a motion to approve the General County Fund Budget for Fiscal Year Budget 2013-2014.

Commissioner Scalph offered a motion to approve the General County Fund Budget for Fiscal Year 2013-2014 pending Auditor's approval. Budget will be adopted on April 16<sup>th</sup>. Commissioner Lopez seconded. Unanimous.

Discussion was held on the Animal Shelter and things to come. Commissioner Scalph offered a motion to approve a Budget Revision to the Coal Severance Fund for Fiscal Year 2012-2013 to allocate money to

the Animal Shelter to purchase a freezer for the dog building, amount \$900.00. Commissioner Lopez seconded. Unanimous.

David Neal, E-911 Coordinator appeared before the Commission to give an update on the tower/antenna.

Mr. Neal told the Commissioners the construction is to start this Wednesday, March 26<sup>th</sup>.

Mr. Neal told the Commissioners the crane is still broken down.

Commissioner Wender request that daily updates once drilling begins and to call Premier Construction to pass word along of Commissions disgruntled state.

Mr. Neal told the Commissioners that the new 911 Center did not pass the State Fire Marshal's inspection. Mr. Neal told the Commissioners the Center is still having HVAC System issues.

Ms. Berry presented the first drawdown request from Region 4 Planning and Development Council for the Kanawha Falls Public Service District SCBG Project in the amount of \$43,530.22 for the Commissioners to sign.

Commissioner Lopez offered a motion to approve and sign drawdown request from Region 4 Planning and Development Council for the Kanawha Falls Public Service District SCBG Project in the amount of \$43,530.22. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Resolution and a Grant Agreement for Commissioner Wender to sign for a Community Partnership Grant in the amount of \$15,000.00 to purchase equipment and furnishings for the new 911 Center.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Resolution and Grant Agreement for the Community Partnership Grant in the amount of \$15,000.00 to purchase equipment and furnishings for the new 911 Center. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter to Stephen Erskine with the Fayette County Volunteers related to his request for a discounted rate at Fayette County Park for Camp Kismet.

Ms. Berry told Mr. Erskine that due to damages to Cabin 4 and Cabin 5 in 2011, a check in the amount of \$300.00 for a deposit is required. After inspection if there are no damages the check will be returned. They must also issue a check in the amount of \$350.00 for the reduced rate of camp.

The Commissioners approved and signed the letter.

Ms. Berry told the Commissioners she received a request from Phillip Samples, Coach/Organizer of the WV Boys and Girls Hoopsters to use the Fayette County Memorial Building for AAU practices and instructional sessions from April 1, 2013 to August 31, 2013.

Ms. Berry told the Commissioners that Mr. Samples agrees to check scheduling availability, will supply liability insurance certificate and keep the facility clean.

Commissioner Lopez offered a motion to sign the letter to Okey Skidmore, Manager of the Fayette County Memorial Building approving the request of Phillip Samples to use the Fayette County Memorial

Building for AAU practices and instructional sessions from April 1, 2013 to August 31, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Wender and Elected Officials signed the letter to Ora Ash with the WV State Auditor's Office informing that for cost/saving and efficiency purposes, the Office of the County Commission will be the central purchasing office.

Ms. Berry told the Commissioners that the West Virginia Courthouse Facilities Improvement Authority will be assessing the Courthouse on April 11, 2013.

Ms. Berry told the Commissioners that Mike Moore with Silling Associates Architecture Firm, Scheeser Buckley, Mayfield MEP Engineering, Shelly Metz Bauman Hawk Structural Engineering and Michael Gioulis Historic Preservation will meet with her and Dickie Smith at 7:30 a. m. to inspect the Fayette County Courthouse. They will be available for a report at 10:30 a. m. if the Commission would like to set in on the debriefing.

Commissioner Wender signed Renewal Applications from the Fayette County Health Department for a permit to operate park and playground for the Boomer Ball Field, Fayette County Park, and Harlem Heights Park.

Luke from Meadow Bridge came into the meeting with a suggestion to accept credit and debit cards to pay property taxes.

The Commissioners received and reviewed letters from Sargent Steve Gray requesting use of the new 911 Center Training Room for teaching a class on Methamphetamine Clandestine Labs, March 25 to

March 29, 2013 and for teaching a class on Special Response Team May 6, to May 9, 2013. The Commission denied Sargent Gray's request.

Commissioner Scalph offered a motion to approve Coal Severance Fund Fiscal Year 2013-2014 Budget for \$892,939 pending Auditor's approval. Budget to be adopted on April 16, 2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing he received a call from Dean Kincaid (BZA Member-Valley) stating that he has to be in Florida the next three (3) months due to family issues.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. confirming that a meeting was held at the new 911 Center site on Tuesday, March 12, 2013 for the purpose of discussing outstanding mechanical and other issues.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the February Limited Video Lottery will be directly deposit on March 26, 2013, amount \$6,432.12, the funds due for the February 2013 Tables Games will be directly deposit on March 18, 2013, amount \$7,006.91 and funds due for the February 2013 Greenbrier Table Games will be directly deposit on March 18, 2013, amount \$111.23.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$20.00 and Procom, amount \$41.16, a check for the Soldiers and Sailors Fund, amount \$25.00, a check for Building and Equipment Rents from Woodrow Wilson High School, amount \$346.20.

The meeting was adjourned at 1:00 p. m. the next scheduled meeting is April 5, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 5, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 5<sup>th</sup> day of April 2013.

Commissioner Wender called the meeting to order at 9:10 a. m.

Charlie Bryant, Director of the Community Correction Day Center appeared before the Commissioners to introduce the two (2) new employees Amber Kirk and Stormy Parsons.

Kelvin Holliday, County Clerk appeared before the Commissioners to introduce his new employee Carla Atha.

Sheriff Steve Kessler and Ronda Falk, Chief Deputy Tax Office appeared before the Commission to introduce their new employee Suzanne Perdue.

Joe Crist, Fire Coordinator and Shawn Wolford, Emergency Management Agency Director appeared before the Commission to introduce themselves as the new employees at the 911 Center.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign two (2) refunds for David K. and Kimbra Hobbs (\$1,398.02) and David K. and Kimbra Hobbs (\$1,180.90). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payroll, checks to be released April 15, 2013. Commissioner Scalph seconded. Unanimous.

Jim Mullins with Mountain Transit Authority appeared before the Commission to discuss the Medical Transport.

Commissioner Wender suggested getting Stephanie Sears, Staff Account and Shawn Wolford, Emergency Management Agency Director back in here to get an overview of the 911 Budget.

Commissioner Scalph questioned about the 911 Advisory Board members and meetings.

Angela Gerald, Project Director for the Fayette County Dilapidated and Beautification Committee appeared before the Commission to give them an update on the dilapidated housing projects.

Ms. Gerald presented to the Commissioners pictures of Buren Renick's property.

After reviewing the pictures the Commissioners asked that a notice be sent to Mr. Renick asking that he appear before the Commission on April 16, 2013 at 11:00 a.m. to discuss the complaint received on the property located at 7659 Gatewood Road, Fayette County that is in violation of the Fayette County Dilapidated and Beautification Ordinance.

Ms. Gerald informed the Commissioners that a notice had been sent to Land Recovery Management regarding their property but the letter came back undeliverable and asked that it be sent to ABC Lands on 12 Flannigan School Road it also was returned undeliverable.

Ms. Gerald is asking the Commission to give authorization for the Prosecuting Attorney's Office to file a legal complaint on ABC Lands.

Commissioner Scalph offered a motion that Fayette County Commission approves authorization for the Prosecuting Attorney's Office to serve a legal complaint on ABC Lands. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Gerald of the fifty (50) properties listed if she would on once a month basis give a brief summary of where she are with these fifty (50) properties.

Ms. Gerald appeared before the Commission to discuss Nancy Howerton property. Ms. Howerton was a no show.

Ms. Gerald asked the Commission if they would issue an Order authorizing the demolition of Nancy Howerton property located at 432 Hilltop Loop, Fayette County.

Commissioner Scalph offered a motion that the Commission authorizes to advertise the demolition of Nancy Howerton property located at 432 Hilltop Loop. Commissioner Lopez seconded. Unanimous.

Ms. Gerald presented four (4) Notice of Dilapidated Property Lien for Commissioner Wender to sign (Hobert Burton and Ethel Saunders, Amber Lee Ransom, Madelyn Mitchell, and Eric and Kelly Carpenter) to the Commissioners.

The Commission recessed the Commission meeting at 11:00 a.m.

The Commissioners reconvened the County Commission meeting at 11:15 a.m.

Pam Yost, Watershed Economist with the West Virginia Natural Resource Conservation Services presented an Amendment to the Dunloup Creek Watershed Project for \$317,300.00 for Commissioner Wender to sign to the Commissioners.

Ms. Yost told the Commissioners this would be enough to complete Phase I of the Project.

Ms. Yost told the Commissioners the Contract ending date is September 30, 2014.

Commissioner Scalph offered a motion to amend the Dunloup Creek Watershed Project and assign these Amendments for \$317,300.00, and authorized Commissioner Wender to sign Contract. Commissioner Lopez seconded. Unanimous.

Theresa White, Emergency Management Agency Planner (EMAP) presented an advertisement for a Commercial Appraisal and Review Appraiser Specifications for the Dunloup Creek Watershed Project to the Commissioners.

Commissioner Scalph offered a motion to approve running an advertisement for a Commercial Appraisal and a Review Appraiser to assist with the property to the Dunloup Creek Watershed Buyout Project. Commissioner Lopez seconded. Unanimous.

Allen Ballard, Building Inspector Officer appeared before the Commission to give them an update on the Punch List for the Animal Shelter.

Mr. Ballard presented New Animal Shelter Expenditures as of April 5, 2013 to the Commissioners. The amount remaining in budget is \$1,799.35.

Mr. Ballard told the Commissioners they will be moving the dogs to the upper building.

The Commissioners asked Mr. Ballard to check with Charlie Bryant to get inmates to tear down the old building.

Larry Harrah, Attorney for the Town of Fayetteville informed the Commissioners the Town would like the same Agreement the City of Oak Hill adopted with the Building Code Official and the Building Inspector.

Mr. Harrah told the Commissioners he has prepared the Agreement for Commissioner Wender to sign.

Commissioner Scalph offered a motion to approve and sign Agreement with the Fayette County Commission and the Town of Fayetteville to use the Commission's Code Official and Building Inspector under the Building Inspector compliance and the conditions would be the same as the City of Oak. Commissioner Lopez seconded. Unanimous.

Daniel Chiotos appeared before the Commission regarding Appalachian Power proposal to increase rates.

Mr. Chiotos is asking the Commission to advocating for the Public Service District to require that Appalachian Power have an Energy Efficiency Audit.

Ms. Berry presented Petition to Combine or Divide and Segregate Land for the Commissioners to approve and sign.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Tina Ann Hernandez.

Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a request from Shawn Wolford to sign Proclamation to celebrate the 2<sup>nd</sup> full week of April 14 - 20, 2013 as National Public Safety Telecommunications Week.

The Commissioners approved and signed.

Ms. Berry presented Grant Agreement and Resolution for Commissioner Wender to sign for a Community Partnership Grant in the amount of \$2,000.00 for Woodland Oaks Garden Club to the Commissioners.

Commissioner Lopez offered a motion to approve and Commissioner Wender to sign Grant Agreement and Resolution for a Community Partnership Grant in the amount of \$2,000.00 for Woodland Oaks Garden Club. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Resolution for Commissioner Wender to sign authorizing Commissioner Wender to enter into a Contractual Agreement with the National Coal Heritage Area Authority to receive Administrator Grant Funds for the Layland Miner's Memorial Project to the Commissioners.

Ms. Berry presented a Proclamation for the Commissioners to sign naming April 2013 as Fair Housing Month as in accordance with Small Cities Block Grant requirements to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Proclamation naming April 2013 as Fair Housing Month as in accordance with Small Cities Block Grant requirements. Commissioner Scalph seconded. Unanimous.

The Commissioners approved and signed the 5-year Fayette County Jail and Law Enforcement Museum Lease.

The Commissioners signed a letter approving the use of the Historic Fayette County Jail and Museum for April 26, 2013 for the Annual Jail or Bail Fundraiser Event for Andrea Mender with the 4-H Youth Development Extension Agent for Fayette County.

The Commissioners signed a letter to Sally Kiner, Director of the Fayetteville Convention and Visitors Bureau approving the use of the Historic Fayette County Jail and Museum for July 2013 for a Community Service Project with the Boys Scouts of America who will be attending the 2013 National Scout Jamboree.

Ms. Berry presented an Order and a letter to sign appointing Scott Pugh to replace Dean Kincaid who resigned as a member of the Fayette County Board of Zoning Appeals.

Commissioner Lopez offered a motion to approve and sign Order and letter appointing Scott Pugh a member of the Fayette County Board of Zoning Appeals. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented Budget Revisions for the Fayette County General Fund and the Coal Severance Fund to bring figures into balance with a carry over balance of June 30, 2012 and changes in the Sheriff's Tax Office Budget and the County Clerk's Office Budget.

Commissioner Scalph offered a motion to approve and sign Budget Revisions for the Fayette County General Fund and the Coal Severance Fund for fiscal Year 2012-2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Earl Pauley, Fayette County Park Superintendent regarding Dining Hall roof quote from J & J Supplies, amount \$7,500.00. The Commissioners approved.

The Commissioners received and reviewed a quote from Lowe's Home Center, Inc. for the exterior doors at the WVU Extension Office, amount \$318.00 each.

The Commissioners received and reviewed a funding request from the Fayette County 4-H Club Foundation.

Commissioner Scalph offered a motion that the Fayette County Commission fund \$1,000.00 to the Fayette County 4-H Club Foundation. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Town of Gauley Bridge requesting funding for damages to the Town's Tourist Information Center in the amount of \$2,500.00.

Ms. Berry told the Commission that this amount was approved in this year's Budget from the Coal Severance Fund.

The Commissioners received and reviewed a letter from the New River Humane Society, Inc. informing they will not have enough money in their budget for fiscal year 2012-2013 to operate until the new budget begins in July. They are requesting that the Commission add an additional \$12,000.00 over their regular allotment to complete the year.

Discussion was held. The Commission asked Ms. Berry to send a letter to the New River Humane Society informing them that the Commission can only allocate another \$6,000.00 for fiscal year 2012-2013.

Due to the lack of funds in the Dog Tax Fund the Commission approved to pay Ferrellgas invoice of \$3,032.01 from the General County Fund.

Commissioner Scalph offered a motion to approve minutes of February 6, February 11, February 15, 2013. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to David Neal, 911 Coordinator and Theresa White, OES Director informing them that the Selection Committee has recommended Shawn Wolford to fill the position of Director for the Fayette County Emergency Management Agency and thanked Mr. Neal and Ms. White for taking the time to apply for the position.

The Commissioners received and reviewed the Animal Shelter Budget from the Coal Severance Fund amount expended through April \$185,258.59, total amount remaining for May and June \$24,576.51.

The Commissioners received and reviewed the new Animal Shelter Expenditures as of April 5, 2013, a total amount budgeted \$100,000.00, total amount remaining in budget \$1,799.35.

The Commissioners received and reviewed a letter from William L. Toney, Jr. asking the Commission to accept his resignation as a member of the Fayette County Solid Waste Authority effective March 31, 2013.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that Athylene L. Grimmitt is eligible for Temporary Total Disability benefits for the period March 8, 2013 through April 1, 2013.

The Commissioners received and reviewed an Order from the Workers' Compensation Board of Review affirming the decision of the Office of Judges to reject the claim of Tommy Jackson.

The Commissioners received and reviewed checks for 911 Fees from Interface Security Systems, Inc., amount \$28.00 and a check from Lumos Network, amount \$738.48; a check from the WV Department of Health and Human Resources reimbursement for the Community Corrections Day Report Center, amount \$710.00; a check from the Fayette County Board of Education reimbursement for Special School Bond Levy, amount \$87,290.54; a check from the Secretary of State Candidate Filing Fee, amount \$4,305.05; a check from the Town of Fayetteville to be deposited in the Fire Levy Fund; a check from the Sportsman Recreation Center, Inc. for rents and concessions amount \$100.00 and a dollar from the Fayette County Office of Emergency Services for the Lease of Dunloup property.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is April 16, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 16, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette county Commission met in a regular session on this 16<sup>th</sup> day of April 2013.

Commissioner Wender called the meeting to order at 9:15 a.m.

Cindy Hysell from the Assessor's Office presented exonerations to approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tickets for Paul E. Dehart and Leonard B. Lancaster. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released April 30, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve February 1, 2013 minutes. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Levy Order and Rate Sheet for Fiscal Year 2013-2014 to the Commissioners.

Commissioner Wender read the County Commission Levy Order.

Commissioner Lopez offered a motion that the Fayette County Commission, on this day, approves the County Commission Levy Order and Rate Sheet for Fiscal Year 2013-2014. Commissioner Scalph seconded. Unanimous.

The Commissioners signed the Order laying the levy to be used in Fayette County for Fiscal Year 2013-2014. Kelvin Holliday, County Clerk is to sign the Levy Rate Sheet for Fiscal Year 2013-2014.

Ms. Berry told the Commissioners that the Auditor's Office has approved the Fayette County Commission Levy Estimate for Fiscal Year 2013-2014.

Ms. Berry presented a drawdown request from Region 4 Planning and Development Council for the Kanawha Falls Public Service District relating to construction and other services for the Kanawha Falls/Boonesborough Water Line Extension Project, amount \$32,212.19 to the Commissioners.

Commissioner Scalph offered a motion to approve and sign drawdown request from the Kanawha Falls Public Service District, amount \$32,212.19. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented several drawdown requests to the Courthouse Facilities Improvement Authority Grant for the Courthouse Electrical Upgrade-Phase II to Eastern Electric, amount \$76,835.05, Architectural/Engineering Services, amount \$9,187.41 to the Commissioners.

Commissioner Lopez offered a motion to approve the drawdown request to the Courthouse Facilities Improvement Authority Grant for the Courthouse Electrical Upgrade-Phase II, amount \$68,817.97.

Commissioner Scalph seconded. Unanimous.

Ms. Berry presented the Quarterly Sales Tax Report for the Fayette County Park, amount \$172.07 for Commissioner Wender to sign to the Commissioners.

Ms. Berry presented three (3) Governor's Community Participation Grant Applications and Contracts for Commissioner Wender to sign to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign Application and Contract for the Ansted Community Park for electrical Power Upgrade, amount \$6,500.00. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign Application and Contract for the Historic Fayette Theater to provide educational performance workshops, amount \$2,500.00. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign Application and Contract for the African American Heritage Family Tree Museum to create a traveling exhibit, amount \$2,000.00. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented from the Records Management and Preservation Board (RMPB) an Agreement and Certification for the West Virginia Culture and History Grant for Commissioner Wender to sign.

Commissioner Scalph offered a motion to authorize Commissioner Wender to the West Virginia Culture and History Grant Agreement and Certification. Commissioner Lopez seconded. Unanimous.

Commissioner Wender requests that David Pollard, County Resource Coordinator start working on a grant for the Fayette County Memorial Building storage area for Fayette County Commission for the next year cycle.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of May 2013.

Ms. Berry presented two (2) titles to be signed by Commissioner Wender for transfer of vehicles to the Town of Meadow Bridge.

Commissioner Scalph offered a motion to approve Commissioner Wender to sign and transfer the titles for two (2) used vehicles to the Town of Meadow Bridge. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter to the Fayetteville Presbyterian Church approving use of the Courthouse lawn for a non-denominational community service on Thursday, May 2, 2013 from 12:00 p.m. to 1:00 p.m. for the purpose of acknowledging National Day of Prayer.

Commissioner Scalph offered a motion to approve the request of the Fayetteville Presbyterian Church to use the Courthouse lawn for a non-denominational community service on Thursday, May 2, 2013 from 12:00 p.m. to 1:00 p.m. for the purpose of acknowledging National Day of Prayer. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a request from Imogene Pennington to increase the election rent at the New River Gorge Campground, Precinct 65.

Commissioner Wender requests that Ms. Berry research alternate site.

Commissioner Scalph requests that Ms. Berry contact Tom Syner to talk about an alternate site.

Allen Ballard, Joseph Carelli, Melvin Withrow and Earl Pauley appeared before the Commission to discuss the ongoing projects that the Commission has committed to.

Discussion was held to have Melvin Withrow and the Daily Report Center guys to do the work.

1. Harlem Heights Park - painting the gazebo - DRC Guys
2. WVU Extension Office - doors, roof and replacing back porch - Melvin Withrow
3. Deepwater Park - removing structures - DRC Guys
4. Hawks Nest - replacing shed - discussion to be held this afternoon
5. Oak Hill Farmers Market - put on the back burner
6. Fayette County Park Dining Hall - roof - 1<sup>st</sup> project to start on - Melvin Withrow
7. Animal Shelter Demolition - DRC Guys

The Commission asked that this be put on hold until after the SCBG Armstrong Public Service District Public Meeting.

Commissioner Wender called the Public Meeting to order at 10:00 a.m. regarding the application being submitted by the Fayette County Commission for Armstrong Public Service District. The floor is open to the public.

W. D. Smith, Executive Director, Region 4 Planning and Development Council appeared before the Commission to present an Application and three (3) Resolutions for Commissioner Wender to sign.

Mr. Smith presented papers for the Fair Housing Resolution for Commissioner Wender to sign.

Commissioner Scalph offered a motion that Fayette County Commission adopts the Fair Housing Resolution and Commissioner Wender sign. Commissioner Lopez seconded. Unanimous.

Mr. Smith presented papers for the Citizen Partnership Plan Resolution for Commissioner Wender to sign.

Commissioner Scalph offered a motion that Fayette County Commission adopts the Citizen Partnership Plan Resolution and Commissioner Wender sign. Commissioner Lopez seconded. Unanimous.

Mr. Smith presented Application and Resolution for Commissioner Wender to sign.

Commissioner Scalph offered a motion that Fayette County Commission authorizes Commissioner Wender to sign Application and approve the Resolution for the Armstrong Creek Public Service District. Commissioner Lopez seconded. Unanimous.

The Public Meeting was adjourned at 10:15 a.m.

The Commission returned to the discussion on the projects at 10:15 a.m..

Discussion was held regarding the Wolf Creek Park Maintenance Building. It was suggested that this building be torn down.

The Commission asked Ms. Berry to get three (3) bids for demolition of the Deepwater Park structures, the Animal Shelter and the Wolf Creek Park maintenance building

Angela Gerald, Project Director with the Fayette County Beautification Committee appeared before the Commission to discuss three (3) dilapidated properties (Buren Renick, Leland Cooper and William Holstine).

Ms. Gerald told the Commissioners that Buren Renick first appeared at the September 13, 2012 meeting. The Commission gave him until December to tear down building, building was torn down and now the Commission is asking Mr. Renick for a clean up plan.

The Commission asked Mr. Renick for an update on the progress he has made.

Mr. Renick provided pictures to show progress. Mr. Renick told the Commissioners the building has value.

Mr. Renick told the Commissioners he has a buyer interested in buying valuable wood from the building.

Mr. Renick told the Commissioners he is in the process of getting the valuable wood out.

Mr. Renick showed various pictures of other dilapidated buildings near his property that is still in process of being cleared that are smaller and have had ample time to remove their debris.

Mr. Renick told the Commissioners he is unable to provide a time line at this time due to the size of his property.

Mr. Renick turns over the floor to his attorney Anthony Salvatore.

Mr. Salvatore addresses the Commission to request on behalf of Mr. Renick to have Mr. Renick supply monthly reports to the Commission of his progress.

Commissioner Wender requests that a time line be turned in by the next County Commission meeting which is May 3, 2013.

Angela Gerald submits another complaint in Pax. Building was taken down but not removed.

Ms. Gerald requests that the Commission approve for her to advertise for demolition of the property.

Commissioner Scalph offered a motion to authorize advertisement for demolition of the property of Leland Cooper. Commissioner Lopez seconded. Unanimous.

Ms. Gerald presented another property cited to William Holstine. Nothing has been done to the property.

Ms. Gerald request that the Commission authorize her to advertise for demolition on this property.

Commissioner Scalph offered a motion to authorize advertisement for demolition of the property of William Holstine. Commissioner Wender seconded. Unanimous.

Richard "Dickie" Smith, Maintenance Supervisor appeared before the Commission to discuss window cleaning at the Courthouse.

Dickie told the Commissioners he received a new quote from Fish Window Cleaning, cos \$3,618.00 plus tax.

Commissioner Scalph offered a motion to approve quote from Fish Window Cleaning, but asked Dickie to keep looking in the next couple of weeks to see if he can find a smaller amount. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented the results of a survey completed about the Courthouse Security for the Commissioners to review.

The Commissioners signed letters to the outside agencies regarding their contribution for Fiscal Year 2013-2014 Budget.

The Commissioners signed letters to the Elected Officials and Department Heads regarding their Fiscal Year 2013-2014 Budget.

The Commissioners received and reviewed a letter from the Division of Justice and Community Services acknowledging receipt of the Commission request for the amount of \$400,429.00 in Community Corrections Grant funds.

The Commissioners received and reviewed a newsletter from the West Virginia Brownsfields Assistance Center at Marshall University Center for Environmental Geotechnical and Applied Science.

The Commissioners received and reviewed a letter from the West Virginia Division of Highways thanking the Commission for their letter dated March 22, 2013 regarding request for assistance in the removal of debris along a section of WV 82, Lansing-Edmond Road in Winona, Fayette County.

Steven Cole, P.E., District Engineer informed the Commission that a member of his staff has investigated the request and has determined

that a portion of the debris has currently fallen into the State right of way and is a possible hazard to the traveling public.

Mr. Cole informed the Division of Highway will be removing the debris that is on their right of way, however, the remaining building is off the State right of way and will be the responsibility of the property owner.

The Commissioners received and reviewed a letter from the West Virginia Division of Highways regarding the letter they received concerning the railroad bridge underpass and the construction on CR 61/5, Beards Fork Road, Fayette County.

The Commissioners received and reviewed a letter from the West Virginia Division of Highways asking assistance in making available (to anyone who wishes to review them) the listing of proposed amendment to the approved 2013-2018 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a letter from Global Contract Services informing they will close their Mount Hope facility effective April 20, 2013.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the funds due for the 25% of the coal severance tax will be directly deposited on or before April 11, 2013, amount \$28,803.14, the funds due for the 75% of the coal severance tax will be directly deposited on or before April 11, 2013, amount \$121,023.92, and the distribution of the coal county

reallocation severance tax will be directly deposited on or before April 16, 2013, amount \$16,899.89.

The Commissioners received and reviewed a letter from Dennis V. Garrison III, pursuant to the WV Freedom of Information Act requesting copies of any and all minutes that reference or refer to James Buckland of B&B Transit Inc. and Scrap and/or reference or refer to disposal of waste/debris/dilapidated buildings on property located on Toney Hollow of Wolf Creek via Levissee Creek Road on property owned by Rosa Graybeal/Charlotte Yarber et al.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of March 31, 2013 listing the securities that were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledged as of March 29, 2013.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period March 1 through March 31, 2013.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List for the period of March 1 through March 31, 2013.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period January 1, 2013 through March 31, 2013.

The Commissioners received and reviewed a check from the Division of Human Services for Family Resource Network (FRN), amount \$13,200.00.

The meeting was adjourned at 12:50 p.m. The next scheduled meeting is May 3, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 3, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, Denise A. Scalph  
John H. Lopez arrived at 10:15

The Fayette County Commission met in a regular session on this 3<sup>rd</sup> day of May 2013.

Commissioner Wender called the meeting to order at 9:00 a.m.

Steve Fox from the Assessor's Office presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign personal property tickets (see attached). Commissioner Wender seconded.  
Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for Onnie and Jennifer Morgan, James R. and Deborah Campbell, Terry Douglas Robins, Tekoah H. and Myra S. Hall, Ralph Fazio, and Charlene Boyd etal. Commissioner Wender seconded.  
Unanimous.

Steve Fox presented two (2) refunds (James R. and Deborah Campbell of Ansted (\$247.80) and Michael Bennett of Fayetteville (\$365.75) to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign the two (2) refunds (James R. and Deborah Campbell (\$247.80) and Michael Bennett (\$365.75). Commissioner Wender seconded. Unanimous.

Ray Crook appeared before the Commission to request that the Commission send him a letter stating that they support his efforts toward feeding needy citizens in the area and his desire to build a memorial to those miners who died in the Layland mines and stating that in order for the Commission to assist financially, it will be necessary for the Layland Miner's Memorial Project to be designated as a 501-(c)-(3) a non-profit entity. The Commissioners signed the letter.

Commissioner Scalph offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve 1<sup>st</sup> half payroll, checks to be released May 15, 2013. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of March 13, April 5, and April 16, 2013. Commissioner Wender seconded. Unanimous.

Ms. Berry presented documents to the Commissioners to be signed for Region 4 Planning and Development Council regarding the Kanawha

Falls Public Service District-Boonesborough Water Line Extension Project. The Budget shown on the forms has to match the amount allocated to date. The total project budget and grant are \$1,459,899; however, current approved budget amounts reflect split year disbursement of \$200,000 (Fiscal Year 2011) and \$700,000 (Fiscal Year 2012).

Ms. Berry presented a letter from the Armstrong Deepwater Public Service District recommending that Velma Newman be reappointed to serve as a Commissioner on the Armstrong Deepwater Public Service District to the Commissioners.

Commissioner Scalph offered a motion to reappoint, Velma Newman a Commissioner on the Armstrong Deepwater Public Service District. Commissioner Wender seconded. Unanimous. An Order and a letter of appointment to serve signed.

Alice King, Region 4 Planning and Development Council appeared before the Commission to have an Intergovernmental Agreement for Winona Sewer Project signed and approved to pay Stafford Consultants.

Commissioner Scalph offered a motion to approve and sign the Intergovernmental Agreement for the Winona Sewer Project to pay Stafford Consultants, amount \$51,000.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a request from the Public Service Commission to use the Fayette County Memorial Building beginning at 6:30 p.m. on Wednesday, June 19, 2013 to conduct a public comment hearing

concerning the rate increase by West Virginia-American Water Company (WVAW) to the Commissioners.

Commissioner Scalph offered a motion to approve the request of the Public Service Commission to use the Fayette County Memorial Building to conduct a comment hearing concerning the rate increase by West Virginia-American Water Company on Wednesday, June 19, 2013.

Commissioner Wender seconded. Unanimous.

Ms. Berry presented a request from the Fraternal Order of Police requesting permission to set up a tent on the Courthouse lawn for the purpose of the Memorial Service that will be conducted on May 15, 2013 to the Commissioners.

Commissioner Scalph offered a motion to approve the request of the Fraternal Order of Police to setup a tent on the Courthouse lawn for the purpose of the Memorial Service that will be conducted.

Commissioner Wender seconded. Unanimous.

Ms. Berry presented an Application for a Permit to Operate a Food Establishment for the Fayette County Park Dining Hall for Commissioner Wender to sign from the Fayette County Health Department.

Ms. Berry presented a letter from Randall Reid-Smith, Commissioner, West Virginia Sesquicentennial Commission, West Virginia Division of Culture and History on behalf of Governor Earl Ray Tomblin and First Lady Joanne Jaeger Tomblin asking for assistance in selecting a representative from Fayette County to participate in the 150<sup>th</sup> Birthday Celebration Parade on June 22, 2013, during the sesquicentennial birthday celebrations in Charleston.

The Commission informed they would think on it and decide at their next meeting May 17, 2013.

Shawn Wolford, Director of Emergency Management appeared before the Commission to discuss the 911 Budget and the Ambulance Service.

Mr. Wolford presented topics for discussion and action to the Commission.

Mr. Wolford told the Commission the Emergency Management Agency (EMA) is implementing a system called NIXLE Public Notification System.

Mr. Wolford told the Commission this system will be available to the community to sign up for and receive alerts.

Commissioner Scalph offered a motion to approve the NIXLE Public Notification System per the request of Shawn Wolford, EMA Director. Commissioner Wender seconded. Unanimous.

Mr. Wolford requests change of Agency name to the Fayette County Division of Homeland Security and Emergency Management.

Commissioner Wender request that more research be done and return at a later date to discuss more.

Mr. Wolford told the Commission of the 911 Center personnel changes: Transition Becky Hutchinson to the role of Training/EMD/Program Manager, new hire: Kristen Gillium (fully trained and certified person) as a Dispatcher. All this was approved in prior Budget.

Mr. Wolford told the Commissioners they will be switching over to the new 911 Center the 2<sup>nd</sup> week of June.

Mr. Wolford requests to transfer County money around to purchase remaining office furniture.

The Commission approved as long as it stays within the Budget.

Mr. Wolford requests to purchase an SUV on the State Contract.

Commissioner Wender requests that Mr. Wolford to confirm that the vehicle can be reimbursed 50% by Grant.

The Commission asked Mr. Wolford to get more information on Grant's requirements, to get bids on a new vehicle and look at State Surplus and return to the Commission with figures.

Commissioner Wender request that Mr. Wolford to decide what the minimal Ambulance Service for Fayette County is, further action will be taken at a later date.

Ms. Berry presented four (4) Hazard Mitigation Property Lease Agreements (Carl and Judy Williams and Rick and Vonda Bailey) for Commissioner Wender to sign.

Commissioner Scalph offered a motion to approve and sign Hazard Mitigation Property Lease Agreements for Carl and Judy Williams and Rick and Vonda Bailey. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Fayette County Fire Levy Pumper/Ladder Replacement Agreements for the Montgomery Fire Department and the Ansted Certified Fire Department, Inc. for the Commissioners to sign.

Ms. Berry presented Fayette County Fire Levy Protection Agreements for the Town of Fayetteville, Loup Creek Volunteer Fire Department, Mount Hope Volunteer Fire Department, and Nuttall Volunteer Fire Department for the Commissioners to sign.

Ms. Berry told the Commissioners she received notification and invitation from Susan M. Pierce with the West Virginia Division of Culture and History that the New River Gorge Bridge will be considered by the West Virginia Archives and History Commission for nomination to the National Register of Historic Places.

The Archives and History Commission will meet on Friday, May 31, 2013 at 9:30 a.m. at the Conference Center at Graceland Inn, 100 Campus Drive, in Elkins to consider the nomination.

Angela Gerald, Project Director with the Fayette County Beautification Committee appeared before the Commission to present two (2) property (Danny Davis and Jesse Wright) for her to advertise for demolition.

Commissioner Scalph offered a motion to authorize advertisement for demolition of the property of Danny Davis-4548 Armstrong Creek Road. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to authorize advertisement for demolition of the property of Jesse Wright-148 Clifftop Loop. Commissioner Lopez seconded. Unanimous.

Ms. Gerald presented four (4) Complaints (Nancy Howerton-432 Hilltop Loop, Leland Cooper-58 Packs Branch Road, William Holstine-1463 Court Street, and Josh Conaway-1595 Scarbro Road) to recommend complete demolition and removal of all buildings or dwellings on these properties within 30 days. All debris to be disposed of in a manner consistent with the applicable laws to the Commissioners (see attached complaints) for the Commissioners to sign.

Ms. Gerald gave an update on several other dilapidated properties.

Ms. Gerald presented Quarterly Report for the U. S. Environmental Protection Agency Report for the Brownsfield Assessment Grant for Commissioner Wender to sign.

Luke Samson and Chris Johnson representatives for Liberty Mutual Insurance appeared before the Commission to present Liberty Mutual Insurance for the Courthouse employees

Mr. Samson told the Commissioners that they offer (Auto, Homeowners, H-Wheeler/Motor Cycle, Renters and Life Insurance).

The Commission informed Mr. Samson that the County requires 51% of the employees to agree.

Commissioner Wender requests that 5-10 employees compare current insurance to Liberty Mutual Insurance to test competitive advantage before offering to the employees.

The Commission asks that Ms. Berry contact Mr. Samson regarding the results.

Ms. Berry told the Commissioners she received a request from the Fayette County Farmers Market requesting early release of funds of \$3,000.00-\$2,000.00 for engineering and construction (\$10,000.00 allotted) and \$1,000.00 for market expenses May/June (\$7,500.00 allotted).

Commissioner Scalph offered a motion to approve release of the \$3,000.00 to the Fayette County Farmers Market. This will count

against the allocation approved for Fiscal Year 2013-2014.

Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to William Toney accepting his resignation as a member of the Fayette County Solid Waste Authority effective March 31, 2013 and thanking him for his years of dedicated leadership and contribution to the Authority in the fifteen (15) years of tenure.

Ms. Berry presented a Governor's Community Participation Grant Program Financial Report/Request for Payment and Certification of Grant Completion for the Upper Paint Creek Watershed that needs Commissioner Wender's signature. A public fishing access has been completed along the Paint Creek Scenic Trail in Fayette County.

Ms. Berry presented a letter for the Commissioners to sign to CSX Transportation, Inc./Property Services asking that they accept this written notice of cancellation of Agreement Number COL22266 (L22266-CO) and COL22267 (L22267-CO). This property is no longer needed.

Joe Carelli, Litter Control Officer presented a request for a Weed Eater estimated cost \$200 to \$250.00.

Commissioner Lopez offered a motion to approve purchase of a Weed Eater estimated cost \$200.00 to \$250.00. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding County Insurance.

Commissioner Wender requests that County bid out for County Insurance.

Carl Harris, Prosecuting attorney recommends that the County advertise.

The Commission decided not to advertise or bid out.

Adam Hodges and Tristan Cleveland with VISTA appeared before the Commission to discuss the beautification of the Paint Creek Scenic Trail.

Mr. Hodges told the Commissioners they are here today to request \$450.00 funding to help beautify two (2) areas (Pax and Mossey) on the Paint Creek Scenic Trail around the new signage.

Commissioner Lopez offered a motion to approve up to \$500.00 for the Paint Creek Scenic Trail Enterperative Signage Planting. Commissioner Scalph seconded. Unanimous.

Earl Pauley, Park Superintendent appeared before the Commissioners to discuss Camp Kismet.

Susie Dufour presented Camp Kismet schedules to the Commissioners.

Ms. Dufour told the Commissioners that this scheduled was issued with the swimming schedule.

After a brief discussion the Commission decided to leave the issue up to the park.

Discussion was held regarding the request they received from Camp Believe requesting a reduction in the rental cost.

The Commission gave authority to Earl Pauley, Park Superintendent to set the reduction in the rate.

The Commissioners received and reviewed a copy of the Revenues as of April 30, 2013.

The Commissioners signed a letter to Larry Whittington expressing their appreciation for his time, service and equipment used to correct the water issues and complete the needed re-seeding at the Boomer Ballfield.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk informing that effective May 1, 2013 he employed Zenda Vance as a Deputy Circuit Clerk, salary \$20,800.00 per year plus benefits.

The Commissioners received and reviewed a letter from Suddenlnk regarding Cebridge Acquisition, LLC/dba Suddenlink Communications regarding the renewal of their franchise agreement with the County.

The Commissioners received and reviewed a letter from Ronda Falk, Chief Tax Deputy informing that the Tax Office is pleased to announce that they are now accepting credit card payments for Taxes only.

The Commissioners received and reviewed several letters from the Office of the State Treasurer informing that funds due for the March 2013 Table Games will be directly deposited on April 16, 2013, amount \$8,503.95, funds due for the March Limited Video Lottery will be directly deposited on April 26, 2013, amount \$7,000.98 and funds due for wine, liquor and private club taxes will be directly deposited on April 25, 2013, amount \$371.24.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April

12, to April 18, 2013, amount \$10.00 and for the week of April 19 to April 25, 2013, amount \$120.00.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator informing that he talked with Mike Miller at the Public Service Commission and was told that they entered an Order approving the Winona Engineering Agreement.

The Commissioners received and reviewed check for Franchise Fees from Suddenlink Communications, amount \$52,384.61; check for 911 Fees from Frontier Communications, amount \$27,446.03; a check from the West Virginia Development Office-HUD Account, amount \$43,530.22; check from the West Virginia Courthouse Facilities Improvement Authority, amount \$68,817.97; check for Soldiers and Sailors Fund, amount \$50.00; check from the Fayette County Solid Waste Authority reimbursement, amount \$798.15.

The meeting was adjourned at 1:00 p.m. The next scheduled meeting is May 17, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 17, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 17<sup>th</sup> day of May 2013.

Commissioner Wender called the meeting to order at 9:05 a. m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tickets for Gary E. and Cynthia Moore. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refund for Ralph Fazio etux (\$153.97). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released on May 30, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of February 22, March 8, March 15, and March 22, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented pictures taken by Charles Garvin of the Courthouse for insurance purposes.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Colleen Laffey, Onnie and Jennifer Morgan and Anna Rae Wells. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an Order and letters to the Commissioners to approve and sign incorporated banking institutions within the County

to act as County depositories for the Fiscal Year beginning July 2013 (Fayette County National Bank, Chase (formerly Bank One Beckley, WV, N.A.), Bank of Mount Hope, Branch Banking and Trust (BB&T), United Bank, City National Bank of WV and United Bank.

Commissioner Scalph offered a motion to approve and sign Order and letters for incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 2013 (Fayette County National Bank, Chase (formerly Bank One Beckley, WV, N.A.), Bank of Mount Hope, Branch Banking and Trust (BB&T), United Bank, City National Bank of WV and United Bank. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from the Fayette County Urban Renewal Authority recommending that William Thornton be appointed to the open Urban Renewal Authority seat formerly held by James E. Lively, Sr. and recommending that Guy Dooley be reappointed to serve on the Urban Renewal Authority.

Commissioner Lopez offered a motion to reappoint, Guy Dooley a member of the Fayette County Urban Renewal Authority and appoint William Thornton to the open Fayette County Urban Renewal Authority seat formerly held by James E. Lively, Sr. Commissioner Scalph seconded.

Ms. Berry presented a Governmental Subdivision of the State of West Virginia Agreement for Commissioner Wender to sign with the Town of Fayetteville to use the Commission's Code Official and Building

Inspector to do its inspections and Enforcement under the Building Code.

Commissioner Scalph offered a motion that Commissioner Wender sign the Agreement with the Town of Fayetteville to use the Commission's Code Official and Building Inspector to do its inspections and Enforcement under the Building Code. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from the Fayette County Public Libraries requesting that Bernice Clayton be reappointed to serve on the Board of Directors for a 5-year term.

Commissioner Lopez offered a motion to approve the request of the Fayette County Public Libraries to reappoint Bernice Clayton for a 5-year term to the Board of Directors. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of June 2013.

The Commissioners signed a letter to Dr. James B. Phares, State Superintendent of Schools supporting several other organizations for the State Board of Education to consider the transfer of

the Nuttall Middle School  
to the Syner Foundation.

The Commissioners received and reviewed a letter from the Fayette County Health Department asking that the Commission consider appointing Jack Tamplin to fill the vacancy created by the death of Dr. Thomas Morgan, to recommend a replacement to fill the vacancy of Debra Fragala-Pories effective June 30, 2013 and reappoint William Preston whose term will expire June 30, 2013.

Commissioner Wender asked that this be tabled until the May 30<sup>th</sup> County Commission meeting.

Sheriff Steve Kessler presented the Delinquent Tax List for the Year 2012 to the Commissioners.

The Commissioners accept the copies of the Delinquent Tax List for Real Estate in Fayette County for the nonpayment of taxes thereon for the year 2012.

Shawn Wolford, Director EMA appeared before the Commission to discuss the 911 Center Budget.

Stephanie Sears, Staff Accountant presented her update of the 911 Center Budget to the Commissioners (See attached).

Mr. Wolford informed the Commissioners of the things that had been completed and the things that are not completed.

After a brief discussion, Commissioner Wender asked that Mr. Wolford continue this discussion in July.

Charles and Jane Hardy appeared before the Commission to request use of the Memorial Building to set-up Amateur Radio Equipment.

Mr. Hardy told the Commissioners that there is some equipment stored in the Memorial Building several years ago that he would like to get out and set it up to see if it still works.

Commissioner Wender suggested to Mr. Hardy to get with David Neal and Shawn Wolford to discuss details further and get back with the Commission.

Commissioner Wender informed the total cost of the vehicle for Shawn Wolford, Director EMA is \$30,650.98.

Commissioner Wender informed half of the cost would be paid from the 911 Fund (\$15,325.48) and the other half would be paid out of the Fire Levy Fund (\$15,325.49).

Commissioner Lopez offered a motion to approve purchase of the vehicle for the EMA Director, cost \$30,650.98 with the understanding that half of the expenditure will come out of the 911 Fund and the other half out of the Fire Levy Fund. Once the Emergency Management Preparedness Grant (EMPG) is approved, the Fire Levy Fund would be reimbursed. Commissioner Scalph seconded. Unanimous.

Dan Snead, AIA appeared before the Commission to discuss the warranty dates for the new 911 Center.

Mr. Snead told the Commissioners that the Certificate of Substantial Completion was issued on July 31, 2012 but remains unsigned by the Fayette County Building Commission.

Commissioner Wender informed, it takes three (3) to sign the Certificate of Substantial Completion. Dan Snead, Architect, with J.

Dan Snead & Associates and Kevin Radford, Contractor with Radford & Radford, Inc. has signed the Certificate of Substantial Completion.

Discussion was held regarding the warranty dates.

Carl Harris, Prosecuting Attorney asked for a recess to discuss this matter with the Architect and the Contractor.

The Commission recessed the Commission meeting at 10:20 a. m.

The Commission reconvened the Commission meeting at 10:40 a. m.

Commissioner Wender informed the meeting was to discuss the warranty dates for the new 911 Center.

Mr. Harris informed the Commission that this needs to be discussed in an Executive Session.

Commissioner Scalph offered a motion to table the discussion related to the place of occupancy for the new 911 Center to a later date. Commissioner Lopez seconded. Unanimous.

Dave Pollard, County Resource Coordinator and W. D. Smith, Executive Director Region 4 Planning and Development Council appeared before the Commission to give an update on the water projects in the Fayette County area (See Attached List).

Attorney Philip Tissue appeared before the Commission to present an Order appointing James C. Blankenship, III Fiduciary Commissioner to hear and make recommendations relating to the Petition for Removal of the Executrix in the Estate of Betty Jo Ellis.

Commissioner Scalph offered a motion to appoint James C. Blankenship, III Fiduciary Commissioner to hear and make

recommendations relating to the disposition in the Estate of Betty Jo Ellis. Commissioner Lopez seconded. Unanimous.

The County Commission approved to recess the Commission meeting at 11:40 a. m. to enter into an Executive Session with Carl Harris, Prosecuting Attorney to discuss the warranty date for the new 911 Center.

The Commission reconvened the Commission meeting at 11:56 a. m.

The Commission informed per attorney client privilege the Executive Session was held to discuss what to do with the 911 Center warranty date.

Commissioner Scalph offered a motion to approve the Certificate of Substantial Completion issued on July 31, 2012 and approved for President Wender to sign the necessary documents for the Certificate of Substantial Completion. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Elder Shannon Robinson, Pastor of the Community Church of Harlem Heights requesting that the Commission renovate the Harlem Heights Playground.

Discussion was held, the Commission asked Ms. Berry to call Peggy Bennett and have her contact Elder Robinson and go over what all needs he is talking about to renovate the Harlem Heights Playground.

The Commissioners received and reviewed a letter from Andrea Mender, 4-H Youth Development Extension Agent requesting that funds for the Reaching the Summit Community Service Initiative Project at the Fayette County Park for the New River Master Gardeners prior to July 1, 2013.

The Commission approved to release the funds budgeted in the 2013-2014 Budget prior to July 1, 2013 to the New River Master Gardeners.

The Commissioners signed a letter to Susan Pierce, Deputy State Historic Preservation Officer with the West Virginia Division of Culture and History informing that the Commission is honored that the New River Gorge Bridge is being considered for nomination to the National Registry of Historical Places.

The Commissioners signed a letter to Buren Renick informing they appreciate his written response detailing his planned action to comply with the issued order in the completion of the cleanup of his property to comply with the County's policies by your defined July 31, 2013 timeline.

Ms. Berry presented letters and Orders for the Commissioners to sign reappointing Denise A. Scalph, Timothy A. Keeney, Brian E. Smith members to the Fayette County Farmland Protection Board to the Commissioners.

Commissioner Lopez offered a motion to reappoint Denise A. Scalph, Timothy A. Keeney, and Brain E. Smith members to the Fayette County Farmland Protection Board. Commissioner Scalph seconded. Unanimous. Orders an appointment letters signed.

Commissioner Lopez offered a motion to appoint Geoff Heeter private sector a member on the Region 4 Planning and Development Council. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to Region 4 Planning and Development Council appointing Geoff Heeter private sector a member on the Region 4 Planning and Development Council.

Ms. Berry presented the West Virginia Birthday Celebration Budget to the Commissioners.

Framed Pictures		\$ 875.00
Food		600.00
Music		400.00
Flags	50 @ \$38.36	\$1,918.00
	100 @ \$29.56	2,956.00
	200 @ \$27.16	5,432.00
	300 @ \$19.96	5,938.00
Freight	\$20.95	
Set up Art	\$85.00	

Discussion was held regarding the purchase of the flags. Commission Lopez offered a motion to approve expenditure to purchase 100 flags @ \$29.56 each total cost \$2,956.00. Commissioner Scalph seconded.

Commissioner Scalph offered a motion to allow spending for food (\$600.00), framed pictures (\$875.00), music (\$400.00) for the West Virginia Birthday Celebration Budget. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners she received a request from the County Clerk's Office for a picnic table for the Courthouse lawn. The Commissioners approved and asked that Ms. Berry and Dickie Smith get with the County Clerk's Office to discuss where to put the table.

The Commissioners received and reviewed an invitation from the LaFayette Huse Veterans Memorial inviting the Commission to join them

for their Ground Breaking Ceremony for the LaFayette Huse Veterans Memorial, May 27, 2013 at 1:00 p. m.

The Commissioners received and reviewed a letter from Brookfield Renewable Energy Group regarding Hawks Nest Hydroelectric Project, FERC Project No. 2512 and Glen Ferris Hydroelectric Project, FERC Project No. 14439 notification of filing of revised Study Plan Document.

The Commissioners received and reviewed a letter from the Raleigh County Housing Authority thanking the Commission for their letter extending their appreciation for the implementation of a Homeownership Voucher Program.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review them) the listing of proposed amendments to the approved 2013-2018 statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of May 3 to May 9, 2013, amount \$284.00.

The Commissioners received and reviewed checks from the Fayette County Board of Education for WVU Extension Office Annual Agreement (\$12,118.50) and for Oak Hill High School Prevention Resource Officer (\$5,560.00), amount \$17,678.50; Reimbursement Election Post Cards, amount \$108.56; 911 Fee from Frontier Communications, amount \$64.50; check from the WV Development Office for the Kanawha Falls PSD, amount \$32,212.19.

The Commissioners received and reviewed Bank Statements from the Fayette County National Bank for the Fayette County Financial Stabilization Fund and the Fayette Coal County Reallocated Severance Tax Fund.

The Commissioners received and reviewed a Pledge Statement from the SunTrust Bank listing the securities pledged as of April 30, 2013.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company listing the securities held as collateral to secure the deposits of Fayette County Commission as of April 30, 2013.

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York Mellon for the period April 1, 2013 through April 30, 2013.

The meeting was adjourned at 12:40 p.m. The next scheduled meeting is May 31, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 31, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 31<sup>st</sup> day of May 2013.

Commissioner Wender called the meeting to order at 9:15 a. m.

Eddie Young, Assessor informed the Commissioners he had no exonerations for real or personal property tickets but he did have a refund for Ralph Fazio etux, amount \$160.29.

Commissioner Lopez offered a motion to approve and sign refund for Ralph Fazio etux, amount \$160.29. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of May 3, 2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing the Commission that it is his intent to upgrade the Tax Tickets that the Tax Office sends out every year.

Sheriff Kessler told the Commissioners that Software System, Inc. can download all the Tax Ticket information and mail out all the tickets to the taxpayers for a fee of approximately \$22,000.00.

Sheriff Kessler told the Commissioners the benefit to this is that they will now be sending out tax tickets with more information and instruction on them which should make them more user friendly to the taxpayer.

Sheriff Kessler told the Commissioners that since Software System Inc. currently operates within this department no bidding is required for this service.

Sheriff Kessler told the Commissioners that Software System, Inc. provide this service for 22 tax offices within the state. Sheriff Kessler told the Commissioners he has contacted four (4) Counties (Nicholas, Clay, Ohio and Hancock) and they are very satisfied with the service.

Commissioner Lopez offered a motion to approve Sheriff Kessler request to upgrade the tax tickets that the Tax Office sends out every year. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler requesting the Fayette County Commission permission to

utilize Fayette County National Bank 's Internet Banking System Service.

Sheriff Kessler told the Commissioners if approved the Fayette County National Bank is requesting signatures on the banking agreement from Sheriff Steve W. Kessler, County Clerk Kelvin E. Holliday and Commission President Matthew D. Wender.

Discussion was held, the Commission suggested that Carl Harris, Prosecuting Attorney to review. The Commission asked to hold off decision until they get other folks review.

Melvin Withrow from the Fayette County Park appeared before the Commission to discuss issues at the Park with the Commission.

After a brief discussion Commissioner Wender asked that Earl Pauley, Park Superintendent and Peggy Bennett be scheduled on the agenda for June 14, 2013.

The Commissioners presented to David L. Arritt a Proclamation acknowledging the sterling and indefatigable leadership in his consist efforts to help make Fayette County Schools more productive and more successful for all of our students.

Commissioner Wender read the Proclamation.

David L. Arritt thanked the Commissioners.

The Commission recessed the County Commission meeting at 10:30 a. m. to enter into an Executive Sessions to discuss a personnel matter.

The Commission reconvened the County Commission meeting at 11:45 a. m.

Ms. Berry informed the Commission that Brian Sparks has looked at the tree on the left side of the Courthouse parking lot and informed her that the tree needs to be removed.

Ms. Berry told the Commissioners that Franck's Tree Service has given a quote of \$1,000.00 to remove.

Commissioner Lopez offered a motion to approve Franck's Tree Service to remove the tree on the left side of the Courthouse parking lot, cost \$1,000.00. Commissioner Scalph seconded. Unanimous.

Ms. Berry asked the Commission if they wanted to continue the discussion of appointments and reappointments to the Fayette County Health Department Board that was tabled from the meeting on May 17, 2013.

The Commission asked to table the Fayette County Board of Health Department Board appointments and reappointments until June 14, 2013.

The Commissioners signed letters to the Municipalities, Senators and Delegates regarding the West Virginia Birthday Celebration for June 15, 2013 and June 21, 2013.

Ms. Berry presented three (3) drawdown request for the Governor's Community Participation Grants, African American Heritage Museum (\$800.00), Renovations for Falls View Community Center (\$1,819.74), and Minden Kwanza Community Playground (\$1,000.00).

The Commissioners approved and signed.

The Commission received and reviewed a letter from Cindy Dragan, Chairman of the Fayette County New River Gorge Bridge Day Commission

recommending that the Fayette County Commission adopt the new By-Laws approved by the Bridge Day Commission on May 20, 2013.

Ms. Berry informed the Commission that Carl Harris, Prosecuting Attorney has reviewed and he has no problem with the updated By-Laws.

Commissioner Scalph offered a motion to approve the amended By-Laws for the Fayette County New River Gorge Bridge Day Commission.

Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the Community Participation Grant with CODA Music Academy.

Senator William Laird told the Commissioners that Ms. Ester Moray is having problems with the West Virginia Development Office because her non-profit is religious based. This creates a separation of church and state issue in their minds.

Senator Laird is asking the Commission if they would consider agreeing to be the pass through agency for the receipt and disbursement of these funds so that Ms. Moray will not loose this money.

Senator Laird informed the Commissioners he would prepare the paperwork. The Commission approved to be the recipient of this Community Partnership Grant.

The Commissioners received and reviewed a letter from the Pax Community Events Committee inviting the Commission to a Bridge Dedication on Thursday, July 4, 2013 and requesting funding for the Community Event.

Discussion was held the Commission informed they had allocated a \$1,000.00 for Fiscal Year 2012-2013.

Ms. Berry presented Budget Revisions for the General County Fund and the Coal Severance Fund for Fiscal Year 2012-2013 for the Commissioners to sign.

Commissioner Scalph offered a motion to approve and sign Budget Revisions for the General County Fund and the Coal Severance Fund for Fiscal Year 2012-2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Lawrence J. Richmond, II League President for the Meadow Bridge Little League requesting to be allowed to use the \$4,000.00 approved by the Commission and earmarked for bleachers be changed to be used for other items of field development.

Discussion was held the Commission approved to change the \$4,000.00 earmarked for bleachers to capital outlays only no equipment or uniform purchases.

The Commission received and reviewed a letter from Sergeant S. M. Gray requesting to host a continuing education class at the new Emergency Operations Center Training Room July 8, July 9, July 15 and July 16, 2013. The training hours are from 9:00 a. m. to 5:00 p. m.

Commissioner Scalph offered a motion to approve the request of Sergeant S. M. Gray to use the new Emergency Operations Center Training Room to host a continuing education class July 8, July 9, July 15 and July 16, 2013. Commissioner Lopez seconded. Unanimous.

The Commission received and reviewed a letter from the Fayette County Urban Renewal Authority requesting permission to use the new Emergency Operations Center for their June meeting being held June 3, 2013 at 7:00 p. m.

Commissioner Lopez offered a motion to approve the request of the Fayette County Urban Renewal Authority to use the new Emergency Operations Center for their June meeting being held June 3, 2013 at 7:00 p.m. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez informed the Commission that the Upper Kanawha Valley Economic Development Council (UKVEDC) is requesting the \$20,000.00 allocated to them for Fiscal Year 2012-2013.

Discussion was held the Commission informed that for this Fiscal Year 2013-2014 they only allocated \$10,000.00.

Commissioner Scalph offered a motion to approve the prior allocation of \$20,000.00 for Fiscal Year 2012-2013 to the Upper Kanawha Valley Economic Development Council. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the West Virginia Public Service Commission and the West Virginia Secretary of State Office enclosing information needed for all our Public Service Districts and their current Board Members.

The Commissioners received and reviewed a letter from Brenda S. Pugh regarding the Layland Miners Memorial.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the April 2013

Table Games were directly deposited on May 16, 2013, amount \$6,259.43, funds due for the April Limited Video Lottery will be directly deposited on May 28, 2013, amount \$6,435.31 and funds due for the April 2013 Greenbrier Table Games Taxes were directly deposited May 16, 2013, amount \$101.55.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of May 17 to May 23, 2013, amount \$120.00.

The Commissioners received and reviewed checks for 911 Fees from Level 3 Communications LLC, amount \$56.00, Lumos Network, amount \$758.75, and Granite Telecommunications LLC, amount \$560.00; Jail Fees from City of Mount Hope, amount \$48.80; FCSWA Reimbursement, amount \$798.15; Supreme Court FLM Rent, amount \$2,700.00; and WV State Auditors Office P-Card Rebate, amount \$902.72.

The meeting was adjourned at 1:30 p. m. The next scheduled meeting is June 14, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 14, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of June 2013.

Commissioner Wender called the meeting to order at 9:10 a. m.

The Commissioners received and signed oaths and certificates for Personal and Real Property Land Books from the Assessor's Office.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tickets for Doshia and Stephen Sizemore, Joey Veramessa, and Elizabeth A. Beals. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Karen Stanley (5), Nellie and Herb (Hubert) Moore, Paul or Alice Dehart, Krystle Humphrey, Billy W. Lanham, Jr., Mark Allen Adkins, Cynthia J. McClung, Phillip A. or Scherrie O'Dell, Phillip J. O'Dell, Madylon J. Grand, Stephen F. Skidmore, Larry W. and Deborah Humphreys (2). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refund for Madylon J. Grand (\$113.14). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released today. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Petition to Combine or Divide and Segregate Land for the Commissioners to approve and sign.

Commissioner Scalph offered a motion to approve and sign the Petition to Combine or Divide and Segregate Land for James R. Ramsey and Genny Ferry. Commissioner Lopez seconded. Unanimous.

Ms. Berry told the Commissioners she received a request from Mary Rahall requesting that the Fayette County Commission enact a law to ban the selling, storage and disposal of hydraulic tracking/drilling waste.

The Commissioners suggested to Ms. Berry to have Carl Harris, Prosecuting Attorney to review.

Mr. Harris told the Commissioners that this is regulated by the State. The Fayette County Commission cannot do anything.

The Commissioners asked Mr. Harris to draft a letter to Ms. Rahall giving an explanation of the situation.

The Commission asked that this be tabled until next week to give Mr. Harris time to review.

Ms. Berry presented a request from Dave Pollard, County Resource Coordinator requesting overtime for Rachel Davis (46.5 hours).

Discussion was held, the Commission approved the overtime for Rachel Davis but asked that a letter be sent to Mr. Pollard informing him that duties assigned would be during work hours, work expected outside of the work schedule would be worked out as comp. time not overtime.

The Commission asked Ms. Berry to include in the letter that overtime should be submitted for approval prior to the request.

Discussion was held regarding the appointments and reappointments to the Fayette County Health Department Board that was tabled from the meeting on May 17, 2013.

Commissioner Wender recommended to the Commissioners to appoint Matthew Edwards, Democrat from the New Haven District to replace Debra Fragala Pories and reappointment William Preston, Republican from Plateau District as Board members of the Fayette County Board of Health.

Commissioner Wender offered a motion to reappoint William Preston, Republican from the Plateau District a member of the Fayette County Board of Health term to expire June 30, 2018. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to appoint Matthew Edwards, Democrat from the New Haven District to replace Debra Fragala Pories, a member of the Fayette County Board of Health term to expire June 30, 2015. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a drawdown request for the Governor's Community Participation Grant for the Fayette County Historical Society-Contentment Complex Museum, amount \$2,000.00 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown for the Fayette County Historical Society-Contentment Complex Museum, amount \$2,000.00. Commissioner Scalph seconded. Unanimous.

Carl Harris, Prosecuting Attorney appeared before the Commissioners to appoint a new County Coroner for Fayette County.

Due to a scheduled appointment before the Circuit Court this was tabled until later.

Ms. Berry presented a letter from the Fayette County National Bank requesting permission to substitute securities pledged for funds deposited by the Fayette County Commission.

Commissioner Scalph offered a motion that having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured. Commissioner Lopez seconded. Unanimous. Order signed. The Commissioners received and reviewed a letter from Page-Kincaid Public Service District informing that due to the resignation of Kenneth Smart as a member of the Page-Kincaid Public Service District Board, the Board is recommending that the Fayette County Commission consider appointing Robert Williams to fill the vacancy.

Commissioner Lopez offered a motion to appoint Robert Williams to replace Kenneth Smart as a member of the Page-Kincaid Public Service District, term to expire October 1, 2013. Commissioner Scalph seconded. Unanimous. The Commissioners signed an Order and a letter of appointment to serve.

Commissioner Wender signed for Region 4 Planning and Development Council the Program Income Report for the Kanawha Falls Water Extension required as part of the West Virginia Development Office's Small Cities Block Grant Annual Reporting for the Fiscal Year 2012-2013 and signed the 2013 Letter of Intent for the Kanawha Falls Public Service District.

The Commissioners received and reviewed a letter from the Fayetteville Lion's Club requesting permission to use the parking lot on Wiseman Avenue across from the Courthouse on July 4, 2013.

Commissioner Scalph offered a motion to approve request of the Fayetteville Lion's Club to use the parking lot on Wiseman Avenue across from the Courthouse for their Fourth of July Celebration on July 4, 2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Chris Powell, Director of the Homoclimbtastic requesting permission to use the Courthouse lawn and restroom facilities on Sunday, July 21, 2013 for a breakfast/brunch.

Commissioner Scalph offered a motion to approve request of the Homoclimbtastic to use the Courthouse property and restroom facilities with the conditions that no vehicles are permitted on the Courthouse lawn for any purpose including unloading that no amplification is allowed on the Courthouse property, and that a Certificate of Insurance be provided prior to the event, and that all county property shall be cleaned up immediately after the event concludes. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed information from Patricia Kicklighter, Superintendent with the National Park Service regarding "Connecting the Parks with their Gateway Communities-Concept Plan."

Ms. Berry informed the Commissioners that Dale Tomlin had contacted Debbie Aliff, Payroll Clerk asking if he can sign up for County Insurance.

The Commissioners asked that this be tabled and asked Carl Harris, Prosecuting Attorney to check and review.

The Commissioners signed a thank-you letter to the North Hills Group, Inc. for their generous 4.16 acres land donation to Fayette County this donation will be used for future acid mine drainage remediation.

Ms. Berry presented a Hazard Mitigation Property Lease Agreement for Fredrick and Lisa Williams for Commissioner Wender to sign.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Hazard Mitigation Property Lease Agreement for Fredrick and Lisa Williams. Commissioner Lopez seconded. Unanimous.

Ms. Berry told the Commissioners she received an e-mail and a request from Dave Langford related to Appalachian Electric Power (AEP) seeking approval from the Public Service Commission (PSC) to acquire generating assets from Ohio Power.

Mr. Langford informed if approved AEP will take ownership of 50% of the Mitchell Plant in Marshall County and 2/3 of one unit at the John Amos Plant in Putnam County.

Mr. Langford is requesting that if approached by the Sierra Club or other organizations to oppose this with any type of Resolution that the Commission please declines and asked the Fayette County Commission to consider sending a letter of support for the proposal.

The Commissioners signed a letter of support for the proposal to the Public Service District (PSC).

The Commissioners signed a letter to Richard "Dickie" Smith, Maintenance Supervisor regarding harassment and discrimination in the workplace.

Sheriff Steve Kessler and Stephanie Sears, Staff Accountant appeared before the Commission to give an explanation regarding the adjustments to the Sheriff's Department Fiscal Year Budget for 2012-2013.

Sheriff Kessler told the Commissioners in making the budget adjustments for this year when he finished he was approximately \$20,500.00 short due to the overtime in his Department.

Sheriff Kessler told the Commissioners in considering the remainder of this month and additional overtime along with benefits he estimates another \$20,000.00 to finish this fiscal year.

Sheriff Kessler told the Commissioners he is requesting an additional \$40,500.00 to be added to the 2012-2013 fiscal year budget for overtime and benefits.

Commissioner Lopez offered a motion to approve the \$40,500.00 adjustment in the Sheriff's Law Enforcement Levy Fund. Commissioner Scalph seconded. Unanimous.

Tabled from this morning Carl Harris, Prosecuting Attorney advised the Commissioners that the Medical Examiner's Office for the State of West Virginia had requested that the Commission appoint Lisa Sadler as the County Coroner.

Mr. Harris presented the proper documentation that Lisa Sadler is certified in medicolegal investigations and was advised that she will

be continually available to perform the duties required of her as the County Coroner.

Therefore upon a motion made by Commissioner Lopez and seconded by Commissioner Scalph the Commission unanimously approved Lisa Sadler appointed as the County Coroner for Fayette County.

Discussion was held about the bankruptcy and unpaid property taxes from Frasure Creek and Associated Mining Companies.

Eddie Young, Assessor, Carl Harris, Prosecuting Attorney and Sheriff Steve Kessler was present for the discussion.

Mr. Young told the Commissioners the tax ticket is in the name of Deep Water Resources. The total amount taxes owed is \$1,820,749.16.

Commissioner Wender asked what alternative does County and the Sheriff have to collect the delinquent taxes. Carl Harris informed the County doesn't have any.

Mr. Harris told the Commissioner he would have Larry Harrah, Assistant Prosecuting to check regarding Chapter 11.

Mr. Young told the Commissioners that this is personal property, the real property is owned by Pocahontas Land Company.

Mr. Harris told the Commissioners that would need to petition the court. Mr. Harris told the Commissioners to authorize him to hire someone who specializes in bankruptcy files.

Commissioner Scalph offered a motion to authorize Carl Harris to check if needed to hire someone who specializes in bankruptcy files on behalf of the Fayette County Commission regarding the Frasure Creek

and Associated Mining Companies delinquent tax ticket. Commissioner Lopez seconded. Unanimous.

Stephanie Sears, Staff Accountant presented Budget Revision #5 for Fiscal Year 2012-2013 for the General County Fund for the Commissioners to approve.

Commissioner Lopez offered a motion to approve Budget Revision for Fiscal Year 2012-2013 for the General County Fund. Commissioner Scalph seconded. Unanimous.

Ms. Sears presented a letter to the Office of the State Auditor regarding a response to the letter received from their office dated June 3, 2013 entitled "Notice of a Conditional Approval of the Levy Estimate (Budget)" for the Commissioners to sign.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the letter to the Office of the State Auditor regarding the conditionally approved Levy Estimate (Budget) for the Fiscal Year beginning July 1, 2013 and approved for our Budget to stay in the West Virginia Auditor's Office. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed a letter from the Department of Health and Human Resources regarding the appointing of Board Members to the Fayette County Board of Health.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of June 7 to June 13, 2013, amount \$560.00.

The Commissioners received and reviewed from the Bank of New York Melon Account Statement for the period May 1 to May 31, 2013.

The Commission recessed the County Commission meeting at 11:04 a.m. to enter into an Executive Session.

The Commission reconvened the County Commission meeting at 12:30, no decisions were made. The Commission adjourned the County Commission meeting at 12:30 p.m.

The next scheduled meeting is June 28, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 28, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of June 2013.

Commissioner Wender called the meeting to order at 9:10 a.m.

Commissioner Lopez offered a motion to approve vouchers and invoices and 2<sup>nd</sup> half payrolls, checks to be released today.

Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of May 17, 2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Attorney Christopher Winton asking that a Fiduciary Commissioner be appointed to the Estate of George Amos.

Brian Parsons, Assistant Prosecuting Attorney asked the Commissioners to send a letter informing Mr. Winton that he has to prepare the Order for the Commissioners to sign saying that the Commission has appointed a Fiduciary Commissioner to the George Amos Estate.

Commissioner Scalph offered a motion to appoint a Fiduciary Commissioner to the Estate of George Amos and send a letter to the

attorney asking that he prepare the Order for the Commissioners to sign. Commissioner Lopez second. Unanimous.

The Commissioners received and reviewed a letter from the United Way of Southern West Virginia requesting funding for the Community Baby Shower.

Ms. Berry told the Commissioners they had approved this in their Fiscal Year Budget 2013-2014.

Commissioner Scalph offered a motion to release the check to the United Way of Southern West Virginia for the Community Baby Shower. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Communities Re-Unite requesting \$500.00 funding for their upcoming 2013 Communities Re-Unite Bi-annual Reunion to be held Friday, August 30 through Sunday, September 1, 2013.

Commissioner Lopez offered a motion to approve \$500.00 for Fiscal Year July 1, 2013 for the upcoming 2013 Communities Re-Unite Bi-annual Reunion. Commissioner Scalph seconded.

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting use of the Courthouse lawn and walkways for Saturday, October 19, 2013 from approximately 1:30 to 6:00 p. m. for the purpose of hosting the 5<sup>th</sup> Annual Bridge Day Chili and Cornbread Cook-off.

Commissioner Scalph offered a motion to approve request of the Fayetteville Convention and Visitor Bureau to use the Courthouse lawns and walkways Saturday, October 19, 2013 for the purpose of hosting the

5<sup>th</sup> Annual Bridge Day Chili and Cornbread Cook. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting that the Fayette County Commission continue the \$1,500.00 annual funding to the Fayette County Law Enforcement Museum Project for Fiscal Year beginning July 1, 2013.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Convention Visitors Bureau of \$1,500.00 funding to the Fayette County Law Enforcement Museum Project. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented information to the Commissioners regarding the County Commissioners' Association of West Virginia Annual Meeting being held August 4 to August 7, 2013.

Brian Parsons, Assistant Prosecuting Attorney presented the first reading of the Amendments of the 2013 Fayette County Building Code to the Commissioners to review.

Commissioner Lopez offered a motion to approve the first reading of the Amendments of the Fayette County Building Code to review and at the next Commission meeting approve for passage. Commissioner Scalph seconded. Unanimous.

Ms. Berry told the Commissioners she received a letter from Allen Ballard, Fayette County Building Inspector informing the City of Oak Hill Intergovernmental Agreement from July 1, 2012 to June 27, 2013, total amount \$36,630.82 in building permit fees.

Mr. Ballard told the Commissioners under his supervision they have done a total of \$7,550.00 cost of inspections which leaves a total of \$29,080.82. This amount under the Agreement will be divided equally to the City of Oak Hill and the Fayette County Commission, amount \$14,540.41.

The Commissioners received and reviewed a letter from the Southern Appalachian Labor School (SALS) informing they are applying for a Community and Economic Development (CED) grant from the Office of Community Services and would appreciate a partnership letter of support from the Fayette County Commission.

Commissioner Scalph offered a motion to approve the request of Southern Appalachian Labor School for a partnership letter of support for their Community and Economic Development (CED) grant. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a notice and information related to the Amendments to the Unified Development Code to the Commissioners.

Ms. Berry told the Commissioners the public hearing is set for July 29, 2013 at 3:00 p. m. for the Planning Commission and August 13, 2013 at 9:30 a. m. for the Fayette County Commission.

Commissioner Wender presented the Fayette County Flag to the Boy Scouts of America (BSA) and the Summit Bechtel Reserve. Present for the presentation was Michael Patrick, Gary Hartley, Sharon Cruikshank, Senator William Laird, Delegate Margaret Staggers, David McCarthy, William Lanham.

Commissioner Wender read letter informing on behalf of our city and town leaders, and representatives in the West Virginia State Legislature extending their welcome to the Boy Scouts of America as they begin "The Next 100 Years of Scouting."

Commissioner Wender asked Senator Laird to give a brief update on the Hawks Nest Golf Course.

Senator Laird told the Commissioners he had talked with the new chief of Staff in the Governor's Office and Keith Burdette. Mr. Burdette informed him they would not close the Hawks Nest Golf Course June 30, 2013 but would keep open until September or October for the current golfing season.

Senator Laird suggested getting a committee together to discuss getting a plan of substnability written.

Erwin "Toad" Conrad appeared before the Commissioners to present an Application of Donald Michael Cole and Carol Barbara Cole, husband and wife, and Donald W. Hogan to close and vacate that certain street or roadway shown on the map of the Assessor of Fayette County, West Virginia, on Assessor's Map 62H and running from Parcel 6 shown thereon along the line of Parcel 12 and 13 thereon on one side and Parcel 14 shown thereon on the other side as situate near Keeneys Creek, New Haven District, Fayette County, West Virginia, under the provisions of WV Code Chapter 7, Article 1, Section 3h.

Attorney Brian Parsons informed the Commissioners he reviewed the Application and he sees no problem. Mr. Parsons asked Mr. Conrad to attach a copy of the map to the Order.

Commissioner Scalph offered a motion to grant the request of the Petitioners Donald Michael Cole, Carol Barbara Cole and Donald W. Hogan to approve the Order to close and vacate the street in New Haven District, Fayette County, West Virginia. No one appeared to object to this closing. Commissioner Lopez seconded. Unanimous.

The Commission recessed the Commission meeting at 10:25 a. m.

The Commission reconvened the Commission meeting at 10:40 a. m.

Michael Lively with Jim Lively Insurance appeared before the Commissioners to give a brief summary of the County's Liability Insurance Renewal for the period July 1, 2013 to June 30, 2014.

After the brief discussion the Commission asked Mr. Lively if he would come back to the next Commission to discuss further.

Commissioner Wender asked to get Carl Harris, Prosecuting Attorney and Sheriff Kessler in on the discussion.

Danny Scalise with ENACT appeared before the Commission to give an update on the Organization.

Nancy Massie, Joe Massie, Larry Vance, Randy Wriston and Bob Holly appeared before the Commission to make a request to the Commission that they sign their Petition stating that the Commission is in full support of the UMWA's efforts to maintain the benefits promised by Patriot, Peabody and Arch.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator and Rachel Davis requesting use of the Fayette County Memorial Building July 17, 18, 19, 22 and 23, 2013 as a back-up plan in case of inclement weather for the purpose of making bird boxes for the Boy Scout of America (BSA) Service Project.

Commissioner Scalph offered a motion to approve the request to use the Fayette County Memorial Building July 17, 18, 19, 22 and 23, 2013 as a back-up plan in case of inclement weather for the purpose of making bird boxes for the BSA Service Project. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an Order designating four (4) banks to be County depositories of public monies (Fayette County National Bank,

Branch Banking and Trust (BB&T), Chase (formerly Bank One Beckley, WV, N.A.) and Bank of Mount Hope, Inc.

Ms. Berry informed the Commissioners she sent the Order over to the Prosecuting Attorney's Office to review.

Commissioner Scalph offered a motion to accept and make binding by this Order the depository bonds and/or the securities and agreements as received and make a part thereof for the banking institutions enumerated (Fayette County National Bank, Branch Banking and Trust (BB&T), Chase (formerly Bank One Beckley, WV, N.A., and the Bank of Mount Hope, Inc.). Commissioner Wender seconded. Unanimous. Order and letters to each bank signed.

The Commissioners signed an Order ordering the annual pro-rate 5-year costs associated with such special levy election to be deducted from the total annual amount raised for each entity receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund, Law Enforcement Levy Fund \$6,800.00, Library Levy Fund \$3,200.00, and Fire Levy Fund \$10,000.00.

Ms. Berry presented an Order to transfer \$4,323.96 from the Fayette County Worthless Check Fund to the Fayette County General County Fund for reimbursement of previous expenditures as set forth in the order of the Fayette County Commission and entered to record on June 15, 1995, an Order to transfer \$30,314.24 for the Fiscal Year 2012-2013 from the Magistrate Court Fund to the Fayette County General Fund and an Order to transfer the balance of the Fayette County General School Fund in the amount of \$107,845.85 to the Fayette County General Fund to defray the balance due said for the cost of care and

feeding of misdemeanor prisoners incarcerated by magistrates to the Commissioners.

Commissioner Scalph offered a motion to approve transfer of funds from the Fayette County Worthless Check (\$4,323.96) to the Fayette County General Fund, to transfer the sum of \$30,314.24 for the Fiscal Year 2012-2013 from the Magistrate Court Fund to the Fayette County General Fund and to transfer the balance of the Fayette County General School Fund in the amount of \$107,845.85 to the Fayette County General Fund. Commissioner Wender seconded. Unanimous. Orders signed.

Ms. Berry presented an Order to transfer \$1,000,000.00 from the Fayette County General Fund for Fiscal Year 2012-2013 to the Fayette County Financial Stabilization Fund.

Commissioner Scalph offered a motion to approve transfer of funds from the Fayette County General County Fund for Fiscal Year 2012-2013 (\$1,000,000.00) to the Fayette County Financial Stabilization Fund. Commissioner Wender seconded. Unanimous.

Ms. Berry presented Budget Statement for the ensuing Fiscal Year beginning July 1, 2013 to June 30, 2014 to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Budget Statement submitted today for Fiscal Year 2013-2014. Commissioner Lopez seconded. Unanimous.

The Commission recessed the County Commission meeting for an Executive Session at 11:35 a. m. to discuss Courthouse Security and a Personnel Matter with Sheriff Steve Kessler.

The Commission reconvened the County Commission meeting at 12:30 p. m.

Commissioner Wender reported during the Executive Session they received information from Sheriff Kessler regarding the Courthouse Security and the Personnel Matter. No decisions were made.

Commissioner Wender informed that earlier in the Commission meeting, the Commission made a motion to transfer from the Fayette County General Fund \$1,000,000.00 to the Fayette County Financial Stabilization Fund, further information has been received regarding this motion and the Commission would like to rescind this motion allocating \$1,000,000.00 be transferred from the Fayette County General Fund to the Fayette County Financial Stabilization Fund.

The Commissioners received and reviewed a letter from the Fayette County Park requesting that Camp Kismet's refund of \$150.00 be submitted to them.

The Commissioners received and reviewed a letter from the Fayette County Park regarding the Harlem Heights Park.

The Commissioners received and reviewed a letter from the Office of the Governor informing the Fayette County Commission they have been approved for a Community Corrections Program Grant in the amount of \$304,538.00.

The Commissioners received and reviewed Dog Fund Balance Supplemental Salary for Eddie Young, Assessor, amount \$571.80.

The Commissioners received and reviewed a letter from Layland Miners Memorial Fund Committee thanking the Commission for their contribution.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the 75% of the oil

and gas severance tax will be directly deposited on June 24, 2013, amount \$31,944.47, funds due for the May Limited Video Lottery will be directly deposited June 26, 2013, amount \$6,594.75 and funds due for the May 2013 Table Games will be directly deposited on June 17, 2013, amount \$6,458.97.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of June 21 to June 27, 2013, amount \$445.00.

The Commissioners received and reviewed check from the Department of Health & Human Resources for Family Resource Network (FRN), amount \$7,500.00; check from the Supreme Court for rent Family Law Judges (FLJ), amount \$2,700.00; check from the WV Association of Geospatial Professional reimbursement, amount \$60.00 and the WV Development Office for Falls View Community Center, amount \$1,819.74.

The meeting was adjourned at 12:50 p. m. The next scheduled meeting is July 12, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 12, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 12<sup>th</sup> day of July 2013.

Commissioner Wender called the meeting to order at 9:15 a. m.

Steve Fox from the Assessor's presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalp offered a motion to approve and sign real property tickets for (see attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve 1<sup>st</sup> half payrolls, checks to be released July 15, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of June 14, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land for Daniel D. and Denise D. Mullins and Terry Lee Foster, Jr. to the Commissioners.

Commissioner Lopez offered a motion to sign Petitions to Combine or Divide and Segregate Land for Daniel D. and Denise D. Mullins and Terry Lee Foster, Jr. Commissioner Scalph seconded. Unanimous.

The Commissioners approved and signed 2<sup>nd</sup> Quarter West Virginia Sales and Use Tax Return for the Fayette County Park, amount \$638.05.

Ms. Berry presented a drawdown for the Governor's Community Participation Grant for the Sportsman Recreation Grant in the amount of \$2,475.00 for a Storage Building to the Commissioners.

Commissioner Lopez offered a motion to approve drawdown request for the Governor's Community Participation Grant for the Sportsman Recreation Grant in the amount of \$2,475.00 for a Storage Building. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she received a change in scope approval of the Governor's Community Participation Grant from CODA Mountain Music to improvements at the Fayette County Park.

Ms. Berry presented Application and Resolution to be approved and signed.

Commissioner Scalph offered a motion to approve for Commissioner Wender to sign Application and Resolution for a change in scope approval of the Governor's Community Participation Grant from CODA Mountain Music to improvements at the Fayette County Park, amount \$5,000.00. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners that at their last meeting they read the first reading of the 2013 Fayette County Building Code for the purpose of establishing rules and regulations, the State Building Code as promulgated by the West Virginia State Fire Commission pursuant to West Virginia Code §29-3-5(b).

Mr. Harris told the Commissioners they are here today for the 2<sup>nd</sup> reading to adopt the 2013 Fayette County Building Code.

Mr. Harris informed the Commissioners that no one is here for comments.

Commissioner Scalph offered a motion to adopt the amended 2013 Fayette County Building Code. Commissioner Lopez seconded. Unanimous.

Pete Hobbs, Mayor Town of Ansted appeared before the Commission to request funding for a Storm Water Study for the areas outside of

the City Limits (Turkey Creek, Chestnut, Ames Heights and Russell Hill).

Mr. Hobbs informed the Commissioners there are approximately 300 potential customers in the Hopewell Dip area.

Mr. Hobbs told the Commissioners he is requesting \$10,000.00 from the Commission and asks that they join with him in the funding of the Storm Water Study.

Commissioner Wender informed the Commission would commit up to \$10,000.00 and asked Mr. Hobbs to ask the Town of Ansted to contribute what they can.

Commissioner Scalph offered a motion for Fayette County Commission to approve the funding for a Storm Water Study up to \$10,000.00 for the Town of Ansted. Commissioner Lopez seconded. Unanimous.

Mr. Hobbs introduced John Keeper, the new Chief of Police for the Town of Ansted to the Commissioners.

Ms. Berry presented a West Virginia Community Corrections Grant Contract Agreement Documents for Commissioner Wender to sign for the Community Correction Grant in the amount of \$304,538.00.

Commissioner Lopez offered a motion to approve Commissioner Wender to sign the Community Correction Grant in the amount of \$304,538.00. Commissioner Scalph seconded. Unanimous.

Samuel Jasper appeared before the Commission and presented a letter to unsubdivide the section of Wolf Creek Subdivision that lies within the boundaries of his property near Lochgelly (see an attached letter).

Commissioner Scalph offered a motion to have the streets that lie within the boundaries that are known as Wolf Creek Subdivision be abandoned and the Assessor consolidate all the lots. This is to be changed subject receiving a letter from JoAnn Hall. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting a supplemental budget request for summer help.

Mr. Wright told the Commissioners that Faroat I. Andasheva is working with his staff as part of her requirements for a course at Shepherd University.

Ms. Andasheva started working in his office on June 11, 2013 and will complete her internship on July 11, 2013 totaling 120 hours.

Mr. Wright is requesting that she be paid the same rate as the other summer help in other offices at the Courthouse.

Commissioner Lopez offered a motion to approve the request of Daniel Wright to hire summer help for his office from June 11 to July 11, 2013 at \$7.50 per hour. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Debby Sizemore, Chairman of the Fayette County Planning and Zoning Commission informing that the three-year terms of four (4) members of the Fayette County Planning and Zoning Commission will expire on August 3, 2013.

Ms. Sizemore informed that by the recommendation of the Fayette County Planning and Zoning Commission they are requesting that the Commission consider reappointing Guy Dooley, Jennifer Salvatore,

Sherman Bobbitt and Debby Sizemore members of the Fayette County Planning and Zoning Commission.

Commissioner Scalph offered a motion to approve the request of the Fayette County Planning and Zoning Commission to reappoint Guy Dooley, Jennifer Salvatore, Sherman Bobbitt and Debby Sizemore members of the Fayette County Planning and Zoning Commission. Commissioner Lopez seconded. Unanimous. Orders and letters to serve were signed.

The Commissioners received and reviewed a letter from the Fayetteville Midget League Football requesting use of the Fayette County Memorial Building for their Cheerleading Competition being held September 7, 2013.

Commissioner Scalph offered a motion to approve the request of the Fayetteville Midget League Football to use the Fayette County Memorial Building for their Cheerleading Competition being held September 7, 2013. Commissioner Lopez seconded. Unanimous.

The Commission recessed the County Commission meeting at 10:10 a. m.

The Commission reconvened the County Commission meeting at 10:20 a. m.

Ms. Berry presented two (2) Fire Levy Agreements (the Town of Fayetteville and the City of Oak Hill) for the period of July 1, 2013 to June 30, 2014 for the Commission to approve and sign.

Commissioner Scalph offered a motion to approve and sign Fire Levy Agreements for the Town of Fayetteville and the City of Oak Hill for the period of July 1, 2013 to June 30, 2014. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners that two (2) of the HVAC units at the Courthouse Annex needs to be replaced.

Ms. Berry told the Commissioners she received a quote from Casto Technical Services the cost to provide this service is \$15,250.00.

Commissioner Scalph offered a motion to approve replacement of the two (2) HVAC units at the Courthouse Annex. Commissioner Lopez seconded.

Commissioner Scalph offered a motion to bid the two (2) HVAC units out for replacement for the Courthouse Annex. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$5,400.00 for the months of July and August.

The Commissioners signed letters of support to Southern Appalachian School for their Housing Preservation Grant and their Home Rehabilitation Program.

Ms. Berry presented a Budget Revision for Coal Severance Fund for approval and signatures to the Commissioners.

Michael Lively with Jim Lively Insurance appeared before the Commissioners to give a brief summary of the County's Liability Insurance Renewal for the period July 1, 2013 to June 30, 2014.

After a brief discussion, Commissioner Wender called for an Executive Session with Michael Lively.

The Commission recessed the County Commission meeting for an Executive Session at 11:00 a. m.

The Commission reconvened the County Commission meeting ay 11:10 a. m.

Commissioner Wender informed they met with their legal council regarding a law suit. No decisions were made.

Shawn Wolford, EMA Director appeared before the Commission to discuss the Emergency Operations Center Employees.

Mr. Wolford gave the Commissioners an update, he has moved the staffing around at the Emergency Operations Center.

The Telecommunicator/Shift Supervisor resigned, he would like to move Jewel Donelson to that position, would like to move three (3) of the Telecommunicators from part time to full time status.

Commissioner Wender informed they would have to do a Budget Revision for this adjustment.

Commissioner Wender offered a motion that Fayette County Commission approves for Stephanie Sears, Staff Accountant to adjust Budget to reflect the move of three (3) probationary employees to full time with benefits and with the understanding that future probationary employees be offered benefits, and to approve a pay increase for two (2) other employees due to changes in their position. Commissioner Lopez seconded. Unanimous.

Shawn Wolford discussed with the Fayette County Commission the landslide and the maintenance at the Emergency Operations Center.

The Commission asked that Joe Crist, Fire Coordinator and Shawn Wolford, EMA Director be scheduled on the agenda for August 13, 2013 to discuss further the 911 Employees and a vehicle for the Fire Coordinator.

Commissioner Wender offered a motion to authorize the allocation of \$150.00 to Mike Scarbrough for the work he's done for taking care of the Boomer Ball Field. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Brookfield Renewable Group regarding the Hawks Nest Project (FERC No. 2512) and Glen Ferris Project (FERC No. 14439) ILP Relicensing Studies Progress Report #1.

The Commissioners received and reviewed a copy of a newspaper clipping from the West Virginia Association of Counties informing the state Regional Jail Authority is on track to again reduce per diem costs at its facilities statewide, which could save counties thousands of dollars in jail fees.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of the minutes for June 11, 2013.

The Commissioners received and reviewed a copy of a letter from the West Virginia Department of Environmental Protection reappointing Tommy Harris to the Board of Directors of the Fayette County Solid Waste Authority, effective July 1, 2013.

The Commissioners received and reviewed Fiscal Year 2013-2014 Assessments from Region 4 Planning and Development Council, amount \$46,039.00.

The Commissioners received and reviewed Fiscal Year 2013-2014 Assessments from the Fayette-Raleigh Metropolitan Planning Organization, amount \$4,101.00.

The Commissioners received and reviewed a letter from Senator William R. Laird, IV notifying the Fayette County Commission that funding has been approved for capital improvements to the Lewis House through a Community Participation Grant, amount \$4,000.00.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the Statement Period April 1, 2013 to June 30, 2013.

The Commissioners received and reviewed checks for 911 Fees from Shentel, amount \$1,697.50, Atlantax Systems, Inc., amount \$16.00, Procom, amount \$34.30; Jail Fees from the Town of Fayetteville, amount \$488.00; a check from Juvenile Services for Alarm Fees, amount \$75.00 and a check from the Clerk of the Circuit Court for Restitution for Case #09-F-171 Thomas Eugene Woodrum, amount \$200.00.

The meeting was adjourned at 12:00 p. m. The next scheduled meeting is July 26, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 26, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS PRESENT: Matthew D. Wender, John H. Lopez

The Fayette County Commission met in a regular session on this 26<sup>th</sup> day of July 2013.

Commissioner Wender called the meeting to order at 9:16 a. m.

Cindy Hysell from the Assessor's Office presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign real property tax tickets for (See Attached). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for (See Attached). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Application for Correction of Assessment for John H. and Susan M. Woods. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released July 30, 2013. Commissioner Wender seconded. Unanimous.

Albert Levy and Margie Stanley appeared before the Commission to request assistance in getting a State Marker and a sign put up where the actual 1934 train explosion took place at McDunn in Montgomery/Armstrong area of West Virginia.

A discussion was held the Commission informed they would discuss this with Danny Wright, Chairman of the Fayette County Historic Landmark Commission to see if he has any suggestions.

Mike Lively with Jim Lively Insurance appeared before the Commission to give a breakdown of the County's Liability Insurance for the period July 1, 2013 to June 30, 2014.

Commissioner Wender asked Mr. Lively if Shawn Wolford, Director EMA had gotten in touch with him regarding the tower at the old 911 Center. Mr. Lively replied no.

Commissioner Wender asked Ms. Berry to check with Mr. Wolford to see when the tower at the old 911 Center will come down.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Linda Aguilar, Helen Delores Petitt, David N. Mercier and Daniel R. and Deborah Shuck. Commissioner Wender seconded. Unanimous.

Ms. Berry told the Commissioners that the Auditor's Office has approved the Commission for the Tax Year 2013 for Sheriff Steve Kessler in the amount of \$12,487.96.

Commissioner Lopez offered a motion to approve Sheriff Steve Kessler's Commission for the Tax Year 2013, amount \$12,487.96. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a drawdown for the West Virginia Courthouse Facilities Improvement Authority Grant in the amount of \$16,142.03 for Phase 2 of the electrical upgrade for the Fayette County Courthouse to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown request to the West Virginia Courthouse Facilities Improvement Authority Grant in the amount of \$16,142.03 for Phase 2 of the electrical upgrade for the Fayette County Courthouse. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a U. S. Environmental Protection Agency MBE/WBE Utilization Under Federal Grants and Cooperative Agreement (Brownsfield Grant) Report for Commissioner Wender to sign.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign the U. S. Environmental Protection Agency MBE/WBE Utilization Under Federal Grants and Cooperative Agreement (Brownsfield Grant) Report. Commissioner Wender seconded. Unanimous.

Ms. Berry presented two (2) drawdown request for the Kanawha Falls Public Service District for invoices relating to the construction and other services for the Kanawha Falls/Boonesborough Water Line Extension Project, Requisition No. Three (3) in the amount of \$47,182.26 and Requisition No. Four (4) in the amount of \$13,500.00 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown request for invoices relating to the construction and other services for the Kanawha Falls/Boonesborough Water Line Extension Project, Requisition No. Three (3) in the amount of \$47,182.26 and Requisition No. Four (4) in the amount of \$13,500.00 for the Kanawha Falls Public Service District. Commissioner Wender seconded. Unanimous.

Ms. Berry presented paperwork for Commissioner Wender's signature concerning the Kanawha Falls/Boonesborough Water Line Extension three-day rule Compliance Policy determination of cost allowability, allocability, and reasonableness.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign the paperwork concerning the Kanawha Falls/Boonesborough Water Line Extension three-day rule Compliance Policy determination of cost allowability, allocability, and reasonableness for the Kanawha Falls Public Service District. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Contract and Resolution to be signed for a Community Participation Grant for the Friends of the Lewis House in the amount of \$4,000.00 to help with installing a heating and cooling system to the Commissioners.

Commissioner Lopez offered a motion to approve and sign the Community Participation Grant for the Friends of the Lewis House in the amount of \$4,000.00 to help with installing a heating and cooling system. Commissioner Wender seconded. Unanimous.

Judy Lively and Keith Butcher from the Fayette County Board of Education appeared before the Commission to request a change in scope for the Juvenile Justice and Delinquency Prevention Title V Grant.

Mr. Butcher told the Commissioners the change would be in the activities, salaries and a new Director.

After a brief discussion, Commissioner Wender offered a motion to approve request to change the scope for the Juvenile Justice and Delinquency Prevention Title V Grant. The money will provide for salaries, technical improvements and a new Director for Judy Lively. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting at 10:30 a. m.

The Commission reconvened the County Commission meeting at 10:45 a. m.

Adams Stephens appeared before the Commission to present a proposal in which an Engineer obtained through a grant with Plateau Action Network.

Mr. Stephens told the Commissioners that Plateau Action Network is proposing to fill two to three feet of the right of way at the Fayette County's Prosecuting Attorney's Office to bring the adjoining parking lot to street level.

The Fayette County Commission took no action, but requested that Levi Rose with Plateau Action Network authorize the change and request that he gets in writing from the Engineer details of the proposal and forward to the Fayette County Commission prior to any approval.

Gary Redden with the Natural Resource Conservation Services appeared before the Commission to discuss the Dunloup Creek Commercial Appraisal Report.

Mr. Redden told the Commissioners that all but one (1) of the seven (7) property owners had been surveyed.

Mr. Redden told the Commissioners that one piece of property they cannot contact the landowner.

Mr. Redden told the Commissioners they are going to send a letter to him next week.

Commissioner Wender offered a motion that Fayette County Commission is aware and has approved a purchase of \$14,999.00, Ray Toler appraisals of seven (7) Commercial Properties. If it turns out that one of the seven (7) cannot be appraised because we cannot find the owner the Fayette County Commission reserve the right to substitute the commercial property, if however it turns out that there are eight (8) commercial properties, Commissioner Wender offered a motion that Fayette County Commission authorizes an additional \$2,142.00 to pay for the eight (8) additional commercial properties

provided the Fayette County Prosecuting Attorney Office believes we have the authority. Commission Lopez seconded. Unanimous.

Mr. Redden told the Commissioners that Dale Tomlin, County Surveyor is late with surveys, some up to four (4) weeks.

Commissioner Wender asked that bids be sent out for an additional surveyor.

Commissioner Wender offered a motion that Fayette County Commission authorizes Gary Redden with the Natural Resource Conservation Services to contact an additional surveyor to proceed with the next group of ten (10) surveys at the same survey price as currently being paid Dale Tomlin subject and approval of the approval of the Fayette County Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

Commissioner Wender signed Monitoring Reports as Landowners for the Dunloup Creek Project.

The Commissioners held a discussion regarding the need for Air Conditioners at the Community Corrections Center.

After the discussion, Commissioner Lopez offered a motion that Fayette County Commission purchases seven (7) air conditioners for the Daily Report Center in the amount of \$2,121.05. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Notice of Lis Pendens (pending lawsuit) for Leland Cooper for Commissioner Wender to sign to the Commissioners. The property is located in Paint Creek.

Ms. Berry presented for approval a letter sent to Delegate Margaret A. Staggers, Chairman of the House Transportation Committee,

Senator Robert D. Beach, Chairman of the Senate Committee on Transportation and Infrastructure, and the Select Committee on Infrastructure supporting a proposal (SCR 53) whereby some portions of revenue generated by the West Virginia Parkways would be allocated to Fayette, Kanawha, Mercer and Raleigh Counties to the Commissioners.

Commissioner Lopez offered a motion to approve the letter sent to Delegate Margaret A. Staggers, Chairman of the House Transportation Committee, Senator Robert D. Beach, Chairman of the Senate Committee on Transportation and Infrastructure, and the Select Committee on Infrastructure supporting the attempts to acquire some portions of revenue generated by the West Virginia Parkways would be allocated to Fayette, Kanawha, Mercer and Raleigh Counties. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Randy Redden, employee at the Fayette County Park Garage requesting a pay increase of \$2.34 per hour.

Ms. Berry informed the Commissioners that Peggy Bennett had requested this increase in the Fayette County Park Garage Budget, but you did not approve.

The Commissioners asked that this remain the same, no increase.

The Commissioners received and reviewed a letter from Deputy Steven K. Neal requesting use of the Fayette County Memorial Building to host the upcoming boxing and kickboxing event in Fayetteville called the Rumble on the River being held October 12, 2013.

The Commissioners signed letter approving the request to use the Fayette County Memorial Building to host the upcoming boxing and

kickboxing event in Fayetteville called the Rumble on the River being held October 12, 2013.

Ms. Berry presented a Budget Revision for the Fayette County General County Fund to the Commissioners. Ms. Berry told the Commissioners the fund balance has to be revised by July 30, 2013.

Commissioner Wender offered a motion to approve and sign Budget Revision for the Fayette County General Fund, amount \$1,047,363.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the United States Department of the Interior, National Park Service regarding the proposed cell tower located near Canyon Rim Visitor Center.

The Commissioners received and reviewed a letter from the Division of Public Transit inviting the Commission to an informational meeting regarding the Federal Transit Administration's 5307 urban transit program on August 16 at 10:00 a.m. at Tamarack, in the Alan L. Susman Conference Room.

The Commissioners received and reviewed a thank-you note from the CODA Mountain Academy of Music thanking the Commission for their donation.

The Commissioners received and reviewed a letter from the Town of Ansted inviting the Commission to attend an informational meeting at the Ansted Baptist Church on August 1, 2013 at 6:30 p.m. where they will begin to provide to the citizens of Ansted and others within their area of influence, the tools that will allow them to move toward home based employment regarding the viability of Internet based economic development for northern Fayette County.

The Commissioners received and reviewed a letter from Beverly Hundley, Magistrate Clerk and Cindy Renick and Erin Akers-Sedlock, Assistants regarding the progress that is being made to clean up the clerk's office after the water leak.

The Commissioners received and reviewed a letter from the Division of Highways informing the Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2013-2018. They are requesting the Commission assistance in making available (to anyone who wishes to review them) the list of the proposed amendment to the approved 2013-2018 STIP.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that the claim for workers' compensation benefits for Donald I. Ballard is approved.

The Commissioners received and reviewed a letter from the Women's Resource Center thanking the Commission for their continued support of the Women's Resource Center.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledged as of June 28, 2013.

The Commissioners received and reviewed a Cash Statement and Asset List from the Bank of New York Mellon as of June 30, 2013.

The Commissioners received and reviewed several letters from the Office of the State Treasurer informing that funds due for the Regional Jail Operations Partial Reimbursement Fund Tax will be directly deposited on July 25, 2013, amount \$84,926.85, informing that

funds for the June 2013 Table Games will be directly deposited on July 16, 2013, amount \$6,080.68, informing that funds due for Wine, Liquor and Private Club Taxes will be directly deposited on July 17, 2013, amount \$499.94

The Commissioners received and reviewed from the WV Association of Counties a copy of an article of interest regarding 'Pandemic of addiction' fills jails, Drug convictions behind big rise in Putnam County's incarceration costs.

The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia regarding the updated State Building Code and Certification of Building Code Officials and Inspectors.

The Commissioners received and reviewed checks for 911 Fees from Granite Telecommunications LLC, amount \$577.50, IDT Corporation, amount \$10.50, 8x8, Inc., amount \$101.50, Level 3 Communications LLC, amount \$66.50, MCIMetro Access Transmission SVCS LLC, amount \$21.00, AT&T Corp., amount \$290.50 and Lingo Inc., amount \$7.00; check for Franchise Fee from Suddenlink Communications, amount \$51,749.31; check for 911 Fund from Lumos Network, amount \$715.74; check from the Supreme Court for Family Law Judge (FLJ) rent, amount \$2,700.00 and a check from the Unclaimed Property for the Fayette County Park, amount \$996.48.

The meeting was adjourned at 12:25 p.m. The next scheduled meeting is August 13, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION

AUGUST 13, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 13<sup>th</sup> day of August 2013.

Commissioner Wender called the meeting to order at 9:05 a. m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tickets for (see attached). Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for (see attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign a refund presented by Eddie Young, Assessor for Helen Ford, amount \$69.46. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released August 15, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of May 31<sup>st</sup> and July 12<sup>th</sup>, 2013. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney presented a motion to appoint the Sheriff of Fayette County to Administer the Estate of Philip Todd Ridenour to the Commissioners.

Commissioner Lopez offered a motion to approve appointing the Sheriff of Fayette County to Administer the Estate of Philip Todd Ridenour. Commissioner Scalph seconded. Unanimous.

Tim Richardson, Zoning Officer appeared before the Commissioners to deliver a recommendation from the Fayette County Planning and Zoning Commission to amend the Fayette County Unified Development Code to repeal or add amendments (see attached items).

Attorney James Blankenship and Mr. Jerry Cook with American Canadian Expedition (ACE) spoke in favor of these revisions, specially the Mass Gathering.

Commissioner Scalph offered a motion to approve the recommendation of the Fayette County Planning and Zoning Commission to adopt the amendments to the Fayette County Unified Development Code (see attached items). Commissioner Lopez seconded. Unanimous.

Tim Richardson, Zoning Officer presented an Order for the Commissioners to sign approving the adoption of the recommendation by the Fayette County Planning and Zoning Commission to amend the Fayette County Unified Development Code.

Shawn Wolford, Director EMA appeared before the Commissioners to discuss 911 Employees.

Mr. Wolford told the Commissioners he wants to bring four (4) employees on as part-time employees to be on a call list. Mr. Wolford told the Commissioners they would work possibly only two (2) to three (3) shifts a month.

Commissioner Scalph offered a motion to approve the hiring of four (4) temporary part-time employees with the understanding it does not adjust budget. Commissioner Lopez seconded. Unanimous.

Joe Crist, Fire Coordinator appeared before the Commissioners to discuss a new vehicle for the Fire Coordinator.

Mr. Crist told the Commissioners that the Firefighters Association is in favor of the purchase of a vehicle.

Mr. Crist told the Commissioners the cost of a 2014 Chevy Tahoe on State Contract is \$30,359.00.

Mr. Crist told the Commissioners the Firefighters Association would like to do the minor repairs to the old vehicle and keep at the 911 Center to be used as an air truck for this area and another recommendation to auction it off and use money for the new vehicle.

Commissioner Lopez offered a motion to approve the purchase of a new vehicle for the Fire Coordinator to be paid out of the Fire Levy Fund and auction off the old vehicle and use the money to cover some of the cost of the new vehicle. Commissioner Scalph seconded. Unanimous.

The Commissioners had a discussion with Shawn Wolford, Director EMA regarding the slippage at the 911 Center.

Mr. Wolford told the Commissioners that Thrasher Engineering came by they are to give a plan of action, but as of today they have not heard from them.

The Commissioners ask that Mr. Wolford send a letter to Thrasher Engineering to put them on notice that they are waiting on a fix for the slippage.

The Commissioners had a discussion with Shawn Wolford regarding a potential storage building.

Mr. Wolford presented a list of what they have in storage and are paying for and what needs to be stored to the Commissioners.

Mr. Wolford told the Commissioners that 60 x 100 was the size of the building that was removed from the original plan. Mr. Wolford told the Commissioners the estimated cost of a new building is \$130,000.00.

Commissioner Wender asked if cost of the building be split between the Fire Department, the 911 Center and the EMA.

Mr. Wolford told the Commissioners that the Firefighters Association not in favor of contributing to the storage building unless they have details and square footage set aside for the Firefighters Association.

The Commissioners request a recommendation from Carl Harris, Prosecuting Attorney regarding the use of the storage building.

Mr. Harris recommends dividing building up by square feet and paying for it by the amount used by each department.

Commissioner Wender recommends that Mr. Wolford figure out how much each department needs per square feet, then the Commission can decide who pays what. The Commission asked Mr. Wolford to return to the next Commission August 23, 2013 with the figures.

The Commissioners had a discussion with Shawn Wolford regarding the generators.

Mr. Wolford told the Commissioners there are about 12 to 13 Public Service Districts and five (5) emergency shelters in the Fayette County area making that approximately 20 sites.

Mr. Wolford told the Commissioners that 75 to 100kw generators should power these sites.

Mr. Wolford told the Commissioners the generators are on the State Contract for bids.

Commissioner Wender recommends going ahead and get an estimate from the State Contract on the thirteen (13) Public Service Districts generators.

Commissioner Lopez and Commissioner Scalph is on board with getting an estimate from the State Contract.

The Commissioners had a discussion with Shawn regarding the ambulances in the area.

Mr. Wolford told the Commissioners he has prepared a rough draft of a letter he will get to the Commissioners and Carl Harris, Prosecuting Attorney for them to review in the next couple of days.

Joe Crist, Fire Coordinator had a discussion with the Commissioners regarding the recommendation for the Fire Coordinator Administrator Assistant.

Mr. Crist told the Commissioners he recommends Rebecca Jones for the position at an annual salary of \$27,900.00 plus benefits.

Commissioner Scalph offered a motion to approve recommendation from Joe Crist to hire Rebecca Jones at an annual salary of \$27,900.00 plus benefits, Ms. Jones to start on August 15, 2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed two (2) bids for the Rooftop Trane Condensers for the Courthouse Annex to be opened, one from Appalachian Heating for \$15,955.00 and the other from Casto Technical for \$15,250.00.

Commissioner Scalph offered a motion to approve and accept the lower bid of Casto Technical, amount \$15,250.00. Commissioner Lopez seconded. Unanimous.

Bill Hannabass, City Manager for the City of Oak Hill appeared before the Commission to present the Building Code Agreement for the City of Oak Hill and the Fayette County Commission for the period July 1, 2013 to June 30, 2014.

Commissioner Scalph offered a motion to approve entering into a Building Code Agreement with the City of Oak Hill for the period July 1, 2013 to June 30, 2014. Commissioner Lopez seconded. Unanimous.

Alice King, Region 4 Planning and Development Council appeared before the Commission to discuss assistance in helping a group of Meadow Bridge citizens get a Community Participation Grant to help in the renovation of the sewer plant.

Ms. King told the Commissioners that Meadow Bridge is in the process of renovating the sewer plant. A ditch became septic and they had to get it cleaned out at a cost of \$49,000.00.

Ms. King told the Commissioners they have applied for a Government Community Participation Grant to cover the expenses.

Ms. King told the Commissioners they are applying for \$34,000.00 from the Government Community Participation Grant, asking the Fayette

County Commission for \$10,000.00 and asking the City of Meadow Bridge for \$4,900.00 to help with the renovation.

Commissioner Scalph offered a motion to approve the \$10,000.00 allocation to the Meadow Bridge Sanitary Board in support of the Government Community Participation Grant. Commissioner Lopez seconded. Unanimous.

Sally Kiner with the Fayetteville Convention and Visitor Bureau and Sharon Cruikshank with the New River Convention and Visitors Bureau appeared before the Commission to discuss the Jail Museum.

Ms. Kiner gave copies of the Lease to the Commissioners.

Ms. Kiner told the Commissioners that the jail was cleaned up enough to be presentable. The challenge now is how to utilize the space. Ms. Kiner told the Commissioners that right now there is no water in the building, so to open up, water and heat would need to be added.

Ms. Kiner told the Commissioners they are here today to get guidance on where to go with this.

Ms. Berry presented Fire Levy Protection Agreements for the Commissioner's signatures for Ansted Certified Fire Department (\$46,857.00), Armstrong Creek Volunteer Fire Department (\$35,734.00), Boomer Volunteer Fire Department (\$35,522.00), Danese Volunteer Fire Department (\$36,674.00), Town of Fayetteville (\$51,014.00), Gauley Bridge Volunteer Fire Department (\$36,318.00), Gauley River Volunteer Fire Department (\$33,808.00), Loop Creek Volunteer Fire Department (\$34,709.00), Meadow Bridge Volunteer Fire Department (\$34,940.00), Montgomery Volunteer Fire Department (\$46,512.00), Mount Hope

Volunteer Fire Department (\$38,842.00), Nuttall Volunteer Fire Department (\$36,575.00), City of Oak Hill (\$148,536.00), Pax Volunteer Fire Department (\$36,572.00), and Smithers Volunteer Fire Department (\$36,064.00).

Commissioner Scalph offered a motion to approve and sign the above Fire Levy Protection Agreements for the period July 1, 2013 to June 30, 2014. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a request from Daniel Wright, Chairman of the Fayette County Historic Landmark Commission requesting that Susan Williams be appointed as a member of the Fayette County Historic Landmark Commission to fill the vacancy from the Valley Section to the Commissioners.

Commissioner Lopez offered a motion to appoint Susan Williams to fill the vacancy on the Fayette County Historic Landmark Commission. Commissioner Scalph seconded. Unanimous. An Order and a Letter of Appointment to Serve signed.

Ms. Berry presented a letter to be signed to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of September.

Commissioner Lopez offered a motion to sign the letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of September. Commissioner Scalph seconded. Unanimous.

Commissioner Wender signed a letter of support to the Economic Development Administration with U. S. Department of Commerce notifying

that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council.

Ms. Berry presented an Intergovernmental Agreement to comply with the National Flood Insurance Program for approval for the Town of Fayetteville, upon which the County will furnish the Municipality Floodplain Ordinance Administration within the municipality to the Commissioners.

Allen Ballard, Floodplain Manager appeared at the meeting. Mr. Ballard told the Commissioners he is not in favor of this. Mr. Ballard told the Commissioners that this would be too time consuming, each municipality will want him to take care of.

MS. Berry presented a fax from the County Commissioners' Association of West Virginia (CCAWV) asking their position on Salary Bill 2014 to the Commissioners.

Commissioner Scalph informed the Commissioners she will contact the County Commissioners' Association of West Virginia (CCAWV) with opinion that the Fayette County Commission is in favor of the Salary Bill 2014.

Discussion was held regarding tearing down the shelter at the Deepwater Park to get the Lease resolved. Commissioner Lopez informed the Commissioners he would talk with Judson Wallace regarding this matter.

Discussion was held regarding making a one way street on left of the Memorial Building, entry to be at the top and the exit at the bottom, the Town of Fayetteville will supply the signs. The road needs to be paved.

Commissioner Scalph offered a motion to approve that the Town of Fayetteville will determine if this can be a one way street.

Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Building Inspections Agreement for approval and Commissioner's Wender signature for MTR Electric "Michael T. Rose" and Appalachian Inspection Services, LLC, "Leonard Price" to the Commissioners.

Commissioner Scalph offered a motion to approve MTR Electric "Michael T. Rose" and Appalachian Inspection Services, LLC, "Leonard Price" Agreements and approve for Commissioner Wender to sign Agreements. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented from Tim Richardson, Zoning Officer minutes of the Fayette County Planning and Zoning Commission held July 29, 2013.

The Commissioners recessed the County Commission meeting to take a field trip to check out land behind the Courthouse Annex for possible additional parking. Discussion was held regarding getting William Thornton, Engineer to check out.

The Commissioners received and reviewed a letter from the Mount Hope Jubilee Committee requesting the \$500.00 allocation budgeted for this Fiscal Year 2013-2014.

The Commissioners received and reviewed a letter from the U. S. Department of Agriculture alerting the Commission to the upcoming Promise Zones designations to be made in 2013, and inviting the Commission to consider applying for a Promise Zone designation in 2013, when proposals are solicited.

The Commissioners received and reviewed from the Department of Health and Human and Human Resources an Administrative Order EE-13-14 (without penalty) regarding the Kanawha Falls Community water (the Water System).

The Commissioners received and reviewed a thank-you note from Todd Love thanking, the Commission for helping fund his scholarship to the CODA Mountain Academy of Music.

The Commissioners received and reviewed a letter from the Humane Society of the United States enclosing the new commercial dog breeding operations law (10-20-26), which went into effect July 11, 2013 and check off sheet for the County Commissions and law enforcement officers.

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. voicing his complaints regarding the courthouse.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding the benefit awards for Loralie N. Hissam and Matt M. Abbot.

The Commissioners received and reviewed a letter from the Hospice of Southern West Virginia, Inc. thanking the Commission for their donation of \$1,000.00 to allow them to further their mission to provide care to those with a life-limiting illness in southern West Virginia.

The Commissioners received and reviewed an invitation from Lewis County Commission inviting the Commission to attend the ribbon cutting and dedication of the Lewis County Judicial Annex, Tuesday, August 20, 2013 at 2:00 p. m. at 117 Court Avenue, Weston, West Virginia.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that their records indicate that no owner-initiated activity has occurred on Checking Account #14-0114-9 (Building & Improvement Fund) with a current balance of \$7,349.26 since July 2, 2007. Under the WV Unclaimed Property Act, funds held on deposit by a bank are presumed abandoned if the owner has not made a deposit or withdrawal within the immediately preceding 5-years for non-interest-bearing demand accounts and 7 years for interest-bearing demand accounts. In order to avoid reporting the account as abandoned and sending the funds to the Division of Unclaimed Property, the Commission must make a deposit or withdrawal to the account (\$1.00 or more).

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund informing the Fayette County Urban Renewal Authority was awarded a Demolition Program loan in the amount of \$400,000.00.

The Commissioners received and reviewed an Order from the West Virginia Environmental Quality Board regarding Dennis V. Garrison, III, Appellant vs. Director, Division of Water and Waste Management, Appellee and B&B Transit, Inc., Intervenor.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank listing the securities pledged as of July 31, 2013.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List for the period of July 1, 2013 to July 31, 2013.

The Commissioners received and reviewed an Accident Report- Personal Injury Report from the Fayette County Park for Mariah Bragg.

The Commissioners received and reviewed a fax from Vivian Parsons with the County Commissioners' Association of West Virginia (CCAWV) regarding Supreme Court-funded Mandate to Circuit Clerks' Offices.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 12, to July 18, 2013, amount \$475.00, the week of July 19 to July 25, 2013, amount \$275.00, the week of July 26 to July 31, 2013, amount \$130.00, the week of August 1, 2013, amount \$80.00 and the week of August 2 to August 8, 2013, amount \$185.00 and the Fayette County Animal Control Center/NRHS allocation in the amount of \$18,237.96 for the month of July.

The Commissioners received and reviewed checks for 911 Fees from Shentel, amount \$1,711.50 and Interface Security Systems, Inc., amount \$19.50; Franchise Fees check from Shentel, amount \$7,311.50; check from the West Virginia Development Office for the Sportsman Recreation center, amount \$2,475.00 and a check for Kanawha Falls PSD, amount \$60,682.26; a check from the Fayette County Board of Education for the Fayette County Memorial Building Lease, amount \$10,000.00; a check from the Secretary of State for Motor Vehicle, amount \$456.50 and a check from the Town of Fayetteville for Building Permit Fees for the month of July, amount \$1,218.33.

The meeting was adjourned at 1:30 p. m. The next scheduled meeting is September 6, 2013.

FAYETTE COUNTY COMMISSION  
AUGUST 23, 2013  
REGULAR SESSION  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 23<sup>rd</sup> day of August 2013.

Commissioner Wender called the meeting to order at 9:05 a. m.

There were no exonerations presented today.

Commissioner Wender informed the Commission will conduct a Sale of Public Property at a Public Auction today at 9:00 a. m.

Commissioner Wender informed that due to a County Commission meeting this morning he has asked Daniel Pauley, Fayette County Park Maintenance/Mechanic if he would conduct the auction.

Daniel Wright, Circuit Clerk appeared before the Commission to introduce, Austin Haynes a Republican and Junior at Oak Hill High School whose plans are to run for House of Delegate in the near future.

The Commission welcomed Mr. Haynes to attend the County Commission meeting today.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released on August 30, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of June 28, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry asked the Commissioners if they wanted to have a discussion concerning the 2001 Dodge Pickup R1500 truck.

Ms. Berry asked the Commissioners if they wanted to repair the old Dog Pound Truck or put it up to be auctioned off.

The Commissioners asked to hold off on the discussion until Daniel Pauley, Fayette County Park Maintenance/Mechanic is available to discuss further.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Ethel Marie Lilly, Alan and Sherlene Fillhart, Debra Blackburn, Ernestine Canada and Bernadette C. Wilson and Robert W. Bragg. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding the erosion problem at the OEM/911Center.

Commissioner Wender informed he thought the meeting was scheduled for Thursday or Friday.

Commissioner Wender asked Ms. Berry to find out what the next dates available to discuss this problem.

Commissioner Wender suggested having Dave Pollard to find out who can be there.

Commissioner Wender suggested asking Thrasher Engineering, Dan Snead, Morgan Bracken and David Pollard attend the meeting.

Commissioner Wender asked Brain Parsons, Assistant Prosecuting Attorney to write a letter to Tri-State Pipeline, Inc. informing them

that the Commission would like to meet and discuss the OES/911 Center site visit Observations and Recommendations dated July 25, 2013 and plans to rectify the problem.

Sally Kiner, Director of the Fayetteville Convention and Visitors Bureau appeared before the Commission to discuss the issues at the Jail Museum.

Ms. Kiner told the Commissioners there is no water, restroom facilities or heating in the building.

The Commissioners asked Ms. Kiner to explore some grant possibilities.

Ms. Kiner told the Commissioners they would be eligible for one of their grants. It would be a 50/50 match.

Ms. Berry told the Commissioners she received a quote from Pettit and Pettit Plumbing and Heating giving the cost to run water to the toilet on the first floor of the Jail Museum.

The Commissioners asked Mr. Smith to check with Melvin Withrow to see if he could do the work.

Mr. Smith told the Commissioners he don't know if Mr. Withrow can do it.

The Commissioners asked Ms. Berry and Mr. Smith to talk with Melvin Withrow and Allen Ballard about the work at the Jail Museum.

The Commissioners received and reviewed a letter from the Fayette County Board of Health requesting that Jack Tamplin be appointed to fill the vacancy on the Fayette County Health Department Board.

Discussion was held, Commissioner Wender asked that Susan Williams from the Valley be appointed to fill the vacancy on the Fayette County Board of Health.

Commissioner Wender offered a motion that Susan Williams be appointed to fill the vacancy in the Valley District on the Fayette County Board of Health. Commissioner Lopez seconded. Unanimous. The Order and Appointment to Serve Letter were signed.

The Commissioners received and reviewed a letter from the Coal Heritage Highway Authority requesting that Denise Scalph be reappointed to serve on the Coal Heritage Highway Authority Board for a two-year term.

Commissioner Lopez offered a motion that Denise Scalph be reappointed to serve on the Coal Heritage Highway Authority Board for a two-year term ending June 30, 2015. Commissioner Wender seconded. Unanimous. An Oder and Appointment to Serve Letter signed.

The Commissioners approved and signed drawdown request for the Kanawha Falls Public Service District in the amount of \$1,631.00.

Commissioner Wender signed the West Virginia Motor Fuel Tax Refund Application amount of refund \$29,174.23.

The Commissioners received and reviewed a letter from the Fayetteville Elementary School PTO requesting use of the Fayette County Memorial Building on Saturday, October 5, 2013 for their annual Fall Carnival.

Commissioner Lopez offered a motion to approve the request of Fayetteville Elementary School PTO to use the Fayette County Memorial Building on Saturday, October 5, 2013 for their annual Fall Carnival.

Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the SS Peter and Paul Catholic School requesting use of the Fayette County Memorial Building for their upcoming basketball games and practice season.

Commissioner Scalph offered a motion to approve the request of SS Peter and Paul Catholic School to use the Fayette County Memorial Building for their upcoming basketball games and practice pending no conflict of schedule did meet the public, non-profit guidelines and, consequently the \$1,000.00 rental fee will be waived; however, the custodial and trash service fees requirements will not be waived on game days, all other rules applicable including insurance.

Commissioner Lopez seconded. Unanimous.

Angela Hanson, Executive Director and Tammy Lilly with Region I Workforce appeared before the Commission to give updates on their Youth Program, Training Services and Medical Assistance Programs.

The Commission recessed the County Commission meeting at 10:30 a.m.

The Commission reconvened the Commission meeting at 10:50 a.m.

Dan Pauley and Randall Redden appeared before the Commission to continue the discussion on the 2001 Dodge Pickup R1500 old Dog Pound Truck.

After the brief discussion, the Commissioners asked Ms. Berry to check with the Insurance Company to see if out deductible is \$1,000.00, if so, have the truck repaired, if the deductible is \$5,000.00 it was suggested that Mr. Pauley repair the truck.

Tristian Cleveland with the AmeriCorps VISTA New River Gorge Regional Development Authority appeared before the Commission to give an update of her work, as well as present pictures of the Paint Creek Scenic Trail interpretive sign plantings that they funded.

Also, present was Adam Hodges. Commissioner Wender asked what's the next step for the Hawks Nest Golf Course.

Mr. Hodges told the Commissioners they are planning on sending out letters requesting for a letter of support.

Discussion was held regarding when and where the next meeting would be.

Shawn Wolford, EMA Director appeared before the Commission to discuss the Storage Building and other matters related to the 911 Center.

Mr. Wolford told the Commissioners the size of the Storage Building is 44 x 50, 2200 sq. ft., the 911 Center, the FIRE Department and the EMA would each get 733 sq. ft. a piece.

Carl Harris, Prosecuting Attorney told Mr. Wolford the property is owned by the Fayette County Building Commission they would have to enter into a long term Agreement.

The Commissioners asked that Dan Snead and Morgan Bracken join them on September 6, 2013 to discuss further.

Mr. Wolford gave an update on the generators.

Mr. Wolford told the Commissioners that three (3) Public Service Districts don't have generators (Gauley River PSD, Kanawha Falls Psd, and Page-Kincaid PSD).

Carl Harris informed the State should contribute toward the purchase.

The Commissioners asked Mr. Wolford to send letters to each of the Public Service District asking if they would contribute toward the purchase if the County purchase.

Discussion was held regarding the 911 employees bringing in their personal computers.

Commissioner Scalph offered a motion that the 911 Center be authorized to install a satellite dish and internet at the new 911 Center. The Center to provide what will be outlined by the OES (Office of Emergency Services) for this service. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that personal computers not be allowed at the 911 Center and employees are not allowed to access personal e-mail on the 911 Center computers. Commissioner Scalph seconded. Unanimous.

Commissioner Wender asked Shawn Wolford to give the Commissioners some details as to what the employees are allowed to access.

Aletha Stolar, Director Family Resource Network appeared before the Commission to give them an update on her Program.

Ms. Berry informed the Commissioners that the Community Leadership Academy will be held October 3-4, 2013 in Morgantown. Commissioner Scalph, Commissioner Wender and Debbie Berry will be attending.

Discussion was held regarding changes in dates for future Fayette County Commission Meetings:

September 6, 2013 - No change  
September 20, 2013 - Change to September 27, 2013 (Commissioner Lopez on vacation 09/13 - 09/21, 2013)  
October 4, 2013 - Change to October 11, 2013 (Community Leadership Academy 10/3-4, 2013)  
October 18, 2013 - Change to October 25, 2013  
November 1, 2013 - No change  
November 15, 2013 - No meeting  
November 22, 2013 - No change  
December 6, 2013 - Change to December 13, 2013

Discussion was held regarding the parking lot behind the Courthouse Annex.

The Commissioners asked Ms. Berry to get survey.

Commissioner Wender signed Transponder Re-Order Worksheet for the West Virginia Parkways Authority.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of July 2013.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that it was brought to his attention by a letter received from David E. and Patty S. Vandall and they have an overpayment for the years 2009, 2010, 2011 and 2012, amount \$1,331.20. Mr. Young told the Commissioners he has corrected the 2014. Mr. Young is requesting that a credit be given on future taxes in the amount of \$1,331.20.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that it was brought to his attention by a letter received from Helen Ford informing that she has been taxed in the wrong tax class and an overpayment for the years 2007, 2008, 2009, 2010, and 2011, amount \$1,749.36. Mr. Young told the Commissioners he has been to her property and know for sure that it is owner occupied

and should be Class 2. Mr. Young is requesting that a credit be given on future taxes in the amount of \$1,749.36.

The Commissioners received and reviewed a letter from the National Park Service informing that they plan to open the New River Gorge National River's new flagship campground to the public in the early summer of 2014.

The Commissioners received and reviewed a letter from the Supreme Court of Appeals informing the 2013 Bailiff's Training will be held on October 8-10, 2013 at the Holiday Inn Express Civic Center in Charleston, West Virginia.

The Commissioners received and reviewed a letter from Allen, Kopet and Associates PLLC regarding Client File #ELB9999, John Crawford, Administrator of the Estate of Rebecca Crawford.

The Commissioners received and reviewed a letter sent to the West Virginia Citizens Conservation Corps. extending their thanks to their organization and all who were involved in the Boy Scouts of America Community Service Initiative.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for July 2013 Greenbrier Table Games will be directly deposited on August 16, 2013, amount \$90.80.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of August 9 to August 15, 2013, amount \$100.00.

The Commissioners received and reviewed checks for 911 Fees from MCImetro Access Transmission SVCS LLC, amount \$17.50, AT&T Corp.,

amount \$206.50, IDT Corporation, amount \$10.50 and Granite Telecommunications LLC, amount \$584.50; a check from Dennis Sanger for Lease of Dunloup property, amount \$1.00 and a check from Division of Human Services for FRN, amount \$2,573.00.

The meeting was adjourned at 2:35 p. m. The next scheduled meeting is September 6, 2013.

FAYETTE COUNTY COMMISSION  
SEPTEMBER 6, 2013  
REGULAR SESSION  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 6<sup>th</sup> day of September 2013.

Commissioner Lopez called the meeting to order at 9:10 a. m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tickets. (See attached) Commissioner Scalph seconded.  
Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets. (See attached) Commissioner Lopez seconded.  
Unanimous.

Mr. Young also presented three (3) refunds to be approved and signed to the Commissioner (Kathy Lavone Williamson, amount \$120.98, Helen Ford, amount \$369.44 and Dora Adkins Lily etal, amount \$84.70).

Commissioner Lopez offered a motion to approve and sign the three (3) refunds for Kathy Lavone Williamson, amount \$120.98, Helen Ford,

amount \$369.44 and Dora Adkins Lily etal, amount \$84.70. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released September 13, 2013. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Petition to Combine or Divide and Segregate Land for Russell and Nancy Treadway.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Russell and Nancy Treadway. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an Order and a letter to serve to appoint James R. Rappold to the Fayette County Board of Health to replace Dr. Thomas Morgan who passed away.

Commissioner Scalph offered a motion to appoint James R. Rappold to fill the unexpired term of Dr. Thomas Morgan who passed away on the Fayette County Board of Health. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented two (2) Orders to approve credit for taxes for Helen Ford and David E. and Patty S. Vandall to the Commissioners.

Commissioner Scalph offered a motion to approve the findings hereinabove recited be and they are hereby adopted as so found by the Commission and in accordance therewith it is ordered and adjudged that, subject to the approval of the Assessor, the Petitioner David E. and Patty S. Vandall be afforded tax relief for tax year 2009, 2010, 2011, and 2012 in the total amount of \$1,331.20 in the form of a

credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve the findings hereinabove recited be and they are hereby adopted as so found by the Commission and in accordance therewith it is ordered and adjudged that, subject to the approval of the Assessor, the Petitioner Helen Ford be afforded tax relief for tax year 2007, 2008, 2009, 2010, and 2011 in the total amount of \$1,749.36 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from Fayetteville Elementary School PTO changing the date of their Annual Fall Carnival for the use of the Fayette County Memorial Building from October 5<sup>th</sup> to October 26<sup>th</sup> due to Homecoming for Fayetteville High School.

Ms. Berry informed the Commissioners that the initial request was approved in an earlier Commission.

Ms. Berry presented a request from the Fayetteville Presbyterian Church requesting to borrow 100 chairs from the Fayette County Memorial Building for their area Presbytery meeting on Saturday, September 14, 2013. The Commissioners approved.

Ms. Berry presented a Scope of Work and Fee Proposal for the Courthouse Annex Parking Lot Expansion Study from William Thornton of Balance Consulting, Inc. totaling \$2,500.00.

Commissioner Scalph offered a motion to approve the proposal from William Thornton of Balance Consulting, Inc., amount \$2,500.00.

Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Lease from the Fraternal Order of Police, Memorial Lodge No. 118 to operate the premises as a facility for the Community Corrections Program for Fayette County to be approved and signed by the Commissioners.

Commissioner Scalph offered a motion to approve and sign Lease from the Fraternal Order of Police, Memorial Lodge No. 118 to operate the premises as a facility for the Community Corrections Program for Fayette County. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a request from John Kauff, Chief of Police, Montgomery Police Department requesting a donation in the amount of \$2,000.00 to be utilized to make needed upgrades to the City of Montgomery's Public Shooting Range.

The Commissioners asked that this request be tabled.

Ms. Berry presented Financial Statement to be advertised to the Commissioners.

Commissioner Scalph offered a motion to have the Financial Statement published. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez signed the Financial Statement.

Ms. Berry informed the Commissioners that the Pre-Bid for Phase III Courthouse Electrical Upgrade is scheduled for September 26<sup>th</sup> at 10:00 a. m. The Bids are due October 10<sup>th</sup> and will be opened at the Commission meeting October 11, 2013.

Angela Gerald, Project Director for the Fayette County Beautification Committee appeared before the Commission to discuss ABC Lands, LLC, Winona Pool Hall.

Ms. Gerald told the Commissioners all notices have been given and paper work has been done.

Ms. Gerald is requesting that the Commission approve the advertisement on demolition of the building.

Commissioner Scalph offered a motion to authorize Angela Gerald to proceed with the advertisement on the demolition of this property. Commissioner Lopez seconded. Unanimous.

Dan Snead, Architect for J. Snead and Associates appeared before the Commissioners to discuss THE 911 Center Storage Building.

Mr. Snead presented drawings from previous bids for dimensions of storage building (50x44, 2200 sq. ft.) to the Commissioners.

Mr. Snead told the Commissioners the storage building will need to be rebid.

Discussion was held on the aspects of the storage building.

Commissioner Scalph offered a motion to approve the rebid of the storage building for the Emergency Operation Center as drawn with possible modification with an adjustable door. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Office of the State Auditor enclosing a list of properties for Fayette County Auction of Delinquent and Nonentered Lands that will be offered for sale on September 17, 2013.

The Commissioners received and reviewed a letter from the Association of West Virginia Solid Waste Authorities inviting the Commission to participate in their 2013 Educational Conference on Litter Control and Solid Waste Management, which will take place at Canaan Valley Resort in Davis, West Virginia.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing of Stephen M. Gray resignation effective August 28, 2013.

The Commissioners received and reviewed a letter from BrickStreet Mutual Insurance Company informing that Sherry J. Davis has been granted permanent partial disability

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the July Limited Video Lottery will be directly deposited on August 26, 2013, amount \$6,023.50.

The Commissioners received and reviewed checks for 911 Fees from Lumos Network, amount \$692.77, Shentel, amount \$1,721.74 and Interface Security Systems, Inc., amount \$29.90; a check from FCSWA reimbursement, amount \$798.15; a check from the Fayette County Board of Education for 1<sup>st</sup> quarter WVU Extension, amount \$6,059.25 and a check from Division of Culture and History for Record Management and Preservation, amount \$7,209.00.

The meeting was adjourned at 11:02 a. m. The next scheduled meeting is September 27, 2013.

FAYETTE COUNTY COMMISSION  
SEPTEMBER 27, 2013  
REGULAR SESSION  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 27<sup>th</sup> day of September 2013.

Commissioner Wender called the meeting to order at 9:05 a. m.

Steve Fox from the Assessor's Office presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Personal Property Tickets for BB&T Centralized Solutions, Travis Simons, Katherine Zerkle, Charles B. Foreman, Carolyn Sue and Robert A. Paul, T D T, Inc., Richard L. Nelson, Mountain Memories, Myrtle J. Hudnall and David E. and Patty Sue Vandall. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign Real Property Tickets (see Attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign two (2) refunds for Mary E. Reichert, amount \$323.78 and Helen A. Ford, amount \$513.72. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Application for Correction of Assessment for Carolyn S. Bibb. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls,

checks to be released September 30, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign minutes of August 13, August 23 and September 6, 2013. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign minutes of July 26, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented the 2013 Delinquent List to the Commissioners to review.

Ms. Berry presented the Engagement Contract with the Auditor's Office to prepare audit for Fiscal Year ending June 30, 2013 for Commissioner Wender to sign. The cost is \$32,690.00.

Commissioner Scalph offered a motion to approve the Engagement Contract with State Auditor's Office to do the audit for Fiscal Year ending June 30, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Coordinator Consulting Proposal from Dave Pollard, County Resource Coordinator to the Commissioners.

Commissioner Wender asked if this should be a Fayette County Urban Renewal Authority decision.

Ms. Berry presented a request from the Fayette County Urban Renewal Authority requesting permission to meet at the Emergency Operation Center (EOC) on Monday, October 7, 2013 at 7:00 p. m. the Commission approved.

Ms. Berry presented a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of October.

Commissioner Scalph offered a motion to approve the request for reimbursement for rent in the amount of \$2,700.00 for the month of October. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners she received a letter from Fayette County National Bank informing that the security which they have pledged to the Fayette County Commission will not be available for pledge as of September 12, 2013. Fayette County National Bank will substitute this security.

Ms. Berry presented an Order for the Commissioners to sign.

Commissioner Lopez offered a motion on having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank, does hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a drawdown request for Kanawha Falls Public Service District in the amount of \$5,045.17.

Commissioner Lopez offered a motion to approve and sign drawdown for Kanawha Falls Public Service District in the amount of \$5,045.17. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she received letters from the New Haven Public Service District recommending that Kenneth Hayes be reappointed to serve on the New Haven Public Service District Board and recommending that Joseph Massie be appointed to fill the unexpired term of the decease Loren Fox.

Commissioner Lopez offered a motion to appoint Joseph Massie a member of the New Haven Public Service District to fill the unexpired term Loren Fox. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to reappoint, Kenneth Hayes a member of the New Haven Public Service District. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a letter from Susan Hanson with the Fayetteville Women's Club requesting permission to use the Fayette County Memorial Building for a Craft Show and for a meet and greet with Santa on December 7, 2013 to the Commissioners.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Women's Club to use the Fayette County Memorial Building for their Craft Show and Santa and Mrs. Clause Visit as part of their 3<sup>rd</sup> Annual Craft Show and Christmas Parade. The rental fee and custodial and trash service fees will be waived. All other rules are applicable including the insurance requirement. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a letter from Libby Campbell for the Ansted Middle School National Honor Society requesting permission to use the Fayette County Memorial Building for a charity concert for Logan Harper on October 27, 2013 to the Commissioners.

Commissioner Scalph offered a motion to approve the request of the Ansted Middle School National Honor Society to use the Fayette County Memorial Building for a charity concert for Logan Harper on October 27, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Right-of-Entry letter from the Kanawha Falls Public Service District for the Commission to sign allowing Kanawha Falls Public Service District personnel to enter temporarily upon property owned by the Fayette County Commission for the purpose of conducting surveys and/or engineering studies related to the Kanawha Falls Public Service District water system improvement project.

After talking with Carl Harris, Prosecuting Attorney, the Commission approved to sign the Right-of-Entry Form for the Kanawha Falls Public Service District.

Patrick Coley representative for AFLAC (American Family Life Assurance Company) appeared before the Commission to present a proposal for IRS Code Section 125 for the employees.

After the discussion, Commissioner Wender asked Debbie Aliff, Payroll Clerk to contact PEIA to send a representative up to discuss their IRS Code Section 125 for the employees.

Commissioner Wender asked Mr. Coley to provide Ms. Aliff with a list of counties that has this program.

Levi Rose appeared before the Commission and gave an update on the Septic System Database. Tyler Bragg presented a map of the area.

Commissioner Lopez offered a motion to go into an Executive Session at 10:35 a. m.

The Commission reconvened the County Commission meeting at 10:55 a. m.

Commissioner Wender informed they discussed a personnel matter no action was taken.

Kelvin Holliday, County Clerk appeared before the Commission to discuss the expense of the internet for Early Voting at the Danese Community Center.

Discussion was held regarding the slippage at the Office of Emergency Center (OEC). The estimated cost would be from \$4,500.00 to \$10,000.00.

Commissioner Scalph offered a motion that the Fayette County Commission will spend up to \$10,000.00 for the remediation of the OEC property. Debbie Berry will check into a local engineer. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Resolution of Participation and Cooperation approving that the County wishes to participate in the Certified Development Community Program for the New River Gorge Regional Development Authority for Commissioner Wender and Kelvin Holliday, County Clerk to sign.

Commissioner Scalph offered a motion to approve Resolution of Participation and Cooperation approving that the County wishes to participate in the Certified Development Community Program for the New River Gorge Regional Development Authority. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Petitions from the Assessor's Office to Combine or Divide and Segregate Land to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Maude Brunstetter, William H. and Mona Beall, Jr., Thomas Lloyd and Scarlet Gibson and Charles Biggs. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a revised Budget Document for Commissioner Wender to sign for the Electronic Government Access Project Grant for the Tax Office.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign the revised Budget Document for the Electronic Government Access Project Grant for the Tax Office. Commissioner Scalph seconded. Unanimous.

The Commissioners received an invitation from Southern Conservation District inviting the Commission to their Annual Legislative and Awards Banquet on October 15, 2013 at the Black Knight Country Club in Beckley at 6:00 p.m. The Commission asked Ms. Berry to check with Brain Sparks or Aletha Stolar to see if one of them could attend.

The Commissioners received an invitation from Region 4 Planning and Development Council inviting the Commission to attend a Retirement Celebration for W. D. Smith on Wednesday, October 16, 2013 at 6:30 p.m. at the Summersville Arena and Conference Center. Commissioner Wender and Commissioner Scalph will be attending.

Ms. Berry presented a request from Okey Skidmore, Manager Fayette County Memorial Building requesting that the Commission approve quote he received from Cincinnati Floor to screen the existing wood gymnasium floor, to remove all dust and grit and then apply one (1) coat of oil modified finish over the entire area. The proposal cost \$2,985.00.

After a brief discussion, Commissioner Wender suggested waiting until next year to screen the existing wood gymnasium floor at the Fayette County Memorial Building.

Ms. Berry presented the Lease Agreement for the Fayette County Board of Education for the use of the Fayette County Memorial Building.

Ms. Berry informed the Commissioners the Board does not have a completed schedule attached to the Lease, but would like to start as soon as possible to allow varsity cheerleading practice.

Ms. Berry told the Commissioners Carl Harris, Prosecuting Attorney advised her to attach a note to the Lease that states: Schedules of events will be attached at a later date and will not exceed to usage that was contained in the prior year's schedule of events.

Commissioner Lopez offered a motion to approve and sign the Lease Agreement for the Fayette County Board of Education for the use of the Fayette County Memorial Building beginning September 30, 2013 for a fee of Ten Thousand Dollars (\$10,000.00) same terms and conditions as last year. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she received a letter from the Fayette County Solid Waste Authority recommending that Adam Hodges be appointed to serve as a member of the Authority due to the resignation of William Toney.

Commissioner Lopez offered a motion to approve the recommendation of the Fayette County Solid Waste Authority to appoint Adam Hodges to fill the unexpired term of William Toney on the said Solid Waste

Authority, said term to expire June 30, 2014. Commission Scalph seconded. Unanimous.

Ms. Berry told the Commissioners she received a letter from the Meadow Bridge Little League requesting that the funding in the amount of \$3,800.00 that was originally marked for buying bleachers be used to purchase items for capital improvements.

Ms. Berry informed the Commissioners they approved \$3,500.00 in their Budget for the Meadow Bridge Little League and informed them that it could not be used for uniforms, etc. The Commission approved the request.

Ms. Berry told the Commissioners they are to discuss and make a decision on the quote from Travelers Insurance regarding the automobile deduction premium.

Ms. Berry told the Commissioners the current physical damage premium - \$14,715.00 for a \$1,000.00 deductible, \$2,500.00 deductible premium - \$12,060.00 (save \$2,655.00), a \$5,000.00 deductible premium - \$9,185.00 (save \$5,530.00).

The Commissioners decided to stay with their current physical damage premium - \$14,715.00 for \$1,000.00 deductible.

Ms. Berry presented a Notice to Employees of Coverage Options under the Federal Affordable Care Act.

After a brief discussion, Commissioner Scalph offered a motion to be in compliance with the Federal Affordable Care Act Fayette County Commission will offer insurance to employees that work 20 hours per week under the Fayette County Policy. Commissioner Lopez seconded. Unanimous.

Tyler Bragg, GIS Specialist appeared before the Commission to show them the progress of the Fayette County Website.

Mr. Bragg presented pictures of the Fayette County Aerial Photography Project that he is working on.

Mr. Bragg told the Commissioners the cost of the Project would be \$101,000.00.

Mr. Bragg is requesting funding of \$21,000.00 from the Commission.

Mr. Bragg told the Commissioners he will be requesting funding of \$20,000.00 each from the Sheriff Office, Assessor's Office, the Firefighter Association and the 911 Center.

Mr. Bragg informed the Commissioners the 911 Center is on board with the Project, and he is planning to meet with the other Organization to get them on board.

Commissioner Wender suggested rather than make a decision today put Mr. Bragg on the Agenda for October 11, 2013 at 11:30 a. m. to let us know if the Firefighters Association is on board with the Project. Commissioner Wender also asked Mr. Bragg to make sure the Sheriff is on board with the project.

Richard "Dickie" Smith, Maintenance Supervisor appeared before the Commission to discuss the Courthouse Repairs.

Mr. Smith told the Commissioners they have received a proposal from Pettit & Pettit Plumbing and Heating.

Mr. Smith summarized the project into three phases, Phase 1- Evaluate the sewer line which connects the 1<sup>st</sup> floor parole office, family restroom and 2<sup>nd</sup> floor ladies juror restroom, Phase 2-Installed

a self pumping toilet in the upstairs restroom, and Phase 3-The old 8" terracotta sewer line under the parking lot must be replaced from the edge of the Courthouse Building to a point near the Jail Museum Basement Entrance.

Mr. Smith told the Commissioners Pettit & Pettit Plumbing and Heating cost is not to exceed \$5,750.00. This amount does not include repaving of the excavation sites at the edges of the parking lot.

Mr. Smith told the Commissioners that Phase 2 of the project was quoted in September 2012 and this phase was completed and invoiced in January 2013. Activities of Phase 1 were completed in mid 2012 but not invoiced as they associated this work closely with that of Phase 3.

Mr. Smith presented a proposal from Tri-State Roofing and Sheet Metal Company for the Courthouse Roof & Gutter Repair, cost \$8,513.00 to the Commission.

After a brief discussion the Commission asked Mr. Smith to attend the next Commission meeting (October 11, 2013) to discuss further.

Bobby Bower, USGS and Jeff West, National Park Service appeared before the Commission to request funding for maintenance of the Thurmond River Gauge.

After a brief discussion, Commissioner Scalph offered a motion to approve \$1,500.00 to support the gauge funding with the U. S. Department of Interior Joint Agreement and also approve Fayette County Commission as Support Agent. Commissioner Wender seconded. Unanimous.

Ami Dangerfield gave a report to the Commissioners of the Fayette County Board of Education meeting held today regarding the status of the school system.

Ms. Berry reminded the Commissioners that the sealed bids for the Courthouse Electrical Upgrade will be received on Thursday, October 10, 2013 and will be opened at the regular scheduled County Commission Meeting on Friday, October 11, 2013.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged to the Fayette County Commission as of August 30, 2013.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company giving a list of securities held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period August 1, 2013 through August 31, 2013 and Cash Statement and Asset List as of August 31, 2013.

The Commissioners received and reviewed from the U. S. Federal Energy Regulatory Commission an Order Amending License and Revising Annual Charges on June 21, 2013, Hawks Nest Hydro, LLC (HNH), licensee for the Hawks Nest & Glen Ferris Hydroelectric Project, FERC No. 2512, filed an application to amend its license.

The Commissioners received and reviewed a letter from Miles Dean, member of the Fayette County Planning and Zoning Commission regarding an issue of the Planning Commission's authority and responsibility in instances where a DEP permit issued by the State of West Virginia conflicted with the zoning in place in our county.

The Commissioners received and reviewed an e-mail from Pamela Yost, Watershed Economist with the West Virginia NRCS reminding the Commission that the Dunloup Creek Teleconference is scheduled for today at 1:00 p. m.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$174,313.13 and Atlantax Systems, Inc., amount \$7.00.

The meeting was adjourned at 3:30 p. m. The next scheduled meeting is October 11, 2013.

FAYETTE COUNTY COMMISSION  
OCTOBER 2, 2013  
SPECIAL SESSION  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

Also, present were: Carl Harris, Prosecuting Attorney  
and Eddie Young, Assessor

Commissioner Wender called the meeting to order at 2:02 p.m.

Commissioner Wender informed they are here today to consider the matter at hand the request by Herschel H. Rose, III representative for Trinity Coal Corporation: Falcon Resources LLC (Boone); Deep Water Resources, LLC (Fayette); Frasure Creek Mining, LLC dba Hughes Creek Terminal (Kanawha); North Springs Resources, LLC (Mingo); Frasure Creek Mining, LLC (Putnam) to do a settlement and compromise on personal property taxes for tax years 2012, 2013 and 2014.

Carl Harris told the Commissioners that Trinity has proposed that as part of its reorganization, it pay \$200,000 to settle the currently

assessed 2012 personal property taxes assessed in the total amount of \$2.2 million. For the 2012 personal property taxes Fayette County would receive \$165,800 and for the 2013 personal property taxes Trinity has proposed that it pay \$240,000 to settle the currently assessed 2013 personal property taxes which were assessed in the total amount of \$1.9 million, Fayette County would receive \$190,100.

Mr. Harris told the Commissioners that Trinity is asking that the payments be made in monthly installments.

Mr. Harris informed the Commissioners he is in favor of their decision to accept the settlement, but Mr. Harris suggested writing a letter informing Trinity that an Order is entered setting the funds aside to pay these taxes and that Fayette County be paid those amounts within sixty (60) days of the confirmation of the reorganization plan by the Court.

Commissioner Wender called for a motion to approve.

Commissioner Lopez offered a motion that Fayette County Commission has agreed to approve an agreement with Trinity Coal Corporation to a compromise of the personal property taxes owed Fayette County by Deepwater Resources, LLC for the 2012 and to accept \$165,800 and for the tax year 2013 to accept \$190,100 in payment of the personal property taxes owed, provided that the same is approved by the Bankruptcy Court for the Eastern District of Kentucky and confirmation of the reorganization plan of Trinity Coal Corporation and its affiliates. Provided an Order is entered setting the funds aside to pay these taxes and that Fayette County be paid those amounts within sixty (60) days of the confirmation of the reorganization plan

by the Court unless otherwise agreed upon by the Commission at another date. Commissioner Scalph seconded. Unanimous.

Fayette County Commission believes this to be in the best interest of the County, if not successful the employees would lose their employment which would be departmental to the employees and to Fayette County.

The meeting was adjourned at 2:20 p. m. The next scheduled meeting is October 11, 2013.

FAYETTE COUNTY COMMISSION  
OCTOBER 11, 2013  
REGULAR SESSION  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 11<sup>th</sup> day of October 2013.

Commissioner Wender called the meeting to order at 9:15 a.m.

Steve Fox from the Assessor's Office presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Bettie Lee (Walls) Wall, Melissa J. and Darrell R. Kincaid, II, GE Equip. Midticked LLC 2010-1, William R. Laird, IV, Garry D. and Brenda Morris, Mellissa J. and Darrell R. Kincaid, II, Andrew A. Fitzpatrick and Three River Auto. Commissioner Scalph seconded. Unanimous. (See attsched)

Commissioner Scalph offered a motion to approve and sign real property tickets for Anna Louise Ayers Springhower, New River Health Association, New River Health Association, Robert D. and Lillie A.

Cook, Sandra K. Lilly, Sandra K. Lilly, Glen Neal, Lula A. and Libby Leverne Thomas, Kermit and Leslie Foster, Linda Randall and Cliffview Properties LLC. Commission Lopez seconded. Unanimous. (See attached)

Commissioner Lopez offered a motion to approve and sign a refund for Diana L. Jackson in the amount of \$138.44. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released October 15, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of September 27, 2013. Commissioner Lopez seconded. Unanimous.

Pete Hobbs, Mayor Town of Ansted, Jeff Proctor representative for Adventurers WV, and William Thornton representative for Balance Consulting appeared before the Commission to discuss an extension of the Ansted Regional Sanitary.

Mayor Hobbs gave a brief summary of the project and asked the Commission if they would join in a partnership with them to do a Preliminary Feasibility Study of the area.

Mayor Hobbs told the Commissioners that William Thornton with Balance Consulting, Inc. would be doing the Study.

Mayor Hobbs told the Commission that funding for this project would be between the Town of Ansted (\$3,625.00-50/50 share), the Fayette County Commission (\$3,625.00-50/50 share) and Adventurers WV (\$1,500.00), the total cost of the Preliminary Feasibility Study is \$8,750.00.

After a brief discussion, Commissioner Scalph offered a motion that Fayette County Commission authorize Balance Consulting, Inc. To do a Preliminary Study for the extension of the Ansted Regional Sanitary at a cost of \$8,750.00, cost would be from the Town of Ansted and Fayette County Commission 50/50 share \$3,625.00 and Adventurers WV share \$1,500.00. Commissioner Lopez seconded. Unanimous.

Mayor Hobbs told the Commissioners he would send a copy of the proposal to Dave Pollard, Fayette County Resource Coordinator.

Attorney Paul Clay appeared before the Commission to request that Katherine Peyton be removed as administrator of the Estate of Kirk Anthony Bowles.

Attorney Clay informed the Commissioners that this motion was served on Katherine Peyton by certified mail and was accepted; notice of today's hearing was sent to Ms. Peyton by certified mail to the same address no return receipt been received.

Attorney Clay told the Commissioners Ms. Peyton was allowed to qualify as Administratrix of the Estate of Kirk Anthony Bowles despite not being an heir.

Attorney Clay told the Commissioners that Ms. Peyton has failed to comply with the statutory requirements to fulfill her duties as Administratrix and having failed to file an Appraisement or list of heirs they are asking that Ms. Peyton be removed as Administratrix of the Estate and appoint E. L. Wheeler as Administrator.

After a brief discussion, Commissioner Scalph offered a motion to approve an Order Change to remove Katherine Peyton as Administratrix regarding the Estate of Kirk Anthony Bowles and replacing her with E.

L. Wheeler. Ms. Peyton, although properly notified, did not appear today and Ms. Peyton also failed to comply with the statutory requirements. Ms. Peyton should be removed of any assets and they should be returned to the Estate. Mr. Wheeler's lawyer will draw up the paper. Commissioner Lopez seconded. Unanimous.

Commissioner Wender called for the opening of the bids for Phase 3 Courthouse Electrical Upgrade at 10:00 a. m. Copy of the legal attached.

Commissioner Wender informed they received five (5) bids:

Plateau Electric	\$ 110,600.00
Lowe Brothers Electric	91,908.00
Advanced Electrical	91,000.00
H. G. Carte Electric	92,500.00
Eastern Electric LLC	196,796.00

After reviewing, Commissioner Lopez entertained a motion to accept the lower bid, Advanced Electrical (\$91,000.00) provided bid specifications are determined as advertised. Commissioner Scalph seconded. Unanimous.

Dan Snead, Architect to review and make his recommendation to the Commissioners.

Angela Gerald, Project Director with the Fayette County Beautification Committee appeared before the Commission and gave an update on the dilapidated program to the Commissioners.

Ms. Gerald presented five (5) property owners (Nancy Alice Fruit, Nancy L. Ratliff, Patricia Brown, Mary Masters Toney and David Bragg) whose property she needs to advertise for demolition to the Commissioners.

Commissioner Scalph offered a motion to accept the complaint on the five (5) properties, Nancy Alice Fruit-2511 Scarbro Road, Nancy L. Ratliff-2579 Scarbro Road, Patricia Brown-2480 Scarbro Road, Mary Masters Toney-7008 Okey L. Patteson Road and David Bragg-112 Jones Street and authorize advertisement stating that they are dilapidated and needs to be removed for demolition. Commissioner Lopez seconded. Unanimous.

Ms. Gerald presented two (2) Complaint Orders Jesse Wright etux, c/o Carolyn Ayers-148 Clifftop Loop Road and ABC Lands-12 Flannigan School Road to recommend complete demolition and removal of all buildings or dwellings on these properties. All debris to be disposed of in a manner consistent with the applicable laws (see attached Complaints) for the Commissioners to sign.

Tyler Bragg, GIS Specialist appeared before the Commission to give an update on the Fayette County Aerial Photography.

Mr. Bragg told the Commissioners he had contacted our vendor (West Virginia Interactive, LLC) for the County Website regarding the \$50.00 per month.

Mr. Bragg presented a Letter of Acceptance from the West Virginia Interactive, LLC for the Commissioners to sign.

Tyler Bragg offered a motion that Fayette County Commission sign the Letter of Acceptance from the West Virginia Interactive, LLC for the Fayette County Website. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Letter of Acceptance from the West Virginia Interactive, LLC. Commissioner Lopez seconded. Unanimous.

Mr. Bragg gave an update on the Fayette County Aerial Photography.

Mr. Bragg told the Commissioners that he has received confirmation from the Assessor, the 911 Center, Sheriff confirming they would contribute to the project.

Mr. Bragg told the Commission that the Firefighters Association voted to contribute on the continuance that Carl Harris, Prosecuting Attorney confirms that this is allowable expenditure and everybody is on board with the project.

Mr. Bragg told the Commissioners he is here today to seek the Commission's support and the final funding of the project.

Commissioner Lopez offered a motion to proceed with the acquirement for a County-wide Mapping System for an Aerial Photography mapping of the County and that it would be advertised. The Pictometry International Corporation is the only Company that provides these services to proceed with the advertisement to accept bids.

Commissioner Scalph seconded. Unanimous.

Commissioner Wender informed that Fayette County Commission participation is with the understanding that the Commission, the Assessor, the Sheriff, the 911 Center, and the Firefighters Association are all going to be partners.

Commissioner Wender asked Tyler Bragg to check on an extended contract.

Richard "Dickie" Smith, Maintenance Supervisor and Ken Pettit with Pettit and Pettit Plumbing to discuss the repairs to the Courthouse.

Mr. Pettit presented drawings explaining what's been done to the Commissioners.

Mr. Pettit told the Commissioners he broke it down in three phases.

After a brief discussion, Commissioner Lopez offered a motion to approve Phase 3 for Pettit and Pettit Plumbing to do the remediation of the sewer problem, cos \$2,650.00. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion that Fayette County Commission approves to do the waterline repair on the Fayette County Jail Museum with Pettit and Pettit Plumbing, cost \$3,500.00. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners of the hole in the Circuit Clerk'S roof and the Bell Tower.

Ms. Berry told the Commissioners she filed a claim, but was told by the Insurance Company to take pictures to confirm that it was caused by wind damage or wear and tear.

Commissioner Wender asked Carl Harris, Prosecuting Attorney to look at their policy to see if they can get a release.

The Commissioners approved to proceed with Tri-State Roofing to do the repairs and ask Tri-State Roofing to take pictures before making the repairs.

Commissioner Scalph offered a motion to approve roof and gutter repairs by the proposal received from Tri-State Roofing in the amount not to exceed \$8,513.00 and take pictures confirming wind damage. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commission he received a call from Colonel Joe Peal requesting that the Commission fund \$25,000.00 to pay sixty-seven (67) National Guards for security on Bridge Day.

Commissioner Wender told the Commission he told Colonel Peal he would go along with 30 to 35 guards.

After a brief discussion, Commissioner Wender informed that this is not on their agenda today, they would have to schedule a special meeting.

The Commission asked to schedule the special meeting for Wednesday, October 16, 2013 at 9:00 a.m.

Ms. Berry informed the Commissioners she received a request from Town of Fayetteville requesting to put Christmas Lights on the pine tree in front of the Courthouse. The Commission approved.

Ms. Berry presented a drawdown request for the Kanawha Falls Public Service District in the amount of \$3,500.00 for legal services paid to Attorney H. Wyant Hanna III.

Commissioner Lopez offered a motion to approve the drawdown request of the Kanawha Falls Public Service District for legal serves paid to H. Wyant Hanna III in the amount of \$3,500.00. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a revised Budget Document for Commissioner Wender to sign again for the Electronic Government Access Project Grant for the Tax Office.

Ms. Berry told the Commissioners that Ronda Falk had to change figures to match her Budget.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the revised Budget Document for the Electronic Government Access Project Grant for the Tax Office. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a request from Okey Skidmore, Manager Fayette County Memorial Building requesting approval to hire part-time help for the Fayette County Memorial Building during the Basketball Season.

Ms. Berry told the Commissioners last years expense was \$768.50 for January 2013 to March 2013.

Commissioner Lopez offered a motion to approve to hire part-time help for the Fayette County Memorial Building during the Basketball Season for January 2014 to March 2014. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Benjy Simpson requesting use of the Fayette County Memorial Building for their 2013 Bridge Day Rappel Safety/Orientation meeting Friday, October 18, 2013 from 6:30 to 9:30 p.m.

Commissioner Scalph offered a motion to approve Benjy Simpson request to use the Fayette County Memorial Building for their 2013 Bridge Day Rappel Safety/Orientation meeting Friday, October 18, 2013 from 6:30 to 9:30 p.m. Commissioner Lopez seconded. Unanimous.

Commissioner Wender signed the West Virginia Sales and Use Tax Return for the Fayette County Park.

Ms. Berry informed the Commissioners she received from Kelvin Holliday, County Clerk, a quote he received from CSSI (Complete System

Support, Inc.) for Poll Worker Management Software in the amount of \$6,249.00.

The Commissioners asked Ms. Berry to table for October 25, 2013, need more information.

Discussion was held regarding Steve Cruikshank Chevy Truck. Ms Berry told the Commission that Dan Pauley had requested to keep for use at the Fayette County Park instead of listing for auction.

Ms. Berry presented a list of the Fayette County Park vehicles to the Commission.

After a brief discussion, the Commission asked Ms. Berry to proceed to auction Steve Cruikshank Chevy Truck and after reviewing the list of Park vehicles the Commissioners ask Ms. Berry to inform Dan Pauley to take off two (2) cars off the Park vehicle list.

Commissioner Wender informed if they think that Steve Cruikshank vehicle is better they can switch out.

Discussion was held regarding the notes the Commission received from Shawn Wolford, OEM Director concerning his and Joe Crist, Fire Coordinator mileage reporting, vacation/sick time and comp. time.

After a brief discussion the Commission asked Ms. Berry to contact the Ethics Commission regarding mileage, vacation/sick time the Commission informed that both Shawn and Joe received letters informing that they were hired on a probationary period of six (6) months, after the six (6) months their vacation/sick time begins, as for comp. time the Commission suggested a rewrite of the Employer's Handbook.

The Commissioners received and reviewed a Sustainability Plan for the Hawk's Nest Golf Course Coalition.

The Commissioners received and reviewed a letter from the Department of Environmental Protection informing Arbuckle Public Service District submitted a Preliminary Engineering Application to them. The total construction estimate is \$8,014,000 and the total project estimate is \$9,880,785.

The Commissioners received and reviewed a letter from the Department of Environmental Protection informing the Committee has reviewed the preliminary application and engineering report submitted by Arbuckle Public Service District and it has been determined that the proposed project is not consistent with the Act and may not be the most cost effective, environmentally sound alternate for solving the wastewater needs. Their recommendation is that this project should be referred to the Consolidation Committee.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources Bureau for Public Health informing they reviewed the preliminary application of Arbuckle Public Service District and recommend it be forwarded to the Funding Committee for review.

The Commissioners received and reviewed a letter from the Public Service Commission informing their Technical Staff has reviewed the Arbuckle Public Service District Infrastructure Preliminary Application they are recommending the application be returned.

The Commissioners received and reviewed a letter from Brookfield Renewable Energy Group regarding Hawk's Nest Project (FERC No. 2512-

069), Glen Ferris Project (FERC No. 14439-000), and ILP Relicensing Studies Progress Report #2.

The Commissioners received and reviewed a letter from Allen, Kopet and Associates PLLC regarding Matthew Cole, etal v. The Fayette County Commission, etal.

The Commissioners received and reviewed a letter from BrickStreet Insurance acknowledging receipt of a report of occupational injury for Nancy L. Carr

The Commissioners received and reviewed a Service Report from Casto Technical Services, Inc. for the Courthouse Broiler.

The Commissioners received and reviewed Bank Statements from Fayette County National Bank for the Fayette County Financial Stabilization Fund and the Fayette Coal County Reallocated Severance Tax Fund.

The Commissioners received and reviewed a letter from Debbie Aliff, Payroll Clerk, informing of the Counties she called to check to see if they offer Section 125 Pretax to their employees.

The Commissioners received and reviewed a notice from WorkForce West Virginia Unemployment Compensation Monetary Determination for James E. Koone.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the coalbed methane severance tax will be directly deposited on or before October 1, 2013, amount \$5,293.85.

The Commissioners received and reviewed a check from the Fayette County Solid Waste Authority (FCSWA) reimbursement, amount \$798.15.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer regarding the October 28, 2013 Planning Commission meeting.

Commissioner Wender called for an Executive Session at 2:30 p. m., if any action is taken he would notify Ms. Hickman.

The meeting was adjourned. The next scheduled meeting is October 16, 2013.

FAYETTE COUNTY COMMISSION

OCTOBER 16, 2013

SPECIAL SESSION

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez (via telephone), Denise A. Scalph

Also, present were: Sheriff Steve Kessler and Chief Deputy Michael Fridley

Commissioner Wender called the meeting to order at 9:05 a. m.

Commissioner Wender gave a recap of what was discussed at the October 11, 2013.

Commissioner Wender informed he had received a call from Lieutenant Colonel Joe Peal requesting that the Commission fund \$25,000.00 to pay sixty-seven (67) National Guards for security on Bridge Day.

Commissioner Wender told the Commissioners he told Lieutenant Colonel Peal he would go along with 30 to 35 guards at a cost of \$10,000.00 to \$12,500.00.

Commissioner Wender told the Commissioners he called Senator William Laird to ask him if the Governor's Office could assist in this matter to share the cost on a 50/50 basis.

Commissioner Wender told the Commissioners he received a call back from Senator Laird and was told that the Governor's Office had concerns about this setting a precedent for other agencies who are short on funding due to the Government shutdown.

After the brief discussion on Friday, October 16, 2013, Carl Harris, Prosecuting Attorney informed them that this was not on the agenda and they would have to schedule a special meeting to discuss further.

Commissioner Wender informed he talked with Lieutenant Colonel Joe Peal on Monday, and he informed Commissioner Wender that they are not getting help from the Governor's Office.

Commissioner Wender presented final request from the National Guard for Bridge Day.

Commissioner Wender told the Commission that this meets with Cindy Dragan's approval and is adequate for their Bridge Day needs.

Lieutenant Colonel Peal is requesting \$7,500.00 to support Bridge Day with the West Virginia National Guards Soldiers. This would provide a total of eighteen (18) soldiers for bus security, Bridge security and a WV National Guard officer in charge (on site).

Commissioner Wender informed the State would be paying them if the Federal Government goes back.

After a brief discussion and comments from Sheriff Kessler and Chief Deputy Fridley, Commissioner Scalph offered a motion that Fayette County Commission will fund the security for Bridge Day in the amount of \$7,500.00 bring in the WV National Guards starting Friday a

one time allocation for Bridge Day. Commissioner Lopez seconded.

Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners he received and reviewed the Bankruptcy Tax Plan of Trinity Coal Corporation and there wasn't any mention of the promise they had made to us.

Mr. Harris told the Commissioners he e-mailed Ned Rose asking that he do an Order and include in the Bankruptcy Tax Plan.

Mr. Harris told the Commissioners the Agreement has to be in by October 31, 2013.

Mr. Harris told the Commissioners they should hear something back from them in 2 or 3 days.

Ms. Berry told the Commissioners that Stephanie Sears, Staff Accountant received an e-mail from Joe Crist, Fire Coordinator requesting that a Purchase Order be issued to Two-Way Radio for the purchase of 300 Motorola Minitor. The cost is \$460.00 per pager which totals \$138,000.00.

Discussion was held, the Commissioners asked Ms. Berry to schedule Mr. Crist on the October 25, 2013 agenda and have him give a breakdown of who will be receiving these pagers and what's wrong with the old ones.

The Commissioners signed a letter to W. D. Smith, Executive Director for Region 4 Planning and Development Council.

The meeting was adjourned at 10:00 a. m. The next scheduled meeting is October 25, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 25, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, Denise A. Scalph

Commissioner Wender called the meeting to order at 9:05 a. m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tickets for Arrow, Inc., George Robert and Ilona Morris, Roy E. Bell, John Crosier, Edw. Martin, Daniel Ewing, Cheryl J. and Mark Aldridge, David and Cindy Arthur, David and Thomas Michael Hill, Carolyn S. Goscinski, Earl V. Price, Carl and Barbara Bays, Jr.

Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign personal property tickets for Poor Boys Trucking, Inc., Brian A. Good, John D. Holden, Jr., and James R. Fitzwater. Commissioner Wender seconded. Unanimous.

Eddie Young presented three (3) refund tickets for Arrow, Inc. for the Commissioners to sign.

Commissioner Scalph offered a motion to approve and sign refund tickets for Arrow, Inc. (\$103.09), Arrow, Inc. (\$3,656.81), and Arrow, Inc. (\$191.04). Commissioner Wender seconded. Unanimous.

Eddie Young presented two (2) West Virginia Assistance Broadband Grant Agreements a Grant for GIS Tax Map Development and Web Publication and a West Virginia Assistance Broadband Grant Agreement for online filing and document indexing for personal property

assessment forms for the Assessor's Office for the Commissioners to sign.

Commissioner Scalph offered a motion to approve and sign the West Virginia Assistance Broadband Grant Agreement for the GIS Tax Map Development and Web Publication for the Assessor's Office.

Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign a West Virginia Assistance Broadband Grant Agreement for online filing and document indexing for personal property assessment forms for the Assessor's Office. Commissioner Wender seconded. Unanimous.

Ms. Berry presented to the Commissioners a Petition to Combine or Divide and segregate Land for Robert E. and Caren Sue Hunt, Jr. for the Commissioners to approve and sign.

Commissioner Scalph offered a motion to approve and sign the Petition to Combine or Divide and Segregate Land for Robert E. and Caren Sue Hunt, Jr. Commissioner Wender seconded. Unanimous.

Commissioner Wender introduced, Chadwick Wykle the new Executive Director of the New River Gorge Regional Development Authority to the Commissioners. Also, present was Judy Radford.

Mr. Wykle gave background knowledge on himself.

Ms. Berry told the Commission the Fayette County Website is live today located at website ([fayettecounty.wv.gov](http://fayettecounty.wv.gov)).

The Commissioners asked Ms. Berry to do a press release on the Fayette County Website.

Commissioner Scalph offered a motion to approve vouchers and invoices, checks to be released today, and approved 2<sup>nd</sup> half payrolls,

checks to be released October 30, 2013. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a proposal from Balance Consulting for the Courthouse Annex Parking Lot Expansion Study-Phase 2 (Total Cost \$4,250.00) to the Commissioners.

Commissioner Scalph offered a motion to approve and sign the Proposal from Balance Consulting, Inc. at a total cost of \$4,250.00. Commissioner Wender seconded. Unanimous.

Ms. Berry told the Commissioners she received an e-mail from Brian Smith, Coordinator for the Fayette County Farmland Protection Board recommending that Kenneth William Hauer of Lookout be appointed to fill the open board position on the Fayette County Farmland Protection Board.

Commissioner Scalph offered a motion to appoint Kenneth William Hauer to fill the open board position due to the resignation of Brain Smith on the Fayette County Farmland Protection Board, term to expire May 16, 2017. Commissioner Wender seconded. Unanimous. An Order and an appointment to serve letter was signed.

Ms. Berry informed the Commissioners she received a request from Nikki Lucas, Principal at the Fayetteville Elementary School requesting permission to use the Fayette County Memorial Building on October 31, 2013 for their school Halloween parade from 1:30 p. m. to 3:00 p.m.

Commissioner Scalph offered a motion to approve the request from Nikki Lucas, Principal at the Fayetteville Elementary School request to use the Fayette County Memorial Building on October 31, 2013 for

their school Halloween parade from 1:30 p. m. to 3:00 p.m.

Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Resolution and a Grant Contract for a Community Participation Program Grant for the Fayette County Park Improvements for \$5,000.00 for Commissioner Wender to sign.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Resolution and a Grant Contract for a Community Participation Program Grant for the Fayette County Park Improvements for \$5,000.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of November.

Commissioner Scalph offered a motion to approve the letter requesting reimbursement of rent in the amount of \$2,700.00 for the month of November. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that Gertrude Walton property was classified as Class 4 for 2010, 2011 and 2012 it should have been Class 2. Mr. Young informed the Commission that this resulted in an overpayment of taxes. Mr. Young is requesting that they give \$831.65 credit on future taxes for the year or years 2010 (\$263.31), 2011 (\$282.18), and 2012 (\$286.16).

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that Gloria Adkins property was classified as Class 4 for 2008, 2009, 2010, and 2011 it should have been Class 2. Mr. Young informed the Commission that this resulted in an overpayment

of taxes. Mr. Young is requesting that they give \$440.71 credit on future taxes for the year or years 2008 (\$101.76), 2009 (\$107.51), 2010 (\$110.15), and 2011 (\$232.29).

The Commission asked that this be tabled for the next Commission meeting on November 8, 2013.

Ms. Berry presented Grant Application for the West Courthouse Facilities Improvement Authority Grant for Phase I for the purpose of replacing the roof of the Fayette County Courthouse. Total estimated cost is \$275,000.00.

Ms. Berry told the Commissioners that Phase I total would be \$120,000.00 at an 80/20 split with the State.

Commissioner Scalph offered a motion to approve grant application to the West Courthouse Facilities Improvement Authority for Phase I of the Fayette County Courthouse roof in the amount of \$120,000.00, 80/20 split with State. Commissioner Wender seconded. Unanimous.

Bid Opening for the construction of the new Storage Building for the OES/911 Facility at 10:00 a. m. (See attached Sign in Sheet)

Commissioner Wender informed six (6) bids were received. The legal were published in the Fayette Tribune and the Montgomery Herald. The bids were due on October 24, 2013 at 4:00 p. m.

The bid received are listed below:

N Powell & Company	\$287,550.00	To be completed in 150 days
Main Street Builders	\$326,800.00	To be completed in 100 days
Swope Construction	\$273,200.00	To be completed in 120 days
Kyle Construction	\$330,000.00	To be completed in 210 days
Radford & Radford	\$256,500.00	To be completed in 150 days
Danhill Construction	\$291,911.00	To be completed in 90 days

The Commissions approved lower bid of Radford & Radford, amount \$256,500.00.

The Commission informed that three (3) parties (911 Center, Office of Emergency Services and the FireFighters Association) to split cost of the lower bid from Radford & Radford upon Dan's recommendation.

The Commission asked that the bids be given to Dan Snead, Architect to review and make sure they meet the specs. Mr. Snead to give the Commission his recommendation.

Ms. Berry presented Grant Applications for the West Virginia County Records Management and Preservation Board 2014-2015 Grants for the Assessor's Office-\$18,818.00 for a scanner/plotter machine and part-time employee to scan and index 600 historic tax maps and the County Clerk's Office-\$5,500.00 for a conservation Bindery Award for the Commissioners to sign.

Commissioner Scalph offered a motion to approve and sign the West Virginia County Records Management and Preservation Board 2014-2015 Grants for the Assessor's Office (\$18,818) and County Clerk's Office (\$5,500). Commissioner Wender seconded. Unanimous. Discussion was held regarding using the old 911 Center Office space at the Fayette County Memorial Building to store old records.

Commissioner Scalph offered a motion to authorize Ms. Berry to complete the grant application for Fayette County Commission to the West Virginia Records Management and Preservation Board for the Fayette County Memorial Building. Commissioner Wender seconded. Unanimous.

Robert Stull appeared before the Commission to discuss the Stream Restoration by Dunloup Creek Project.

Mr. Stull presented handouts to the Commissioners. (See attached copy)

Mr. Stull presented the Project to the Commission for their approval and a Letter of Intent for the Commission to sign. Mr. Stull told the Commissioners that no money is required from the Commission.

Mr. Stull presented a Letter of Intent for the Commissioners to sign.

Commissioner Scalph offered a motion to approve the Commissioners to sign the Letter of Intent for the Dunloup Creek Project in Kilsyth area with the Fayette Commission, the West Virginia Department of Environmental Protection (WVDEP), and Green Rivers. Commissioner Wender seconded. Unanimous.

Alicia TreadwaY, Registrar and Kelvin Holliday, County Clerk appeared before the Commission to discuss purchasing of Poll Workers Training Software from CSSI (Complete Systems Support, Inc.).

After a brief discussion, Commissioner Wender suggested to Ms. Treadway to calculate savings and return on November 8, 2013 with a representative from CSSI to discuss further.

Joe Crist, Fire Coordinator and Steve Cruikshank former Fire Coordinator appeared before the Commission to discuss the purchasing of 300 pagers for the Fire Department at a cost of \$460.00 per pager total cost \$138,000.00.

Mr. Cruikshank told the Commissioners that the last time pagers were brought was 20 years ago was purchased from the Fire Levy Fund.

They received a \$68.00 discount for each pager, with a five (5) year warranty. The quote is on the State Contract.

The Commissioners asked Joe Crist to get a letter from Motorola confirming that this on the State bid and send a copy to Carl Harris, Prosecuting Attorney for him to review.

Commissioner Scalph offered a motion to approve this expenditure upon review of the State Bid Contract from Motorola by Carl Harris. This is to be paid out of the Fire Levy Fund. Purchase Order to be generated after approval. Commissioner Wender seconded. Unanimous.

Joe Crist presented a quote to be approved from Wright Line to complete the two (2) rooms with furniture at the new 911 Center, total cost \$3,415.30.

Joe Crist told the Commissioners this is to be paid out of the Fire Levy Fund.

Commissioner Scalph offered a motion to approve the quote as presented by Joe Crist from Wright Line (\$3,415.30) to complete the two (2) rooms with furniture at the new 911 Center to be paid out of the Fire Levy Fund. Commissioner Wender seconded. Unanimous.

Ms. Berry presented an invoice for approval from Joe Crist to repair waterway and miscellaneous repairs to fix their aerial ladder truck for the Rainelle Volunteer Fire Department total cost \$13,388.30 to the Commissioners.

Discussion was held concerning this invoice.

Carl Harris, Prosecuting Attorney told the Commissioners he will review to see how this should be handled and return on November 8, 2013 with recommendation.

The Commission asked Joe Crist to talk with the Rainelle Volunteer Fire Department and return to discuss further on November 8, 2013.

The Commission recessed the County Commission meeting at 11:45 a.m. for the Wall of Honor Ceremony.

The Commission reconvened the County Commission meeting at 2:10 p. m.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss and review the Agreements between the Fayette County Commission and the Fayette County Building Commission for property at Wolf Creek Park and Agreement with Fayette County Commission and Fayette County Building Commission, Fayette County Fireman's Association and Fayette County 911 Emergency Coordinator.

The Commission asked that this be tabled until after the Fayette County Fireman's Association review.

Ms. Berry presented a copy of a letter from Carl Harris, Prosecuting Attorney to Joel Dollarhide, CPA responding to Mr. Dollarhide request to remove the Executor in the Estate of Ruby E. Hickman to the Commissioners.

Ms. Berry presented an Order for the Commissioners signature appointing James Blankenship Fiduciary Commissioner in the Estate of George Amos to the Commissioners.

Commissioner Scalph offered a motion to approve James Blankenship, Fiduciary Commissioner to conduct a hearing to decide whether the Executor be removed or not in the Estate of George Amos. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter to MG James Hoyer for the Commissioners to sign concerning funds allocated for security for Bridge Day.

Ms. Berry presented Contract from Advanced Electrical Services, Inc. for Commissioner Wender to sign for Phase 3 of the Courthouse Electrical Upgrade.

Ms. Berry presented an FBMS Customer Request Form and funds for Bobby Bower for a partnership for the Thurmond River Water Gauge.

The Commissioners received and reviewed from David Neal, 911 Coordinator an invoice from New River Sportswear, Inc. for uniform shirts for Kim Linzy.

Discussion was held, the Commissioners asked Ms. Berry to write a letter to Shawn Wolford, OES Director informing him that the invoice will not be paid, Ms. Linzy is Dickie Smith employee, not the 911 Center employee, no prior approval from him.

Commissioner Wender signed the MBE/WBE Utilization Under Federal Grants and Cooperative Agreement for the Brownfield Assessment Grant.

The meeting was adjourned at 2:35 p. m. The next scheduled meeting is November 8, 2013.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 8, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 8<sup>th</sup> day of November 2013.

Commissioner Wender called the meeting to order at 9:05 a.m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tickets for Joshua William Given, Steve D. and Angela Grose and Frank Fragale. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for David and Cindy Arthur (\$106.34) and Carolyn S. Goscinski (\$253.64). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released November 15, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of October 2, October 11 and October 16, 2013. Commissioner Lopez seconded. Unanimous.

Eddie Young presented a letter informing that Poor Boy's Trucking, Inc. be given a credit for overpayment of taxes for the years 2008, 2009, 2010 and 2011 for personal property taxes, amount \$819.56.

The Commissioners told Mr. Young they had tabled 2 other request for credit at their last meeting for Gloria Adkins \$440.71 and Gertrude Walton \$831.65 for real property tax classification.

Discussion was held, the Commissioners decided instead of giving tax credit for the following year or years, the Commissioners decided to give refunds to the three (3) property owners.

Commissioner Lopez offered a motion to refund Gertrude Walton (\$831.65), Gloria Adkins (\$440.71) and Poor Boy's Trucking, Inc. (\$819.56) based on the fact there was a clerical error that came before the taxpayers. Commissioner Scalph seconded. Unanimous.

Carl Harris, Prosecuting Attorney appeared before the Commission to request reopening the Estate of Barigit Laird.

Mr. Harris told the Commissioners that everything had been done.

Mr. Harris told the Commissioners the reason to reopen the file is so that Kanawha Falls Public Service District can execute a right-of-way on the property.

Commissioner Lopez offered a motion to reopen temporarily the Barigit Laird file for the sole purpose of execution of a right-of-way for the Kanawha Falls Public Service District. Commissioner Scalph seconded. Unanimous.

Allen Ballard, Community Rating System Coordinator (CRS) appeared before the Commission to ask if they would send a letter to the Federal Emergency Management Agency informing them that Fayette County Commission is interested in participating in the Community Rating System so that the residents will qualify for discounted flood insurance premiums.

Mike Smith representative for the Fayetteville Rotary Club appeared before the Commission to discuss purchasing a 12' clock (4 sided) for the Courthouse lawn.

Mr. Smith presented pictures of several different style clocks to the Commissioners.

Mr. Smith told the Commissioners that Senator William Laird had committed \$7,000.00 and Delegate Margaret Staggers had committed \$12,000.00 to the clock project.

Daniel Wright, Chairman of the Fayette County Historic Landmark Commission was present for the presentation.

Mr. Wright made a suggestion to put the clock at the Fayette County Memorial Building or on the corner of the Courthouse lawn.

Commissioner Wender asked Mr. Smith if there was a maintenance contract.

Mr. Smith told the Commissioners he would have to check on the maintenance contract.

The Commissioners recessed the Commission meeting at 9:50 a. m. to view the sight.

The Commission reconvened the Commission meeting at 10:10 a. m.

Tyler Bragg and Bob Ackinrod appeared before the Commissioners to present Bids received for the Aerial Photography for the Assessor's Office.

Mr. Bragg told the Commissioners he received two (2) bids one from Pictometry International Corp. (\$101,475.00) and Kucera International, Inc. (\$55,000.00).

Commissioner Wender asked that the Bids be given to Tyler Bragg to review to see that they meet the specs and to do a background to see if they can do the work.

The Commissioners asked Mr. Bragg to find out if there is a time line for the project.

John David appeared before the Commission to discuss a letter he received from Wells Fargo requesting that Southern Appalachian Labor School (SALS) take temporary/ownership of transfer of a home.

Mr. David presented pictures of the house and told the Commissioners that all the forms have been filled out.

Mr. David told the Commissioners that Wells Fargo to take care of all the legal work, closing cost taxes and utilities.

Mr. David is asking that the Commission be the conduit.

Commissioner Wender informed that Fayette County Commission "Conduit" will be presented with two (2) deeds.

Commissioner Scalph offered a motion that Fayette County Commission would act as a Conduit for the temporary ownership of the home and that both deeds be presented and recorded at the same time. Commissioner Lopez seconded. Unanimous.

John David presented the Annual Audit for Southern Appalachian Labor School (SALS) and a request for funding for the next 2014-2015 Fiscal Year Budget to the Commissioners.

The Commissioners asked Commissioner Lopez to negotiate with getting a truck for Melvin Withrow.

Ms. Berry told the Commissioners she received from the Assessor's Office the low book value of Steve Cruikshank 2000 Silverado Truck, \$4,525.00.

Ms. Berry told the Commissioners they had approved paying the amount of the truck (\$4,525.00) to the Fire Levy Fund.

Commissioner Scalph offered a motion Fayette County Commission approve paying \$4,525.00 for the 2000 Silverado Truck reimbursement to

the Fire Levy Fund and transfer the vehicle to the Fayette County Park. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the vote on the lowest bid for the 911 Storage Building.

After a brief discussion Commissioner Wender asked Ms. Berry to send a letter to the low bidder and inform him that the bid is beyond Fayette County Commission financial capabilities.

Commissioner Lopez asked the Commission to table the 911 Storage Building.

Fayette County did not take any action on the bids for the 911 Storage Building.

Ms. Berry presented the Holiday List for the year 2014 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Holiday List for the year 2014. Commissioner Scalph seconded. Unanimous.

Alicia Treadway, Registrar, Kelvin Holliday, County Clerk and Rick Olexo a representative from CSSI appeared before the Commission to give a brief summary of the program for the Poll Worker Training Software.

Mr. Olexo told the Commissioners that eight (8) counties are using this program and they are offering a discount of \$4,500.00 for the software.

Commissioner Lopez offered a motion to approve purchase of the Poll Worker Training Software in the amount of \$4,500.00 for the County Clerk's Voter's Registration Office from CSSI. Commissioner Scalph seconded. Unanimous.

Shawn Wolford, OEM Director appeared before the Commission to discuss the ambulance service in the Danese, Meadow Bridge and the Valley areas.

Commissioner Wender gave a brief summary regarding the ambulance service and asked Mr. Wolford if they could enter into a contract with the Danese, Meadow Bridge and Valley areas.

Commissioner Wender asked Mr. Wolford to develop a contract.

Carl Harris, Prosecuting Attorney questioned if they had to have a public hearing or bid.

Jerry Long with Jan Care/General Ambulance Service told Mr. Harris that it need not be bid.

Commissioner Wender informed the contract will provide Jan Care/General Ambulance one service when 911 calls are made. If it goes to the 911 Center that would be who they dispatch.

The Commission authorized Carl Harris and Shawn Wolford to prepare a contract looking for the same service we are getting now.

No action taken today. The Commission asked Carl Harris to submit an Agreement.

Shawn Wolford appeared before the Commission to discuss the generators needed for Page-Kincaid Public Service District, Gauley River Public Service District and Kanawha Falls Public Service District.

Present for the discussion was Kevin Pell, Technician with Mountaineer Generator Service and Patrick Smith, P. E., President with Master Service Mid Atlantic.

Mr. Wolford gave a brief summary of the cost for the generators.

Mr. Wolford presented a quote from Master Service Mid-Atlantic, Inc. the cost to install a generator docking station at Page-Kincaid Public Service District and Gauley River Public Service District (See attached).

Mr. Wolford told the Commission they need to get the State to pay for Kanawha Falls Public Service District Generator.

The Commission informed, they need to ask our Senators and Delegates to assist in the cost and figure out who else they can go to for some support.

The Commission asked Mr. Wolford to compile some more data for them to review.

Mr. Wolford told the Commissioners the slippage that was worked on at the 911 Center looks good.

Joe Crist, Fire Coordinator appeared before the Commission to discuss the Rainelle Volunteer Fire Department invoice.

Mr. Crist told the Commissioners that the Rainelle Volunteer Fire Department covers a good deal of Fayette County.

Mr. Crist told the Commissioners the cost to repair the ladder truck is \$13,388.00.

Mr. Crist told the Commissioners that Steve Cruikshank had agreed that the Fayette County Fire Levy Fund would pay half of the expenses and that Rainelle Volunteer Fire Department shares be taken out of their \$8,800.00 they receive.

Mr. Crist suggested to the Commissioners to pay \$6,750.00 over the next three (3) years, take \$2,000.00 off top leaving them with \$6,000.00 to operate with if this can be done.

Mr. Crist told the Commissioners the repairs have been done on the ladder truck and it is back in service.

Commissioner Scalph offered a motion to approve mutual aid with the Rainelle Volunteer Fire Department for repairs of their ladder truck and Fayette County Commission to pay \$6,750.00 up front from the Fayette County Fire Levy Fund to be reduced by a 3<sup>rd</sup> of this payment. Commissioner Lopez seconded. Unanimous.

Tyler Bragg, GIS Specialist appeared before the Commission to give them a recap of the bids they received from Pictometry International Corp. (\$101,475.00) and Kucera International, Inc. (\$55,000.00).

Mr. Tyler told the Commissioners because of the big difference in the bids he would like to review and do more research.

The Commissioners asked Mr. Bragg to do more research.

Commissioner Wender asked that a special meeting be held for Wednesday, November 13, 2013 at 3:30 p. m.

Mr. Bragg to get further clarification on both bids and make recommendation to the Commission on November 13, 2013.

Rick Rutledge, Joy Marr, Emma Davis and Kathy Rutledge appeared before the Commission to request additional funding for the Fayette County Farmers Market Project.

Mr. Rutledge presented an appreciation letter to the Commissioners. The letter was read.

Mr. Rutledge told the Commissioners they ran short on money and they are here today to request \$15,000.00 to complete the roof.

Commissioner Scalph offered a motion to approve the request of the Fayette County Farmers Market for an additional amount of \$15,000.00 an allocation to complete the Fayette County Farmers Market Project. Commissioner Lopez seconded. Unanimous.

The Commissioners received a request from Tally Richmond, a member of the American Legion Post 149 requesting \$500.00 to help with the Underprivileged Children Christmas Party being held in December.

After a brief discussion, the Commission approved an allocation of \$500.00 to assist with the Underprivileged Children Christmas Party.

The Commissioners received a request from the City of Smithers requesting \$500.00 to help with Town Improvements.

After a brief discussion, the Commission approved an allocation of \$500.00 to assist with the Town Improvements for the City of Smithers.

Ms. Berry presented a Joint Funding Agreement (JFA) for the operation of a gage on the New River at Thurmond, West Virginia for Commissioner Wender to sign. The work period is October 1, 2013 through September 30, 2014. Commissioner Wender signed the Agreement.

The Commissioners received and reviewed a letter from the Fayetteville Ministerial Association requesting use of the Fayette County Memorial Building for a county-wide Veteran's Appreciation on November 10, 2013.

Commissioner Scalph offered a motion to approve the request of the Fayetteville Ministerial Association to use the Fayette County

Memorial Building on November 10, 2013 for their county-wide Veteran's Appreciation. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from EnAct, Inc. requesting that the Commission send a letter to reaffirm Judson Wallace as a representative to the EnAct, Inc. Board of Directors.

Commissioner Lopez offered a motion to sign an Order to reaffirm that Judson Wallace has been reappointed as the County Commissioner's representative to the Board of Directors of the EnAct, Inc. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Ester Moray requesting that they write a letter to Gary Driggs asking if he would consider a 50% discount for rental of the New River Gorge Gateway Center for the CODA Mountain Music Academy.

Commissioner Scalph offered a motion to approve writing a letter to Gary Driggs asking if he would consider a 50% discount for the rental of the New River Gorge Gateway Center for the Coda Mountain Music Academy. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from C & J Developers requesting a rental increase from \$8.00 a square foot to \$10.00 a square foot for the Family Law Judge Building.

Discussion was held. Commissioner Wender asked Ms. Berry to find out what the other tenants pay per square footage.

The Commissioners received and reviewed a letter from Joseph E. McCoy, Valley High School Athletic Director/Head Boys Varsity Basketball Coach requesting allocation of funds for improvements to old gymnasium in the amount of \$5,000.00.

The Commissioners asked that this request be put in their Budget for Fiscal Year 2014-2015.

The Commissioners received and reviewed a letter from Earl Pauley, Fayette County Park Superintendent requesting to add David Bennett as a full-time employee.

After a brief discussion, Commissioner Wender told the Commissioners he opposed putting David Bennett on as a full-time employee.

Ms. Berry informed the Commissioners she received two (2) quotes for the Courthouse Fire Alarm System, Appalachian Signals and Products, Inc. (\$34,934.25) and NewTech Systems, Inc. (\$41,980.00).

The Commissioners signed a letter to Governor Earl Ray Tomblin regarding the lack of support that Fayette County received for Bridge Day.

Ms. Berry signed a memo to the Elected Officials, Department Heads and Employees informing the Family Resource Network has arranged for Kelli Dangerfield, a Certified Application Counselor to be at the Fayetteville Public Library, Tuesday, November 12, 2013 at 12:00 p. m. to 3:00 p. m. to help folks with questions about the Affordable Health Care Act.

The Commissioners received and reviewed a copy of a letter from Tim Richardson, Zoning Officer to Paul R. Washington, Jr. concerning a complaint his office received regarding the numerous automobiles as well as other items which either are in disrepair or appear to be disabled. This is a violation of the Fayette County Unified Development Code.

The Commissioners received and reviewed a letter from the West Virginia Consolidated Public Retirement Board informing that in order to assist with our budgeting process they are providing a preliminary estimate of the employers' contribution rate. The estimated employers' contribution percentage will decrease from 14.5% to 14.0% effective July 1, 2014.

The Commissioners received and reviewed a copy of a letter from J. Dan Snead and Associates, Inc. to Advanced Electrical Services, Inc. confirming that they are authorized to proceed with the Phase III Electrical Upgrade work at the Fayette County Courthouse effective November 13, 2013.

The Commissioners received and reviewed a letter from the Department of Revenue State Tax Department certifying that Harvey E. Young, Assessor has substantially complied with the "assessor's additional duties" as delineated in West Virginia Code §7-7-6a. This entitles Mr. Young to receive the additional compensation of \$15,000.00.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator informing that he reviewed the USDA Promise Zone information and find it to be very similar to the Empowerment Zone designation-those chosen receive preference points on applications and technical assistance.

Mr. Pollard told the Commissioners the application is due by November 26, 2013 and is quite extensive, including mapping.

Mr. Pollard told the Commissioners no way they could possibly meet that deadline and even if we did we are talking 20 designations nationwide.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period October 1, 2013 through October 31, 2013.

The Commissioners received and reviewed a check for 911 Fees from Shentel, amount \$6,938.12.

The meeting was adjourned at 2:45 p. m. The next scheduled meeting is November 22, 2013.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
NOVEMBER 13, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, Denise A. Scalph

The Fayette County Commission met in a special session to discuss bids received for the Aerial Photography for the Assessor's Office.

Commissioner Wender called the meeting to order at 3:30 p. m.

Tyler Bragg appeared to discuss the Aerial Photography bids.

Mr. Bragg hands out report analyzing the two (2) bids received (see attached).

Mr. Bragg recommends accepting the Pictometry bid.

Commissioner Scalph offered a motion to accept and approve Pictometry bid to purchase system based on analysis of the two (2) bids provided by Tyler Bragg. We will offer to pay at the delivery of the product minus 10% or if not accepted pay on Pictometry's terms of 3 years. Commissioner Wender seconded. Unanimous.

Ms. Berry presented two (2) bids for the Courthouse Fire Alarm System (NewTech Systems, Inc. and Appalachian Signals and Products, Inc. ASAP).

Carl Harris, Prosecuting Attorney informed the Commission that they can proceed without bid because this is an emergency.

Commissioner Scalph offered a motion to approve NewTech Systems, Inc. if they agree to take off approximately \$5,000.00 paid for repairs already paid from the new system, if not approve Appalachian Signals and Products, Inc. (ASAP). Commissioner Wender seconded. Unanimous.

Discussion was held regarding the bat guano issue in the attic of the Courthouse.

The United States Department of Agriculture (USDA) came in and informed that some bat guano is there.

The Commission informed they will notify the concerned employees in advanced and they will be provided office space downstairs while construction goes on.

The Commission received and reviewed bid from Jason Howerton, total cost \$9,750.00.

Commissioner Scalph offered a motion to approve the low bid of Jason Howerton (\$9,750.00) for the bat guano removal and seal up all entry spaces and recommend Ms. Berry ask for an extended guarantee beyond a year. Commissioner Wender seconded. Unanimous.

Tyler Bragg reappeared before the Commission to inform them that he had talked with Pictometry and they accept Fayette County

Commission's contingencies to discount 10% off bid price for paying up front.

The Commission received and reviewed a letter from the Office of the Adjutant General informing the West Virginia National Guard cannot reimburse the State of West Virginia or the Fayette County Commission for the October 19, 2013 Bridge Day related support and an invoice for the total cost for the 2013 Bridge Day National Guard pay and benefits, cost \$6,537.84.

The Commission received and reviewed an invoice from J. Dan Snead and Associates, Inc. for the Architectural/Engineering Services for a new Metal Storage Building for the Fayette County OES/E-911Center, cost \$16,416.00.

The Commission received and reviewed a letter from Suddenlink informing that effective with the December 10, 2013 billing cycle, local rate adjustments will be made.

The Commission received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledged as of October 31, 2013.

The meeting was adjourned at 4:25 p. m.. The next scheduled meeting is November 22, 2013.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 22, 2013

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 22<sup>nd</sup> day of November 2013.

Commissioner Wender called the meeting to order at 9:10 a.m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign real property tickets for John M. and Della A. Crosier, Virginia M. McMillen, Howard Leftwich, James F. and Patricia Sue White and Lee and Glenna Ellis. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released November 27, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of October 2, October 11, October 16, and October 25, 2013 with the corrections.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the Community Corrections Program Grant.

Mr. Harris told the Commission that the Nicholas County Commission has been piggy backing on Fayette County Community Corrections Program Grant for sometime now and now Nicholas County Commission wants to separate from Fayette County Commission and do their own Community Correction Grant Program.

Mr. Harris told the Commission to allow Nicholas County Commission to apply for their own Community Corrections Program Grant.

Commissioner Lopez offered a motion that Fayette County Commission approves the separation of the Fayette County Community Corrections Program Grant with the Nicholas County Commission and that

Nicholas County Commission applies separately for their own Community Corrections Program Grant. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented, from the Assessor's Office, Petitions to Combine or Divide and Segregate Land for the Commissioners to sign.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Denvell D. Parker, Robert and Suzanne Perdue and David A. and Karen M. Cullem. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented from the Sheriff's Office the 2013 Properties sold to the State.

Discussion was held regarding Dan Snead's fee for the Storage Building. The Commission asked Ms. Berry to hold check.

Commissioner Wender asked Ms. Berry to write a letter to Dan Snead requesting detailed information of the cost.

Shawn Wolford, OEM Director, Rick Cornett, III and Jerry Long appeared before the Commission to discuss the EMS Provider Agreement.

Mr. Wolford told the Commissioners that he and Carl Harris, Prosecuting Attorney has reviewed the Agreement and is ready for the Commissioner's signature.

Jerry Long informed the Commissioners that their lawyers are reviewing the Agreement and Todd Cornett and Rick Cornett are both out of town.

Mr. Long told the Commissioners they will not be able to sign the EMS Provider Agreement today.

The Commission asked that they be scheduled for the next Commission meeting.

Commissioner Wender asked that prior to the next meeting get with Shawn Wolford and Carl Harris, Prosecuting Attorney to discuss their comments from their counsel and changes.

The Commission scheduled the meeting for December 6, 2013 at 9:30 a.m. to sign the EMS Agreement.

Commissioner Wender asked Shawn Wolford to draft a letter from the Fayette County Commission to the Senators, Delegates and the Public Service Districts asking for their assistance in purchasing the three (3) Generators.

Present for the Commission meeting was Patricia Kicklighter.

Ms. Berry presented a drawdown request for Kanawha Falls Public Service District in the amount of \$13,881.08 for the Boonesborough Water Line Extension Project.

Commissioner Lopez offered a motion to approve and sign drawdown request for Kanawha Falls Public Service District in the amount \$13,881.08 for the Boonesborough Water Line Extension Project. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a drawdown request for a Governor's Community Participation Grant for the African American Heritage Family Museum in the amount of \$800.00.

Commissioner Scalph offered a motion to approve and sign drawdown request for a Governor's Community Participation Grant for the African American Heritage Family Museum in the amount of \$800.00. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from the Ben Argento Basketball League requesting permission to use the Fayette County Memorial Building for their upcoming 2013-2014 Basketball Season.

Commissioner Lopez offered a motion to approve the request of the Ben Argento Basketball League permission to use the Fayette County Memorial Building for their upcoming 2013-2014 Basketball Season. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she received a request from George Edwards requesting an increase in the amount of \$675.00 per month for lease of space for the Fayette County Family Law Judge.

Ms. Berry told the Commissioners we currently pay \$2,700.00 or \$8.00 per square foot per month. With the increase we would pay \$10.00 per square foot or \$3,375.00 per month.

Ms. Berry informed the Commissioners she has prepared a letter to the Supreme Court of Appeals informing them of this request.

Discussion was held, the Commissioners asked to hold signing the letter.

Tim Richardson, Zoning Officer appeared before the Commission to present Case #Z-521-13-1 request of American Canadian Expeditions LTD, Ace Adventure Center, Mountain Cove, Inc., Gauley Outdoor Center, Inc., Concho Land Company, Owners for a change in land classification, from P-D (Planned Development District) to B-3 (Business Tourism District). See attached copy of the Public Notice.

Mr. Richardson told the Commissioners that the Fayette County Planning Commission approved the request by a vote of 11-0 to change

the land classification from P-D (Planned Development District) to B-3 (Business Tourism District).

Discussion of the application was held. County Commission, James Blankenship, attorney representing ACE, Megan Shrewsbury, Randy Jenkins, Rita Shiftler and Patricia Kicklighter, Superintendent National Park Service (NPS) voiced their comments.

After the brief comments, Commissioner Lopez offered a motion to approve the recommendation of the Fayette County Planning Commission request of American Canadian Expeditions LTD, Ace Adventure Center, Mountain Cove, Inc., Gauley Outdoor Center, Inc., Concho Land Company, Owners for a change in land classification, from P-D (Planned Development District) to B-3 (Business Tourism District).

Commissioner Scalph seconded. Unanimous. Mr. Richardson to prepare Order.

The Commission recessed the County Commission meeting at 10:50 a. m.

The Commission reconvened the County Commission meeting at 11:10 a. m.

John David appeared before the Commission and gave an update on the house Wells Fargo transferred to Southern Appalachian Labor of School (SALS).

Mr. David told the Commissioners that the West Virginia Department of Energy is going to give SALS an energy grant for \$10,000.00.

Mr. David told the Commission that the grant can only be made to the County. Mr. David is asking the Fayette County Commission to partnership with SALS for the Energy Grant.

Commissioner Scalph offered a motion that Fayette County Commission be the applicant for the Energy Grant with the West Virginia Department of Energy. Commissioner Lopez seconded. Unanimous. SALS will be responsible for all the paperwork and SALS will pay the match.

Commissioner Wender asked John David if SALS contracts to deliver supplies to the Weatherization Program through SALS.

Discussion was held. Commissioner Wender informed they would explore further.

Carl Harris, Prosecuting Attorney presented a letter from David Bragg requesting an extension. Mr. Bragg told the Commissioners he will have property torn down in 45 days if they would grant him this extension.

The Commission approved the 45-day extension for David Bragg property.

Debbie Dunn, Tom Ballard, Amy Gadomski and David Gadomski with Priority Ambulance appeared before the Commission to discuss an issue with the Department of Health and Human Resources (DHHR)

Ms. Dunn told the Commissioners the Department of Health and Human Resources (DHHR) are trying to get non-emergency ambulances on a broker to pick up patients.

Ms. Dunn told the Commissioners that the Department of Health and Human Resources (DHHR) is bringing in America Medical Responds

Ambulance Services. The Department of Health and Human Resources is paying friends and family to pick up patients.

Ms. Dunn is asking the Commission to write a letter to Governor Earl Tomblin and their Legislators.

Commissioner Wender informed Ms. Dunn the Commission will have Carl Harris, Prosecuting Attorney to check to see if Fayette County Commission has the authority to do this.

Commissioner Wender asked Priority to draft the letter and forward to the Commission by December 3, 2013.

Doug Hylton representative for the Greenbrier County Commission appeared before the Commission to inform that the Fayette County and Greenbrier County have received a Transportation Enhancement Grant and a Recreation Trail Grant through the West Virginia Division of Highways for a total of \$330,000 through State Project U313-MEA/DO-2.02, Meadow River Rail Trail 2012 to be used for the construction of this trail.

Mr. Hylton told the Commissioners there is a 20% match requirement for receipt of this grant is required by the West Virginia Division of Highways to be divided equally by both Commissions.

Mr. Hylton told the Commissioners he is here today to ask for approval of the Contract and Fayette County Commission commitment of \$41,250.00 as part of their grant obligation toward this trail project.

Mr. Hylton presented a Resolution for the Commissioners to sign.

Commissioner Wender asked Ms. Berry to read the Resolution.

Commissioner Lopez offered a motion that Fayette County Commission sign Resolution agreeing to the sum of \$41,250.00 to be approved as part of their grant obligation toward this trail project and authorize Commissioner Wender to sign the Agreement. Commissioner Scalph seconded. Unanimous. See attached copy of the Resolution.

Emeril Cook and Sarah Cook appeared before the Commission to request funding to help get the Lord's Blessings Food Pantry started.

Present for the request were former Senator Shirley Love, Delegate David Perry and Larry Dotson.

After a brief discussion, Commissioner Scalph offered a motion to approve \$2,000.00 allocation to aid and assist in the nutritional needs of the community for the Lord's Blessings Food Pantry. Commissioner Lopez seconded. Unanimous.

The Commission recessed the County Commission meeting at 12:25 p. m.

The Commission reconvened the County Commission meeting at 12:55 p. m.

After further discussion regarding the letter to the Supreme Court of Appeals concerning George Edwards request for an increase in the amount of \$675.00 per month for lease of space for the Fayette County Family Law Judge.

Carl Harris, Prosecuting Attorney suggested to the Commissioners to sign the letter. The Commissioners approved to sign the letter to the Supreme Court of Appeals.

Ms. Berry presented a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of December.

Commissioner Scalph offered a motion to approve the letter requesting reimbursement of rent in the amount of \$2,700.00 for the month of December. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Application for a Permit to Operate Pool at the Fayette County Park.

The Commissioners signed Application for Eligibility for the West Virginia State Agency for Surplus Property.

Ms. Berry told the Commissioners she received a request for a new copier from Daniel Wright, Circuit Clerk.

Ms. Berry told the Commissioners that Mr. Wright attached a quote he received from Ricoh MP C4503 Color total cost \$9,406.42.

Commissioner Lopez offered a motion to approve the purchase of a copier for the Circuit Clerk's Office, amount \$9,406.42. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented Budget Revision #2 for the Fayette County General Fund for the Commission to sign.

Commissioner Scalph offered a motion to approve and sign Budget Revision #2 for the Fayette County General Fund. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding Dan Snead's cost for the Storage Building.

Ms. Berry told the Commissioners she received an invoice from Cove Run Contracting, LLC for the slippage at the 911 Center total cost \$10,000.00. The Commission approved to pay.

Commissioner Scalph asked the Commission to approve permission to put up a tent in case of inclement weather on the Courthouse lawn for the Christmas Carolers November 28 at 6:00 p.m.

The Commissioners received and reviewed Dave Pollard's, County Resource Coordinator Quarterly Report, after a brief discussion, the Commissioners asked that Dave Pollard be scheduled sometime in January to discuss the proposal of \$1,200.00 as a consultant with the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. regarding his private telephone line.

The Commissioners received and reviewed a letter from the Fayette County Local Emergency Planning Committee requesting funding from the Fayette County in the amount of \$1,000.00 for the 2013 Fiscal Year.

The Commissioners received and reviewed a letter from the State Auditor informing they are engaged to audit the basic financial statements of the Fayette County Commission for the year ended June 30, 2013.

The Commissioners received and reviewed a letter from the Fayette County Christmas Toy Fund, Inc. and Tally Richmond requesting payment of the \$500.00 which was designated for the 2013 Fiscal Year.

The Commissioners received and reviewed a letter from SuddenLink informing of the channel changes that will be occurring to the SuddenLink channel lineup effective December 17, 2013.

The Commissioners received and reviewed a letter from the Department of the Army announcing their intent to Prepare an Environmental Impact Statement for the Bluestone Dam Safety Modification Report.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the October 2013 Greenbrier Table Games Tax will be directly deposited on November 18, 2013, amount \$245.30 and funds due for the October 2013 Table Games will be directly deposited on November 18, 2013, amount Z\$4,773.74.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of October 31, 2013 the securities held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed checks for 911 Fees from Frontier Communications, amount \$64.50, Frontier Communications, amount \$27,146.36, Compliance Solutions, Inc., amount \$269.50 and Vonage Tax Account, amount \$283.50; check from the Supreme Court for Community Corrections Drug Screening, amount \$1,776.00 and a check from the Division of Human Services for Family Resource Network (FRN), amount \$2,831.00.

The meeting was adjourned at 2:00 p. m.. The next scheduled meeting is December 6, 2013.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 6, 2013  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 6<sup>th</sup> day of December 2013.

Commissioner Wender called the meeting to order at 9:30 a. m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign property tickets for Donna Shaver, Roy Eugene and Barbara Smith and Penny M. and Arnold R. Persinger. Commissioner Lopez seconded. Unanimous.

No personal property tickets were presented by Eddie Young.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released December 13, 2013. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of November 8 and November 13, 2013. Commissioner Lopez seconded. Unanimous.

Joe Crist, Fire Coordinator appeared before the Commissioner on behalf of Shawn Wolford, OEM Director to discuss the EMS Provider Agreement.

Mr. Crist told the Commissioners that the Attorney for Jan Care Ambulance Service are still making changes to the Agreement.

Carl Harris, Prosecuting Attorney told the Commissioners they cannot take any action on the EMS Provider Agreement until Jan Care Ambulance Service has completed their changes and we have reviewed

their changes and both parties have agreed to sign the EMS Provider Agreement.

Mr. Harris told the Commissioners they would have to reschedule.

The Commissioners rescheduled the EMS Providers Agreement for December 18, 2013 at 11:00 a. m.

Ms. Berry presented a draft of a letter Shawn Wolford drafted on behalf for the Fayette County Commission to our Legislators requesting assistance in the purchase of three (3) generators.

Ms. Berry told the Commissioners they could review and make any changes to the letter.

Mike Bone and Kelly Murdock representative for the Fayette County Volunteers appeared before the Commission to request a reduction in their rental fee at the Fayette County Park for Camp Kismet.

Mr. Bone told the Commissioners he would like to rent the park for free and would have the kids do projects at the park.

Discussion was held, the Commissioners told Mr. Bone they want make adjustment to the rental fee but they would make a contribution to Camp Kismet.

The Commissioners suggested to Mr. Bone to make a request to the Commission of what they need and present a budget for their Budget Session.

Discussion was held regarding Earl Pauley, Park Superintendent not letting the Camp Kismet kids swim with the public.

Commissioner Wender suggested writing a letter to Mr. Pauley informing him that the Commission want the pool open for Camp Kismet kids.

Ms. Berry presented a Petition to Combine or Divide and Segregate Land for the Commission to approve and sign.

Commissioner Scalph offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Donna Shaver. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the corrected Petition to Combine or Divide and Segregate Land for David A. and Karen M. Cullem. This was approved at the November 22, 2013 County Commission meeting.

Ms. Berry told the Commissioners she received a letter from Peggy Bennet informing that Kristin King resigned her position at the Fayette County Park.

The Commission asked Ms. Berry if Peggy Bennett had hired a person to fill that position. Ms. Berry replied no.

Ms. Berry presented a request from the Fayette County Board of Zoning Appeals to reappoint Gary Davis and John Hoffman to the Fayette County Board of Zoning Appeals.

Commissioner Lopez offered a motion to approve the request of the Fayette County Board of Zoning Appeals to reappoint Gary Davis and John Hoffman members of the Fayette County Board of Zoning Appeals. Commissioner Scalph seconded.

Ms. Berry presented letters to the Lillian James Learning Center (\$3,000.00), the Fayette County Public Libraries (\$4,000.00), the African American Heritage Family Tree Museum (\$3,000.00) and the Falls View Community Center Building (\$6,000.00) for the Commissioners to sign for the Community Participation Program Grant applications for Fiscal Year 2014.

Ms. Berry presented a drawdown request for the Governor's Community Participation Grant in the amount of \$5,000.00 for improvements at the Fayette County Park for the Commissioners to sign.

Ms. Berry presented a drawdown request for the Governor's Community Participation Grant in the amount of \$4,000.00 for electrical upgrade for the Ansted Community Park for the Commissioners to sign.

Ms. Berry presented minutes and an Order from the Zoning portion of November 22, 2013 Fayette County Commission meeting for the Commissioners to sign.

Ms. Berry presented a Memorandum of Understanding from Kathy Jones with the Violence Against Women Act (VAWA) victim advocate for Comprehensive Women's Service Council, Inc., the Fayette County Team with the Violence Against Women Act (VAWA) for Commissioner Wender to sign to partner in efforts to develop strategies addressing violence against women.

Ms. Berry informed the Commissioners she received a copy of a letter sent to the Town of Gauley Bridge from the Fayette County Public Libraries informing the Gauley Bridge Branch of the Fayette County Library will be closing in December 2013. The last day of operation for the Gauley Bridge Branch will be December 18, 2013, and the building will be vacated by January 31, 2014.

The Commissioners received and reviewed Financial Report for fund balances year-to-date as of December 6, 2013 from Stephanie Sears, Staff Accountant.

The Commissioners recessed the Commission meeting at 11:14 a. m.

The Commission reconvened the Commission meeting at 11:25 a. m.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the Donation Agreement for the property being conveyed to Southern Appalachian Labor School (SALS) and passed through the Fayette County Commission.

Mr. Harris told the Commissioners upon reviewing the document there was no consideration of \$1.00, no one is living at the property, the property is vacant. Mr. Harris told the Commission he would scratch this.

Mr. Harris told the Commissioners also included in the document was Lead-Based Disclosure, Chinese/Defective Drywall Disclosure, "As-Is" Disclosure and a Mold Disclosure and Release.

Mr. Harris told the Commissioners Donation Agreement which say that Wells Fargo Bank, N.A. is giving the property at 412 Highlawn Avenue, Oak Hill, WV to the Fayette County Commission if there are no liens on the property he has no problem with the Commission signing.

Mr. Harris told the Commissioners that the Donation Agreement is saying that you are accepting as is and releasing Wells Fargo Bank, N.A.

Commissioner Scalph offered a motion to sign the document for the Wells Fargo Bank, N.A. and signing property to the Southern Appalachian Labor School (SALS) to acknowledge the Chinese/Defective Drywall and mold issue. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign the Donation Agreement Deed and any other to the property. Commissioner Scalph seconded. Unanimous.

Carl Harris told the Commissioners he reviewed the Agreement with Pictometry International Corp. the total cost is \$91,327.50. They are requesting \$7,610.62 due at the signing of the Agreement. The net \$83,716.88 is due within 30-days.

Commissioner Lopez offered a motion to approve and sign the Aerial Photography Contract with Pictometry International Corp. total cost \$91,327.50. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to recess the County Commission meeting to go into an Executive Session. Commissioner Scalph seconded. Unanimous.

The Commission reconvened the Commission meeting at 12:03 p. m.

Ms. Berry presented a letter she received from Dan Snead responding to the Commissioners request for detailed information of the cost for the design services for the storage building.

After a brief discussion, the Commissioners asked that another letter be sent to Mr. Snead asking that he reconsider his invoice in the amount of \$16,416.00 for the design services for the storage building at the OES/911 Center.

The Commission informed that had they knew there would be an increase from the original design (\$130,000) of the storage building to (\$256,000) they would have put off all the time and effort in rebidding.

The Commission informed the storage building design was included in the original plan and then removed; therefore the Commission wishes you would reconsider this cost.

The Commissioners received and reviewed a letter from the Fayette County Youth Soccer and the Black Diamond Futbol Club requesting the use of the Fayette County Memorial as the location for their 1<sup>st</sup> Annual New River Winter Indoor Classic.

After a brief discussion, the Commission denied the request of the Fayette County Youth Soccer and the Black Diamond Futbol Club to use the Fayette County Memorial Building as the location for their 1<sup>st</sup> Annual New River Winter Indoor Classic.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the October Limited Video Lottery will be directly deposited on November 26, 2013, amount \$5,569.14.

The Commissioners received and reviewed a letter from the WV Courthouse Facilities Improvement Authority announcing that the financial assistance request for courthouse improvements has been approved. The project involves the removal and replacement of shingled roofing materials of the main courthouse. The maximum amount of the award to be \$96,000.00.

The Commissioners received and reviewed a letter from the Lord's Blessing Food Pantry requesting \$2,000.00 to assist with the Supplemental Nutritional Assistance Program this pantry offers.

The Commissioners received and reviewed a letter from Shentel informing they will be making lineup and pricing changes in its Ansted, WV cable television system on or after January 2, 2014.

The Commissioners received and reviewed a letter from the Federal Energy Regulatory Commission signing an Order approving revised Exhibit A for the Hawks Nest Hydro, LLC, Project #2512-072.

The Commissioners received and reviewed a letter from the WV Regional Jail and Correctional Facility Authority giving an update on what changes have been made at the Regional Jail Authority over the past several months and what further initiatives lie ahead.

The Commissioners received and reviewed check for 911 Fees from Lumos Network, amount \$689.43; a check from the Division of Human Services for the Community Corrections Center (Drug screening test), amount \$1,221.00; a reimbursement check from the Fayette County Solid Waste Authority (FCSWA), amount \$798.15 and a \$1.00 lease of property for Building and Equipment Rent.

The meeting was adjourned at 12:03 p. m.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 18, 2013  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 18<sup>th</sup> day of December 2013.

Commissioner Wender called the meeting to order at 9:05 a. m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners

Commissioner Scalph offered a motion to approve and sign real property tickets for Jerry D. Williams and Rebuild America, Inc.

Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property for James D. and Debra J. Rinehart, Ronald A. and Merri C. King, Jr., Nancy Cook and Edward Harper, John Edward and Ida Ann Bragg, Pamela and Linton Anna L. Carpenter, Tjuana M. Nicholes, Martha Aliff, Samantha J. Skaggs, Mary M. Falbo, Benjamin Kevin and Amanda G. Miller, and Gene Edward and Nancy Anne Evans. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released December 30, 2013. Commissioner Scalph seconded. Unanimous.

Tristan Cleveland, Fayette County AmeriCorps VISTA with the New River Gorge Regional Development Authority appeared before the Commission on behalf of the Fayetteville Rotary Club to present information and pictures of the location for the Town clock.

Ms. Cleveland told the Commission the location would be at the corner of Wiseman Avenue and Court Street.

After a brief discussion, Commissioner Wender asked Ms. Cleveland if she had spoken with the Fayetteville Planning Commission about the plan. Ms. Cleveland replied no but she would pass this information onto them.

The Commissioners told Ms. Cleveland they would like the face of the clock to say "FAYETTE COUNTY COMMISSION."

Commissioner Wender asked Ms. Cleveland to pass on their appreciation to the Fayetteville Rotary Club.

Heather Hanshew, Secretary for the Town of Meadow Bridge appeared before the Commission to request funding and give the Commission an update on their emergency situation with their sewer problem.

Ms. Hanshew told the Commissioners they have three (3) pump stations each has 2 pumps, they have one pump station that failed to operate yesterday, 2 pumps that are not functional, can operate on 1, 2 pumps are okay, 1 pump was stolen and they have no back up.

Delegate John Pino was present for the hearing and commented on the situation.

Commissioner Wender informed the County and the State need to move on this immediately.

Commissioner Wender told Delegate Pino that the Town of Meadow Bridge needs support from the Governor's Office.

Delegate Pino told the Commissioners he needs all the paperwork in hand to present to the Governor.

The Commissioners asked that they come back on January 3 or January 17, 2014 to discuss and see where they stand on getting funds.

Commissioner Scalph offered a motion that the Fayette County Commission purchase a pump in the amount of \$7,981.00 for the Town of Meadow Bridge Sanitary Board to replace a pump that is not operable for Meadow Bridge. Commissioner Lopez seconded and asked that \$10,000.00 commitment to Meadow Bridge be disregarded.

Commissioner Wender asked that this be put on the Agenda for January 3, 2014 for an hour.

Dan McCarthy and Larry Pritchard with the Summit Bechtel Reserve/Boys Scout of America appeared before the Commission to

present a plaque and a letter of appreciation and thanks for their selfless contribution to the first chapter of the next one hundred years of Scouting in "Wild Wonderful" West Virginia.

John Tuggle, Executive Director and Lesley Taylor with Region 4 Planning and Development Council appeared before the Commission to present a drawdown request for the Kanawha Falls Public Service District for the Boonesborough Water Line Extension Project, amount of the drawdown is \$6,064.92.

Commissioner Scalph offered a motion to approve Resolution of the Kanawha Falls Public Service District approving invoices relating to construction and other services for the Boonesborough Water Line Extension Project, amount \$6,064.92. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the supporting documents for the Kanawha Falls Public Service District for the Boonesborough Water Line Extension Project. Commissioner Lopez seconded. Unanimous.

William Thornton, Engineer for Balance Consultants appeared before the Commission to present copies of the designs for the Courthouse Annex Parking Lot.

Mr. Thornton told the Commissioners he had looked at the two (2) lots and has put together an engineering study of four (4) alternative and variations of each one.

After reviewing and a brief discussion of the designs, Commissioner Wender asked Mr. Thornton if he would do another drawing

of Option 4 and 4(a) alternative. Commissioner requested to bid out.

Mr. Thornton presented maps of the Ansted Regional Sewer Project to the Commissioners.

Ms. Berry told the Commissioners she did receive an invoice from Balance Consultants for the Courthouse Annex Parking Lot.

The Commission recessed the County Commission meeting at 10:40 a. m.

The Commission reconvened the County Commission meeting at 11:03 a. m.

Jerome Fruit appeared before the Commission to discuss the dilapidated property of Nannie Fruit at 2511 Scarbro Road in Whipple.

Mr. Fruit presented a letter from the Company that's planning on doing the clean up to the Commissioners. Mr. Fruit told the Commissioners he was told the property would be cleaned up within the next 2-week weather permitting.

After a brief discussion, the Commissioners decided to allow Mr. Fruit 60 days to clean up property.

Commissioner Scalph offered a motion to allow 60-days continuance to clean up Nannie Fruit property at 2511 Scarbro Road in Whipple, if not cleaned up within the 60-days the Fayette County Commission will remove the debris. Commissioner Lopez seconded. Unanimous.

Allen Ballard, Angela Gerald and Tim Richardson appeared before the Commission to inform them that the Fayette County Beautification Committee will be applying for another Brownsfield Grant for \$200,000.00.

Mr. Ballard told the Commissioners they will have to sign off on the application.

Shawn Wolford, OEM Director, Rick Cornett, Jerry Long and Rick Cornett, Jr. of Jan-Care Ambulance Service appeared before the Commission to present the EMS Provider Agreement for the Commissioners to sign.

Mr. Wolford told the Commissioners that everyone is in agreement.

Carl Harris, Prosecuting Attorney has reviewed.

Commissioner Scalph offered a motion that Fayette County Commission enters into an agreement to authorize Commissioner Wender to sign with Jan-Care Ambulance Service the Fayette County EMS Provider Agreement. Commissioner Wender seconded. Unanimous.

Mr. Wolford presented a draft of the letter prepared to our Legislators regarding assistance in purchasing three (3) generators.

Commissioner Wender told Mr. Wolford that the letter needs a little more clarification about Kanawha Falls Public Service District.

Michael Browning, Regional Coordinator representative for Senator Joe Manchin, III appeared before the Commission to introduce himself.

Ms. Berry presented from Peggy Bennett a Land and Water Conservation Grant for the Fayette County Park that needs the Commissioner's signature today.

Ms. Berry told the Commissioners that there is a 50/50 match of the \$60,000.00.

Commissioner Lopez offered a motion that \$30,000.00 be put toward a 50/50 Land and Water Conservation Grant for the Fayette County Park. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an invoice she received from Crown Windows and Vinyl for the Prosecuting Attorney's office windows in the amount of \$9,281.00.

Commissioner Lopez offered a motion to approve the invoice from Crown Windows and Vinyl to replace the windows at the Prosecuting Attorney's Office in the amount of \$9,281.00. Commissioner Scalph seconded. Unanimous.

The Commissioners approved and signed Pictometry International Corporation Contract for the Oblique Aerial Photography for the Assessor's Office.

Ms. Berry informed the Commissioners that NewTech presented to her an additional invoice for the Fire Alarm System that was not included in the original quote. The additional cost is \$1,443.03.

Commissioner Lopez offered a motion to approve the additional cost of \$1,443.03 for the Fire Alarm System for the Courthouse. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Petition to Combine or Divide and Segregate Land for the Commissioners to approve and sign.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Mickey R. and Melissa A. Menei. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented the West Virginia Courthouse Facilities Improvement Authority Funding Assistance Grant Contract Agreement for Commissioner Wender to sign for the 11<sup>th</sup> Cycle Funding in the amount of \$96,000.00 for the courthouse roof replacement.

Ms. Berry told the Commission they have to pay a 20% match.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign the West Virginia Courthouse Facilities Improvement Authority Funding Assistance Grant Contract Agreement for the 11<sup>th</sup> Cycle Funding in the amount of \$96,000.00 for the courthouse roof replacement. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of January 2014.

Commissioner Scalph offered a motion to approve the letter requesting reimbursement of rent in the amount of \$2,700.00 for the month of January 2014. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an Order transferring the balance of the General School Fund into the Fayette County General Fund in the amount of \$114,829.87 to defray cost of care and feeding prisoners incarcerated by Magistrates for the Commissioners to sign.

Commissioner Lopez offered a motion to approve transferring the balance of the General School Fund into the Fayette County General Fund in the amount of \$114,829.87 to defray cost of care and feeding prisoners incarcerated by Magistrates. Commissioner Scalph seconded. Unanimous. Order signed.

Ms. Berry presented for approval a drawdown request to the New Haven Public Service District in the amount of \$54,620.00 for the Winona Wastewater Project from the approved allocation of \$125,000.00 from the Coal Severance Reallocated Tax Fund to the Commissioners.

Commissioner Lopez offered a motion to approve the drawdown request for New Haven Public Service District in the amount of

\$54,620.00 for the Winona Wastewater Project. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a request from John David of \$20,000.00 for assistance with the boiler and window/door repairs for the Historic Oak Hill School.

The Commissioners asked Ms. Berry to notify Mr. David that they would consider his request in the upcoming Budget Session.

Ms. Berry presented a letter to J. Dan Snead and Associates, Inc. requesting reconfiguration of the invoice for the new storage building at the OEM/911 Center to the Commissioners.

Ms. Berry informed the Commissioners she received a response from Morgan B. Bracken regarding J. Dan Snead and Associates, Inc. invoice.

The Commissioners asked Ms. Berry to read Morgan Bracken's respond.

The Commissioners informed they would look for guidance regarding this invoice and hope J. Dan Snead and Associates, Inc. will reconsider the fees charged.

The Commissioners reviewed and signed a letter to Governor Earl Ray Tomblin requesting that the ambulance services be excluded from the State Plan Amendment to contract with a transportation broker for non emergency medical transportation for Medicaid recipients.

Ms. Berry presented a letter from Casto Technical Services informing that the HVAC Maintenance Agreement will expire December 31, 2013 to the Commissioners.

Ms. Berry told the Commissioners the Agreement price was \$9,213.52 per year, payable at the rate of \$2,303.38 per quarter. The

2014 Agreement price will be \$9,490.00 per year, payable at the rate of \$2,372.50 per quarter.

Commissioner Scalph offered a motion to approve the HVAC Maintenance Agreement with Casto Technical Services for \$9,490.00 per year, payable at the rate of \$2,372.50 per quarter. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the personal policy for using county vehicles and mileage on county vehicles.

Ms. Berry informed the Commissioners the Auditor has completed the Audit for Fiscal Year ended June 30, 2013.

Stephanie Sears, Staff Accountant reviewed and discussed the adjustments that the Auditor said was needed with the Commissioners.

Commissioner Scalph offered a motion to approve the funding for the necessary adjustments for the Audit Adjustments for Fiscal Year ended June 30, 2013. Commissioner Lopez seconded. Unanimous. A copy of the Audit Adjustment attached.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of their minutes of December 2013.

The Commissioners received and reviewed a letter from the City of Lafayette, Louisiana inviting the Commission to join them in an informal network of North American cities. The objective of this network would be to gain international exposure and attract international visitors to our cities and their tourist attractions.

The Commissioners received and reviewed a letter from the Federal Emergency Management Agency informing that the Flood Insurance Study

Report for our community has been revised by the enclosed Letter of Map Revision (LOMR).

The Commissioners received and reviewed letters from the Office of State Treasurer informing that the funds due for the November 2013 Greenbrier Table Games Tax will be directly deposited on December 16, 2013, amount \$107.38 and a letter informing that the funds due for the November 2013 Table Games will be directly deposit on December 16, 2013, amount \$5,199.82.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of November 30, 2013 the securities were held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledged as of November 29, 2013 for Fayette County Commission.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period November 1, 2013 through November 30, 2013.

The Commissioners received and reviewed a Letter of Notification from Maple Coal Company informing they intend to conduct blasting activities on Mine Permit Number S-3007-95, located on the waters of Paint Creek, Sycamore Branch and Tom Branch of Paint Creek and Armstrong Creek of the Kanawha River in the Valley/Cabin Creek Districts of Fayette/Kanawha Counties.

The Commissioners received and reviewed letters from BrickStreet Insurance informing that the workers' compensation claim for Larry A.

Clay has been approved and the workers' compensation claim for Randall D. Redden has been approved.

The Commissioners received and reviewed checks for 911 Fees from Vonage America, amount \$283.50, Shentel Telecommunications, amount \$1,644.97, Frontier Communications, amount \$26,916.76 and Frontier Communications, amount \$64.50; Jail Fees from the Town of Fayetteville, amount \$48.25; a check from the Division of Justice and Community Service for the Community Corrections Grant, amount \$68,290.71; a check from the Division of Human Services for the Family Resource Network (FRN), amount \$2,830.00 and a reimbursement check from Travelers Insurance, amount \$4,388.78.

The meeting was adjourned at 1:55 p. m. The next scheduled meeting is January 3, 2014.