

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 8, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 8th day of January 2010.

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

Norma Williams and Delores Nelson presented the ballot keys for the Special Levy Election to the Commissioners.

Commissioner Lopez offered a motion to name Commissioner Kenneth L. Eskew as President for the year 2010. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to elect Commissioner John H. Lopez as Purchasing Agent, Debbie Berry and Stephanie Sears be designated as Assistant Purchasing Agents and Charlotte Holly, County Administrator, Earl Pauley, Park Superintendent, Steve Cruikshank, OES Director, David Neal, E911 Coordinator be authorized to make purchases up to \$600.00 without prior County Commission approval for the year 2010. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she has prepared the Organization Order informing that the regular session of the Commission be held on the Friday immediately preceding the 15th of each month at 9:00 a. m. (unless the 15th is a Friday, then said Commission

meeting will be held on the 15th) and the last Friday of each month at 9:00 a. m. during the calendar year of 2010.

Commissioner Wender offered a motion to adopt the Organization Order for the calendar year 2010. Commissioner Lopez seconded. Unanimous. Order signed.

Mary Weatherford, Chief Deputy Assessor's Office appeared before the Commission to present exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Caitlin C. Blankenship, Robert Martin, Campbell Tile Company, Inc., Dexter J. or Beury D. Jones, James O. and James F. Dent, Jacqueline Lilly. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for Nancy Johnson James and Charlotte Lee Massie. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered aa motion to approve vouchers and invoices to be released today and approve 1st half payrolls, payrolls to be released January 15, 2010. Commissioner Wender seconded. Unanimous.

Carl Harris, Prosecuting Attorney gave the Commissioners an update on the Roaring River Project.

Commissioner Eskew thanked Mr. Harris for the update and asked that he keep them informed.

Carl Thompson, member of the Meadow River Rail Trail Leadership Team appeared before the Commission to present a Resolution for the recreation trail.

Mr. Thompson informed the Commissioners they did receive funding from the American Recovery and Reinvestment Act 2009 (ARRA) to make possible this purchase and development.

Mr. Thompson told the Commissioners as required by the State of West Virginia Department of Transportation the Greenbrier and Fayette County Commission must agree on the definition of the area to comprise the first phase of the project.

The Greenbrier County Commission and the Fayette County Commission have agreed and approved that the first phase of the trail project shall comprise a five to six mile sections of the rail line starting at Russellville (Greenbrier County) and running west to Nallen (Fayette County) and beyond for the distance.

Commissioner Wender offered a motion to approve Resolution as submitted by the Meadow River Rail Trail Leadership Team and authorize Commissioner Eskew to sign on behalf of the Commission. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented Petitions to Combine or Divide and Segregate Land to be approved and signed.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for James K. and Crystal G. Whitlow and Thelma Wyant. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Strategic Prevention Framework State Incentive Grant (SPF-SIG), amount \$5,241.00

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$19,390.35

Ms. Holly presented drawdown requests from Region 4 Planning and Development Council for Danese Public Service District Water Extension Project, amount \$37,206.79 and Fayette County Commission-Courthouse 504/SALS, amount \$29,328.61.

Commissioner Lopez offered a motion to approve drawdown request for Danese Public Service District Water Extension Project, amount \$37,206.79. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve drawdown request for Fayette County Commission Courthouse 504/SALS, amount \$29,328.61. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners at their last meeting they approved to appoint Bruce Carson a member of the Arbuckle Public Service District. Ms. Holly presented an Order and Appointment to Service Letter for the Commissioners to sign.

The Commissioners signed an Order appointing Bruce Carson to serve as a member of the Arbuckle Public Service District and appointment to service letter.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$3,362.50 for the month of January 2010.

Commissioner Wender offered a motion that Fayette County Commission approves Resolution for the Central Appalachia Empowerment Zone for the Neighborhood Stabilization Program pending review and approval by Carl Harris, Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties asking that the Fayette County Commission send them the name of our Commission President for 2010 so they can add the information to their directory.

Ms. Holly informed the Commissioners that Senator William Laird had scheduled this meeting to present the Governor's Community Participation Grant Award certificates to Bob Meadows and Jodie Ward for the Sportsman Recreation Center (\$20,000) and Ray Curtis for the Prudence Fire Hydrant (\$3,000). Unfortunately, Senator Laird is unable to attend due to Legislature interim.

Commissioner Eskew presented the certificate to Bob Meadows, Chairman and Ermel Hess, Vice Chairman of the Sportsman Recreation Center. Ray Curtis did not attend.

Mr. Meadows presented a list of club and clubhouse equipment needed for the Sportsman Recreation Center to the Commissioners.

Ms. Holly told the Commissioners that the Sportsman Recreation Center has had several grants over the past few years.

Ms. Holly gave an overview of the grants the Sportsman Recreation Center received. Ms. Holly told the Commissioners the voice activated release was not included in any of the grants.

Ms. Holly told the Commissioners the \$7,000 grant had a remaining balance of \$2,241.00 and if they wanted to use the remaining balance to purchase the voice activated release it was up to them.

Ms. Holly told the Commissioners she received a notice from the West Virginia Development Office informing that the Sportsman Recreation Club Shooting Range has a \$5,000 grant available.

Commissioner Wender offered a motion that the Fayette County Commission asks for a change of scope for the \$7,000 grant to include purchase of a voice activated release if other monies available in the Sportsman Recreation Center Grant. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Mr. Meadows if the Commission completed the list and there would be some remaining funds can the Commission use for another project.

Bob Meadows told the Commissioners if the Commission can complete the list they can do whatever they want with the remaining balance.

Commissioner Wender withdrew his first motion.

Commissioner Wender offered a motion that Fayette County Commission will request a change of scope for the \$7,000 grant, balance to be spent on the voice activated release. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission will authorize the purchase of the voice activated release assuming the change of scope is approved. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission will request the expenditures of the items submitted today as part of the \$5,000 grant with the understanding the balance may be spent on a separate project. Commissioner Lopez seconded. Unanimous.

Attorney Grady Ooten, Jim Akers, Mayor and Bill Lanham, Town Superintendent appeared before the Commission to present Annexation of certain additional territory into the Municipality of Fayetteville, Fayette County, West Virginia for Thomas R. and Tammy D. Koontz.

Commissioner Wender offered a motion that the Fayette County Commission approves the annexation submitted by the Town of Fayetteville for Thomas R. and Tammy D. Koontz. Commissioner Lopez seconded. Unanimous. Order signed.

Attorney Phil Tissue appeared before the Commission with an Order to reopen the Estate of Edgar B. Davis for the sole purpose of issuing a Letter of Administration.

Attorney Tissue told the Commissioners the said final settlement documented the decedent's shares of stock with Branch Banking and Trust (BB&T). However, the stock could not be transferred to the beneficiaries until each properly executed a W-9. BB&T must have a letter of administration indicating that Wand Martin is Executrix of the Estate.

Carl Harris, Prosecuting Attorney suggested to Attorney Tissue to include in the order the sole purpose of issuing a current Letter of Administration for distribution of the BB&T stock from the conclusion the Estate will be closed.

Commissioner Wender offered a motion that Fayette County Commission approve request to reopen the Estate of Edgar B. Davis for the sole purpose of issuing a current Letter of Administration so the Executrix can complete distribution of the assets of said Estate, i.e., the Branch Banking and Trust stock and on conclusion of the said distribution of the Estate an affidavit of distribution be filed by the Executrix shall close the Estate. Commissioner Lopez seconded. Unanimous. The Commissioners asked Attorney Tissue to prepare order.

Commissioner Wender offered a motion that Commissioner Eskew be authorized to sign Order on behalf of the Commission when received. Commissioner Lopez seconded. Unanimous.

Steve Cruikshank, OES Director appeared before the Commission and gave them an update of the Winter Storm of December 18, 2009.

Commissioner Wender offered a motion that Fayette County Commission authorizes Steve Cruikshank to reimburse those entities responsible for providing assistance to the Pax Shelter with advance funds up to \$2,000.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to reimburse Steve Cruikshank for the use of his Discovery Card during the Winter Storm, amount \$2,035.55. Commissioner Eskew seconded. Unanimous.

Steve Cruikshank, OES Director and Derrick Eskew, Emergency Planner with J. H. Consulting, LLC appeared before the Commission to hold a public hearing on the Hazard Mitigation Plan.

Mr. Cruikshank told the Commissioners the purpose of this hearing is for people to tell where the problems are and what to do about the problems. No one present for input.

Mr. Eskew told the Commissioners the Hazard Mitigation Plan has to be revised every 5-years.

After a brief discussion the public hearing was adjourned at 11:50 a.m.

Commissioner Wender offered a motion to approve License Agreement with ACS Government Systems, Inc. for ACS AS400, Budget/Accounting, DASH, Payroll, Personnel, PACE, and Fixed Assets, amount \$9,480.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an invoice from Software Systems, Inc. for purchase of computers, amount \$122,075.35.

Commissioner Lopez offered a motion to approve invoice for \$122,075.35 from Software Systems, Inc. Commissioner Wender seconded. Unanimous.

The Commissioners signed an Application for a Permit to Operate the Fayette County Park Swimming Pool for the Fayette County Health Department.

The Commissioners received/reviewed and signed the letter from the Office of the State Auditor confirming their understanding of the

services they are to provide the Fayette County Commission for the Fiscal Year ended June 30, 2009-audit. The cost of the audit is \$28,820.00.

Ms. Holly informed the Commissioners, the Public Hearing for Change of Polling Places for Precincts 8, 12, 15, and 29 will be held on January 29, 2010 at 10:00 a.m.

Ms. Holly told the Commissioners she included Precinct 29 Falls View Community Center.

Ms. Holly told the Commissioners she received reimbursement from the Fayette County Board of Education for the Special School Bond Election, amount \$77,864.80.

Ms. Holly reminded the Commissioners she registered them at the Charleston Marriott for the County Commissioners Association of West Virginia Annual meeting being held January 31 to February 2, 2010 and registered them at the Embassy Suite for the West Virginia Association of Counties Annual meeting being held February 14 to February 16, 2010.

The Commissioners received and reviewed an invoice from Westlake, Inc. for engineering survey of the courthouse trees, amount \$1,435.85.

Commissioner Wender offered a motion to approve payment to Westlake, Inc. for engineering survey of the courthouse trees, amount \$1,435.85. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners the Courthouse Facilities Improvement Authority has approved our request for an extension on

CFIA Project #10-01-101008 for the exterior walkway and masonry repairs.

Ms. Holly told the Commissioners that Judy Treadway has filed a Workers' Compensation claim for injuries received from the mole at the Courthouse Annex.

The Commissioners approved to prepare allotment check for the New River Humane Society, amount \$13,812.64 for the month of January.

The Commissioners received and reviewed letters to the New Haven Public Service District (\$3,000.00) and Fayette County Starting Points (\$2,000.00) enclosing a copy of the Agreement for the Legislative Digest grant from the Governor's Community Participation Grant Program.

The Commissioners received and reviewed a letter from Plan Benefit Service, Inc. regarding OPEB (Retiree Medical) Funding Option.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Sheila Withrow informal request for water service.

The Commissioners received and reviewed from Page-Kincaid Public Service District their Water and Sewer Audits for the Fiscal Year 2009.

The Commissioners received and reviewed a copy of a letter from Travelers to Sheriff Steve Kessler regarding Claim #028 FY EGV0885 A (Thomas Woodrum) Employee Theft.

The Commissioners received and reviewed a fax from John David regarding request for funding for Fiscal Year 2010 to 2011.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding approved funding of \$74,130.00 for the Strategic Prevention Framework State Incentive Grant (SPF-SIG).

The Commissioners received and reviewed 4th Quarter Saltes Tax for the Fayette County Park, amount \$89.78.

The Commissioners received and reviewed a letter from the State Tax Department informing they authorize the assessor to receive up to 2% of the previous year's projected tax collections in counties where the assessor does not have a loan obligation, they are asking the Assessor to prepare a budget detailing the proposed use of the money and submit the budget to the Property Valuation Training and Procedures Commission (PVC) by December 15th.

The Commissioners received and reviewed a letter from Magi York introducing herself as the new Executive Interim Director of Capital Resource Agency.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services reminding that when submitting Request for Reimbursements/Financial Reports to the Division of Criminal Justice Services (DCJS) for payment to please check to ensure that all documentation is provided with the request.

The Commissioners received and reviewed Application for Employment from Christy Rashala Garnett Thomas.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District-Fayette County Water System Contract 16-Loretta Crist Service Request.

The Commissioners received and reviewed a letter from FEMA regarding comments received at the Final Meeting held on June 1, 2009 regarding the Preliminary copies of the Flood Insurance Study (FIS) report and Digital Flood Insurance Rate Map (DFIRM) for Fayette County, West Virginia, released May 29, 2009.

The Commissioners received and reviewed a Grant Adjustment Notice from the West Virginia Prevention Resource Center.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the November 2009, Table Games will be directly deposited on December 16, 2009, amount \$2,978.52, funds due for the November Limited Video Lottery will be directly deposited on December 28, 2009, amount \$6,561.84 and funds due for the November 2009 Fayette Lottery Monthly Distribution will be directly deposited on December 16, 2009, amount \$29.86.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of November 30, 2009.

The Commissioners received and reviewed several Account Statements from the Bank of New York Mellon for the period October 1, 2009 to December 31, 2009.

The Commissioners received and reviewed from WorkForce West Virginia Unemployment Compensation claim from Bonnie L. Spadaro.

The Commissioners received and reviewed several letters from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report and Monthly Revenue Report for the month of December, New River Humane Society allotment, amount \$13,812.64 for the month of January and Weekly Fees Collected for the week of December 4 to December 10, 2009, amount \$186.00, the week of December 11 to December 17, 2009, amount \$174.00, the week of December 18 to December 24, 2009, amount \$1,266.00, the week of December 25 to December 31, 2009, amount \$140.00 and the week of January 1 to January 7, 2010, amount \$30.00.

The Commissioners received and reviewed several correspondences from the West Virginia Association of Counties and the County Commissioners Association of West Virginia.

The Commissioners received and reviewed checks for 911 Fees from One Communications, amount \$2,448.28, Citizens Communication Company, amount \$47.05, Public Service Commission, amount \$167,790.18, Vonage America, amount \$254.00, Mountain Communications, LLC, amount \$89.67, Verizon, amount \$24,562.79; check for Franchise Fees from Shentel Cable Company, amount \$2,725.66; Criminal Justice Service for Community Corrections, amount \$79,613.45; WV Development Office-New haven Public Service District, amount \$450,638.25 and Page-Kincaid Public Service District, amount \$241,332.02; Reimbursement Fayette County Board of Education Special School Bond Election, amount \$77,864.80; Division of Human Services-FRN, amount \$10,000.00;

Reimbursement City of Beckley DUI Patrols, amount \$326.32; and
Reimbursement 911 Fund, amount \$50.00.

The Commissioners received and reviewed an e-mail Melissa B. Crawford, Planning specialist West Virginia Prevention Resource Center inviting the Fayette County Commission to apply for the Recovery Home Funds.

The Commissioners received and reviewed an e-mail from Lorien MacAuley, Education Coordinator New River Gorge National River Headquarters inviting the Fayette County Commission to join them in a special discussion on local food, and how to better connect local farmers and growers with buyers and/or distributors in our area. The meeting is scheduled for Thursday, January 28, 2010 at 7:00 p.m. at the Fayette County Memorial Building.

The Commissioners received and reviewed an e-mail from Dan Snead informing he talked with Jim Francis at Architectural Products who told him that all the Courthouse signage arrived at his office and that he plans to contact the Commission after the new year to arrange for his crew to install them.

The Commissioners received and reviewed an e-mail from Denise Ferguson, Records management and Preservation Board informing that the records board will be meeting on Thursday, January 7th and will probably contact Daniel Wright, Circuit Clerk on that day to address any questions he may have about the county grant application.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding a conference call to discuss declaration process for the winter storm event.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding letting him know of stream blockages that could cause flooding.

The Commissioners received and reviewed an e-mail from Steve Cruikshank informing he needs to have a public meeting on the Hazard Mitigation Plan.

The Commissioners received and reviewed an e-mail from Margaret A. O'Neal regarding scheduling a meeting about the upcoming Fayette County Community Baby Shower/Pantry.

The meeting was adjourned at 1:12 p.m. The next scheduled meeting is January 29, 2010.

FAYETTE COUNTY COMMISSION
JANUARY 29, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular scheduled meeting this 29th day of January 2010.

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

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

Commissioner Lopez offered a motion to approve exonerations for personal property tax tickets for Harold and Deborah Given, Donna Cook, David L. Smith, Rosemary Plumley, John A. or Ulysses Farrish, Kenneth Dempsey, Delbert F. and Nancy L. Cordle. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve exonerations for real property tax tickets for Thelma O. Calfee, Lowell D. and Anna L. Wriston and Mark and Jennifer Crites. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign a refund for Mark and Jennifer Crites (\$426.56). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Application for Correction of Assessment for Todd Allen Hicks and William B. Reilly. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and 2nd half payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Carl Thompson appeared before the Commission to introduce Amy Shumate, the new Program Manager for the Fayette County Farmland Protection Board.

Doug Arbogast appeared before the Commission to inform them that the Fayette County Green Advisory Team has put together ICLEI. The

mission of ICLEI - Local Government for Sustainability - is to build, serve and drive a movement of local governments to advance deep reductions in greenhouse gas emissions and achieve tangible improvements in local sustainability.

Mr. Arbogast told the Commissioners that the Town of Fayetteville is the first member of ICLEI. They joined June 2008.

Mr. Arbogast told the Commissioners that GREAT began milestone 1, establishing a baseline for calendar year 2007 by gathering data on energy consumption for town and county government, residents, and businesses within the 25840 zip code area.

Mr. Arbogast told the Commissioners as of December 2009, the Greenhouse Gas emissions inventory is complete for the community (residents and businesses) and local government (city and county operations) within the 25840 zip code.

Mr. Arbogast asked the Commissioners for some representation.

Mr. Arbogast told the Commissioners the next tentatively scheduled meeting would be February 5 or February 10, 2010 at 12:00 noon.

Ms. Holly suggested to the Commissioners Dickie Smith and Allen Ballard be the two people from the County to represent the Commission.

Mr. Arbogast presented a copy of the Fayetteville, West Virginia Greenhouse Gas Emission Inventory-Baseline 2007 Results to the Commissioners.

The Commissioners received and reviewed a letter from Mountain Transit Authority asking that Carl Thompson be reappointed to their MTA Board of Directors.

Commissioner Wender offered a motion that Carl Thompson be reappointed to the Mountain Transit Authority Board of Directs for a term of 3-years. Commissioner Lopez seconded. Unanimous. Order and an appointment to serve letter signed.

Gloria King, Director, New River Humane Society and Earl Pauley, Park Superintendent appeared before the Commission to request funding for a fence for the horses at the Animal Shelter.

The Commissioners suggested that Mr. Pauley get cost of the fence and give to Commissioner Lopez.

Commissioner Wender offered a motion that Fayette County Commission authorizes the expenditure not to exceed \$2,000.00 for a fence for the horses at the Fayette County Animal Control Center. Commissioner Lopez seconded. Unanimous.

The Commissioners asked the Prosecuting Attorney to check into the Code regarding adaption or action of horses.

Commissioner Wender offered a motion that Fayette County Commission authorizes and signs a letter of entry to the West Virginia Division of Highways to enter upon property belonging to the Greenbrier County Commission and the Fayette County Commission that lies within the right-of-way necessary for construction of Project U313-MEA/DO-2.00, State-Project ERP-2009 (183)D, Federal-Meadow River

Rail Trail (AARA)-Fayette and Greenbrier Counties. Commissioner Lopez seconded. Unanimous.

The Commissioners approved for Brian Sparks WVU Agriculture Agent to cut down the tree at the WVU Extension Office. The Commissioners asked Mr. Sparks to replace the tree as soon as possible.

Ms. Holly informed the Commissioners that due to the closing of East End Elementary and Oak Hill Elementary Schools the Commission has to run legal informing they intends to change the location of the polling places.

Ms. Holly presented an Order changing the location of the Polling Places.

Precincts' 8 and 15 former polling place East End Elementary School, new polling place Oak Hill Church of the Nazarene Annex, Precinct 12 form polling place Oak Hill Elementary School (cafeteria), new polling place the Lewis Foundation Community Building (former Armory Building), and Precinct 29 former polling place Falls View Armory, new polling place Fall View Community Center.

Commissioner Wender offered a motion to approve for voting purposes the change in location of the polling places for Precincts 8, 12, 15 and 29 effective with the Primary Election to be held on May 11, 2010. Commissioner Lopez seconded. Unanimous. (See attached Order)

There was no one here for public comment.

Commissioner Lopez offered a motion to adopt the Resolution regarding the proposed sale of Verizon's landlines to Frontier

Communications presented by the Communications Workers of America (CWA). Commissioner Wender seconded. Unanimous. Resolution signed.

John David and Vicki Mullins with Southern Appalachian Labor School (SALS) appeared before the Commission to present their request for funding for Fiscal year 2010-2011-Group Work Camp (\$10,000), Energy Express (\$7,000), Community Center (\$10,000), and Emergency Services (\$3,000).

John David presented to the Commissioners a copy of a letter from Pentree Incorporated regarding Page-Kincaid Public Service District-Ingram Branch Sewer Project. Mr. David told the Commissioners the project is scheduled to be completed.

Commissioner Eskew informed the next scheduled hearing is Roaring Rivers Homeowners Association.

Commissioner Eskew informed the purpose of this meeting is to look at the Community Enhancement District Petition for Roaring Rivers and to get input and discussion from parties that are interested.

Commissioner Eskew informed they did circulate a signature sheet to be signed. (See attached)

Commissioner Eskew informed those in attendance that this will be recorded.

Commissioner Eskew swore in everyone who wanted to speak (H.Doug McKenzie, Jeff Laure, Janice Amber, Paul Clay, Charles Ek, and Curtis McKinley).

Ms. Holly presented the petitions they received to the Commissioners.

Discussion was held, and a tape of the discussion is available.

Commissioner Wender offered a motion that Fayette County Commission will take the request today under advisement he thinks there are a couple of issues that needs to be said in support of that 1. Would be the concern that all concerned parties of the development apparently have not had access to the proposal and 2. The Commissioners are not quite sure the parties will act on behalf of the Homeowners Association has been determined? Commissioner Wender feels that these issues need to be addressed before this matter comes back for consideration. Commissioner Wender offered a motion they table this hearing. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to contribute funds for a banner for the Boy Scouts of America. Commissioner Wender seconded. Unanimous.

Ms. Holly gave a copy of the Order changing location of polling places to Kelvin Holliday, County Clerk and told him that all the voters had to be notified before the Primary Election.

The Commissioners recessed the County Commission meeting for lunch at 12:05 p.m.

Commissioner Eskew convened the Board of Equalization and Review at 1:15 p.m.

No appointments scheduled.

The Commissioners recessed the Board of Equalization and Review at 1:20 p.m.

Commissioner Eskew reconvened the Board of Equalization and Review at 1:45 p.m.

Ms. Holly informed the Commissioners she received an e-mail from Eddie Young, Assessor requesting an authorization letter from the Commission giving the West Virginia Department of Tax and Revenue authorization to make mineral changes.

Commissioner Wender offered a motion that Fayette County Commission enters an Order to make corrections to the initial assessment roll, correct any errors that were created by the West Virginia Department of Tax and Revenue including but not limited to mineral changes or by the Assessor of Fayette County and found in the initial assessment roll be corrected before the 25th day of February 2010. Commissioner Lopez seconded.

Ms. Holly informed the Commission they have no appointments scheduled today the Commission can adjourn as the Board of Equalization and Review.

Commissioner Eskew informed the Fayette County Commission will adjourn the Board of Equalization and Review at 1:50 p.m. until February 3, 2010.

Commissioner Eskew reconvened the County Commission meeting at 1:50 p.m.

Commissioner Wender offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Keith M. and Deborah E. Smith. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from David Null, Principal Fayetteville High School requesting use of the Memorial Building for February 10, 2010 from 5:00 -9:30 p.m. for their basketball game with Oak Hill High School.

The Commissioners approved the request of Fayetteville High School to use the Memorial Building for a basketball game, Wednesday, February 10, 2010; the rental fee will be \$500.00 per night, trash fee and custodial fees included.

The Commissioners received/reviewed and approved drawdowns from Region 4 Planning and Development Council for Page-Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057, amount \$100,654.93, Danese Public Service District-Water Extension Project #07ARCP15639, amount \$129,642.46 and New Haven Public Service District-Stringtown Road Water Extension Project #08SCBG0031X, amount \$91,481.28.

The Commissioners signed a letter to the West Virginia Development Office enclosing the second drawdown for the American Red Cross, amount \$2,785.74.

The Commissioners signed a letter to James Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of February.

The Commissioners signed a letter to Capital Resource Agency, Inc. enclosing a copy of the Agreement for the Legislative Digest grant in the amount of \$9,000 from the Governor's Community Participation Grant Program.

The Commissioners received and reviewed a letter from Brenda Toney regarding overpayment of taxes for tax year 2004, 2005, 2006, 2007 and 2008. A copy of the letter forwarded to Eddie Young, Assessor to review and advise.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that an overpayment of taxes for Brenda Toney, Sur. 1.25 Mossy Ck, 10-02-20P-006.0000, Account #06351351. This error resulted in an overpayment of taxes for the years 2004, 2005, 2006, 2007, and 2008. The Assessor respectfully requests that a credit of future taxes in the amount of \$\$297.28 be given to Brenda Toney.

Commissioner Wender offered a motion that subject to the approval of the Assessor, Brenda Toney be afforded tax relief for tax year 2004, 2005, 2006, 2007, and 2008 in the total amount of \$297.28 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. Order signed.

Ms. Holly informed the Commissioners that the rate of reimbursement set by the U. S. General Service Administration (GSA) for mileage allowance decreased to fifty cents (.50¢) per mile.

Commissioner Wender offered a motion to decrease mileage having been advised that effective January 1, 2010 the rate of reimbursement set by the U. S. General Service Administration (GSA) for mileage allowance will decrease to fifty cents (.50¢) per mile effective January 1, 2010. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented several Community Participation Grant Program Applications and Resolutions to be signed to the Commissioners (Upper Kanawha Valley Community Center (\$4,000), Sheriff's Department (\$3,000), Community Corrections/Educational Media (\$2,000), Paint Creek Watershed (\$3,000), Gauneka Ruritan Club/Gymnasium Floor (\$5,000).

Commissioner Lopez offered a motion to approve and sign Resolutions for (Upper Kanawha Valley Community Center (\$4,000), Sheriff's Department (\$3,000), Community Corrections/Educational Media (\$2,000), Paint Creek Watershed (\$3,000), Gauneka Ruritan Club/Gymnasium Floor (\$5,000). Commissioner Wender seconded. Unanimous. Resolutions and Application signed.

The Commissioners received and reviewed a letter from Nathan Johnson complaining about the roads on Reinhart Road in Glen Ferris.

The Commissioners suggested forwarding a copy of the letter to the Division of Highways regarding the deteriorated condition of the road on Reinhart Road in Glen Ferris.

The Commissioners received and reviewed a letter from the IRS regarding Georgia-Pacific Bond Issue.

Ms. Holly informed the Commissioners that everything is lined out for the upcoming Special Levy Election being held February 6, 2010.

The Commissioners received and reviewed a letter from Paint Creek Scenic Trail Association requesting the \$834.00 matching funds for their grant.

The Commissioners received and reviewed from the Division of Criminal Justice Services a Grant Adjustment Notice for the Purdue Pharma Asset Forfeiture Grant Program/Advanced Law Enforcement Training Grant Program.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding the revised Processing Request for Reimbursements.

The Commissioners received/reviewed and signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Center, amount \$18,933.62.

The Commissioners received and reviewed a letter from Dave enclosing a copy of documents sent to Senator Brooks McCabe by his colleagues in "Friends of the Cardinal" advocating updating the state's Master Rail Plan. Dave is urging the Commission to discuss this plan with the Fayette County Delegates and asking for their support.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they have scheduled a monitoring visit for the Fayette Count Commission-Page-Kincaid Public Service District Wastewater Extension Project #04SCBG0057.

The Commissioners received and reviewed a letter from Buckskin Council #617 expressing their gratitude in helping them accomplish the mission of character development, citizenship training mental and physical fitness of their youth.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services announcing the availability of Fiscal Year 2010 Court Security Grants.

The Commissioners received and reviewed an Official Oath of Office from Dean Kinciad, member of the Fayette County Board of Zoning Appeals and Bruce R. Carson, member of the Arbuckle Public Service District.

The Commissioners received and reviewed a copy of a letter from Congressman Nick Rahall to W. D. Smith, Executive Director, Region 4 Planning and Development Council thanking him for his recent contact regarding a status update on the Rahall Ultra High-Speed Initiative.

The Commissioners received and reviewed from Gauley River Public Service District pages 4-8 of the audit for the Gauley River Public Service District which was inadvertently left out of the audit report.

The Commissioners received and reviewed from the Division of Highways the proposed Agreement for the Meadow River Rail Trail Recreational Trail Program.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing he has appointed Larry Dotson (D) and Richard Meadows (R) ballot commissioners for Fiscal year 2010-2011.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding Kanawha Falls Community and Boonesboro Kanawha Falls Public Service District Connection.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing it is time to submit the REAP Standard Operating Procedures (SOP) questionnaire for 2010.

The Commissioners received and reviewed from the West Virginia Department of Environmental Protection-WV/NPDES Construction Stormwater Permit for the Fayette County Sportsman Recreation Center.

The Commissioners received and reviewed a letter from the Oxford Pool Consulting announcing their WV CPO class schedule for 2010. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing the Grant Award for Fayette County Commission-Capital Resource Agency Governor's Community Participation Grant, Project #09LEDA0126.

The Commissioners received and reviewed a letter from Travelers Insurance regarding Claim #028FYEGV0885A-Employer Theft (Thomas E. Woodrum).

The Commissioners received and reviewed an Audit Report of Gauley River Public Service District for the Fiscal Year ended June 30, 2009 and June 30, 2008.

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

The Commissioners received and reviewed Certificate of Liability Insurance from the Black Diamond Girl Scout Council, Inc.

The Commissioners received and reviewed Grant Application Information for the Fiscal Year Community Corrections Fund from the West Virginia Division of Criminal Justice Services.

The Commissioners received and reviewed a letter from Delegate David G. Perry informing he has placed their name on the mailing list of the West Virginia Legislative Services Office to receive the weekly Legislative Newsletter.

The Commissioners received and reviewed from the West Virginia Department of Administration Real Estate Division enclosing a copy of the minutes from the public hearing held on December 10, 2009 regarding the property known as Camp Washington Carver.

The Commissioners received and reviewed several correspondences from the West Virginia Association of Counties and the County Commissioners' Association of West Virginia.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the funds for the December Limited Video Lottery will be directly deposited on January 26, 2010, amount \$6,154.38, the funds for the December Table Games will be directly deposited on January 15, 2010, amount \$3,313.85, the funds for the December Fayette Lottery will be directly deposited on January 13, 2010, amount \$34.72, and the funds for wine liquor and private club taxes will be directly deposited on January 21, 2010, amount

\$294.53, the 75% of the coal severance tax will be directly deposited on January 27, 2010, amount \$157,259.91 and the 25% of the coal severance taxes will be directly deposited on February 1, 2010, amount \$42,362.46.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 8 to January 14, 2010, amount \$180.00 and the week of January 15 to January 21, 2010, amount \$120.00

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period January 1 to January 22, 2010.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) listing as of December 31, 2009 the securities held by BB&T 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 December 31, 2009.

The Commissioners received and reviewed checks for 911 Fees from 8x8, Inc., amount \$114.00, Granite Telecommunication, LLC, amount \$206.00, BullsEye Telecom, ME, amount \$123.25, Level 3 Communications, LLC, amount \$102.00, IDT Corporation, amount \$12.00, AT&TIXCs & Alascom, ME, amount \$366.00, Cequel Communications Holdings, ME, amount \$6,370.00, Citizens Communications Company, amount \$47.04, One Communication, amount \$2,450.22, Mountain Communications, LLC, amount \$85.75, Compliance Solutions, Inc., amount \$422.00, Vonage Tax

Account, amount \$250.00 and Verizon, amount \$24,070.02; Supreme Court-FLM rent, amount \$2,362.5; Soldiers & Sailors Fund, amount \$25.00 and American Water Donation-Wolf Creek Project, amount \$2,500.00.

The Commissioners received and reviewed an e-mail from Pattie Hamilton, Executive Director, WVACO giving a summary of some of the increases/decreases they are aware for Budgets for Fiscal Year 2010-2011.

The Commissioners received and reviewed an e-mail from Commissioner Wender attaching a copy of the December 18th issue of The Kiplinger Letter.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director to all the firefighters regarding the investigation by the State Police into possible embezzlement of funds from the Oak Hill Fire Department.

The Commissioners received and reviewed an e-mail from the Public Service District regarding the important Revisions to Guide on Municipal Rate Changes.

The meeting was adjourned at 2:35 p.m. The next scheduled meeting is February 3, 2010.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
FEBRUARY 3, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 3rd day of February 2010.

Commissioner Eskew called the meeting of the Board of Equalization and Review for Industrial Hearings to order at 10:00 a.m.

Commissioner Eskew informed the only industrial hearing scheduled is Georgia-Pacific.

Present for the hearing was Eddie Young, Assessor, Carl Harris, Prosecuting Attorney, Judy Bays, State Tax Department, Neill Belt, Plant Manager and Brian Perry, Regional Tax Manager. Commissioner Eskew swore in everyone.

Commissioner Eskew informed they have received a written documentation from Georgia-Pacific.

Carl Harris, Prosecuting Attorney asked that the Commission mark the documentation that was dated January 15, 2010 "Taxpayer Exhibit I" and mark "County/State Exhibit I" is the documentation industrial property return for Georgia-Pacific.

Carl Harris informed the Commissioners that Georgia-Pacific is here today to request release for a reduction in taxes.

Judy Bays presented documents to the Commissioners explaining how the State keyed in had they been given nothing, they did turn in a return and based on their return the State gave them pollution and all the other things. The total lands \$786,280, the total for the buildings \$10,354,400 for a grand total of \$11,140,600.

Brian Perry appeared before the Commission to ask for a reduction in the appraised value for economic obsolescence.

Neill Belt gave a brief summary of what is going on with Georgia-Pacific.

Mr. Belt told the Commissioners he is asking for a 25% reduction for economic obsolescence of \$3,913,272 and not the 75% indicated in the model. This would be a 18% reduction in the total personal property value and about 12% of the total real and personal property value.

Discussion was held, Carl Harris, Prosecuting Attorney suggested to the Commissioners that since this matter is under advisement he suggested to the Commissioners if they wanted to adjourn the Board of Equalization and Review hearing.

Commissioner Lopez offered a motion to go out of the Board of Equalization and Review hearing and go back to the regular Commission session. Commissioner Wender seconded. Unanimous.

After a brief discussion the Commission recessed the Commission meeting and reconvened the Board of Equalization and Review hearing.

Commissioner Eskew informed the Commission would take Georgia-Pacific request under advisement and notify them of their decision by the end of the month.

Ms. Holly reminded the Commissioners they are to be here Saturday, February 6, 2010 for election results and that Canvass is scheduled for Friday, February 12, 2010.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Case No. 09-0871-T-PC, Citizens Telecommunications Company of West Virginia, d/b/a Frontier Communications of West Virginia and Verizon West Virginia Inc.

The Commissioners received and reviewed a letter from the West Virginia Development Office Small Cities Block Grant (SCBG) Eligible Applicants-Threshold Requirements.

The Commissioners received and reviewed a letter from the West Virginia Development Office asking that the form for the Land and Water Conservation Fund Project Self-Inspection Report be completed for the Harlem Heights Park and Beckwith 4-H Camp Pool.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing the StreetSelect Grievance Board determined that the meniscal tear of the right knee has been added as a compensable component REGARDING THE CLAIM FILED BY Deborah K. Aliff.

The Commissioners received and reviewed a letter from the U. S. Census Bureau enclosing the final Boundary Validation Program (BVP) package that includes a BVP form and a CD containing a complete set of maps for our governmental unit. The U. S. Census Bureau is asking that we review their depiction of our legal boundary, as well as any addresses along the boundary, for accuracy and return the completed BVP form within ten days of receipt if the information is correct.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service

District Contract No. 15 Change Order No. 2 North Miller Ridge Road
Project Budget-Revised Schedule B WVIJDC #2002D-708.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service enclosing one fully executed copy of Amendment #1 and 2 to the Dunloup Creek Agreement.

The Commissioners received and reviewed Weekly Fees Collected for the week of January 22, to January 28, 2010, amount \$222.00.

The Commissioners received and reviewed checks for Franchise Fees from Suddenlink Communications, amount \$47,518.37 Criminal Justice Services for Advanced Law Enforcement Training, amount \$3,000.00 and check from the City of Beckley DUA Patrols, amount \$163.16.

The Commissioners received and reviewed an e-mail from Sherri Sullivan, State Treasurer's Office enclosing the correct amount for the 75% coal severance tax, amount \$\$157,259.91 which will be directly deposited on January 27, 2010.

The Commissioners received and reviewed an e-mail from Denise Ferguson with the Records Management and Preservation Board informing that the board awarded full funding (\$6,500) for the records grant project to microfilm and digitize eight Criminal Order Books that will complete the current 2009-10 records project and forty Criminal Order Books 1967-present to Danny Wright, Circuit Clerk.

The Commissioners received and reviewed an e-mail from Kelly Wilbern, Election Systems and Software informing how to ship the RTAL booths back to them for repairs.

The Commissioners received and reviewed an e-mail from Kelly Wilbern, Election Systems and Software informing they automated their RMA process so the old form that used to be submitted for repair is no longer the procedure for obtaining an RMA. Mr. Wilbern is asking that you go online to their website, essvote.com, and in the upper right-hand corner you can access your portal where you can submit an RMA request online.

The meeting was adjourned at 11:25 a.m. The next scheduled meeting is February 8, 2010.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
FEBRUARY 8, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 8th day of February 2010 as Board of Equalization and review.

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

Commissioner Eskew swore in Eddie Young, Assessor, Jerry Knight, Consultant, Paula Brown, Senior Tax Auditor, Peter Schreiber and Charles Howard with WV Land Portfolio.

Commissioner Eskew informed the first case is WV Land Portfolio. Commissioner Eskew informed that as the cases are presented, the State and the Taxpayer will go to the back room to discuss and the State will bring back to the Commission their decision.

Commissioner Eskew informed Carl Harris our Prosecuting Attorney representing the County is also present.

Ms. Holly presented a letter to Georgia-Pacific to be signed.

Commissioner Wender informed the Commission that this matter came up Wednesday for Industrial hearings. Commissioner Wender told the Commission he have a question, was the offset in the value for machinery equipment, molds and pollution control equipment or will the offset be strictly machinery?

After a brief discussion, Commissioner Wender informed he would like to withdraw the earlier motion after further discussion on how we should proceed with the matter regarding Georgia Pacific.

Commissioner Wender offered a motion that Fayette County Commission offers a reduction of \$3,913,272 for the reason of economic obsolescence in the personal property of Georgia Pacific for the upcoming tax year. Commissioner Lopez seconded. Unanimous.

Attorney Timothy Waggoner with the West Virginia State Tax Department presented for the record copies of the 2010 Administrator Notices the Tax Commissioner has to publish.

Commissioner Lopez offered a motion to approve vouchers and invoices. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of November 4, November 13, November 23, December 2, December 11, 2009 and January 8, 2010. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of March 2010.

The Commissioners signed letters to Susan Ganine (Sims) Moten, Sherry F. Tipton, Bryan Arthur, Carla Asbury and Paula Fridley thanking them for the time they took in applying for the position of Staff Accountant with the Fayette County Commission.

The Commissioners recessed the Commission meeting and reconvened the Board of Equalization and Review hearings.

The Commissioners signed a letter to Georgia Pacific informing that the Fayette County Commission has considered their application for review of property assessment and has found that the valuation of the property in question Account Number 10-0212-3S will be changed in accordance with the evidence presented and the recommendation of the Assessor of Fayette.

The Commissioners recessed the Board of Equalization and Review hearing and reconvened the Commission meeting.

The Commissioners signed letter to Donnie Beals, Supervisor, West Virginia Division of Highways informing they received a complaint regarding the deteriorated condition of the road on Rinehart Road in Glen Ferris in Fayette County. The Commission is requesting that they

investigate this complaint and take appropriate corrective measures in this matter.

The Commissioners received and reviewed a letter from the Fayette County 4-H Leaders Association requesting use of the Soldiers and Sailors Memorial Building for a Knickerbockers Portrait fundraiser to be held on Friday, April 23 and Saturday, April 24, 2010 and one weekday the first week of May 2010.

Commissioner Lopez offered a motion to approve the request of the Fayette County 4-H Leaders Association to use the Memorial Building for a Knickerbockers Portrait Fundraiser on April 23, April 24 and one weekday the first week in May 2010. The \$1,000.00 rental fee, and the custodial and trash service fees will be waived. All other rules are applicable including the insurance requirement. The organization is responsible for the clean up of the building and grounds after the event. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Public Libraries informing that the term of Susan Woods, Oak Hill, WV as a member of the Fayette County Public Library Board expired June 30, 2009. They are requesting that the Commission reappoint Ms. Woods for another term.

Commissioner Lopez offered a motion that Susan Woods be reappointed a member of the Fayette County Library Board, term to expire June 30, 2014. Commissioner Wender seconded. Unanimous.

The Commission recessed the Commission meeting to go into an executive session at 11:10 a.m.

The Commission reconvened the Board of Equalization and Review at 11:35 a.m.

Paula Brown, Senior Tax Auditor appeared before the Commission to present the State recommendations for the West Virginia Land Portfolio. Ms. Brown told the Commissioners they have gone through every parcel.

Everyone present was in agreement with the State's recommendation.

Commissioner Wender asked Eddie Young, Assessor to read each parcel that had changed. Mr. Young presented a list of the parcels that had no change. (See attached list) The parcels that had no change were withdrawn.

Commissioner Eskew informed the Commission will take under advisement and let them know something by the end of the month.

Commissioner Eskew swore in Harry Douglas McKenzie if J. W. Walter, Inc.

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

Paula Brown, Senior Tax Auditor appeared before the Commission to present the State recommendations for J. W. Walter, Inc. Ms. Brown told the Commissioners they have gone through every parcel.

Eddie Young, Assessor appeared before the Commission to present the State's recommendation for J. W. Walter, Inc.

Mr. Young told the Commissioners for J. W. Walter, Inc. Map/Parcel #01-9999-0900-2986.0000 the valuation of the property in

question will be changed in accordance with the evidence presented and the recommendation of the State the Appraised Mineral Value will be \$31,801.

Mr. Young told the Commissioners prior to today's meeting they had worked out Map/Parcel #01-9999-0602-5749.0000, Appraised Mineral Value \$2,980 no change.

Commissioner Eskew asked Mr. McKenzie if he was in agreement with the State's recommendation. Mr. McKenzie replied yes.

Commissioner Eskew informed the Commission will take under advisement and let them know something by the end of the month.

The Commissioners recessed the Board of Equalization and Review for lunch at 12:20 p.m.

The Commission reconvened the Commission meeting at 1:30 p.m.

The Commissioners received and reviewed a letter from Fayette County National Bank informing that the \$1,000M FNMA 4.5% cusip 3136F8P58 mat. 02-08-18 security pledged to the Fayette County Commission Account will not be available for pledge as of 02-08-10. They will substitute this security with \$1,000M FFCB 5.15% cusip 31331YEH9 mat. 11-15-19.

Commissioner Lopez offered a motion that having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank, and acting pursuant to Chapter 7, Article 6, Section 2 of the West Virginia Code, the Commission hereby orders 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 Wender seconded. Unanimous. Order signed.

The Commission reconvened the Board of Equalization and Review hearing at 1:30 p.m.

Commissioner Eskew swore in Kenneth Bird the representative for William E. and Barbara Comer.

Paula Brown with the State Tax Department informed the Commissioners they discussed with the taxpayer and they are in agreement with the taxpayer the 2010 value will not be changed.

Mr. Bird informed the Commissioners there was an issue concerning the 2009 values, but the Assessor will process a request for exoneration in the next hearing for you to address.

Commissioner Eskew informed since there is no further discussion Commissioner Eskew thanked Mr. Bird and again apologized to him for the delay in their schedule.

Commissioner Eskew swore in Deanna Allen representative for H3 LLC.

The Commissioners recessed the Board of Equalization and Review hearing at 1:45 p.m. for Paula Brown State Tax Department and Eddie Young, Assessor to go in the back room to discuss H3 LLC matter.

The Commissioners reconvened the Board of Equalization and Review hearing at 2:35 p.m. to swear in Neil Redmond.

The Commissioners recessed the Board of Equalization and Review hearing at 2:36 p. m. for Paula Brown State Tax Department and Eddie

Young, Assessor to go in the back room to discuss the Neil Redmond matter.

The Commissioners reconvened the Board of Equalization and Review hearing at 3:05 p.m.

Paula Brown informed the Commissioners they went over the parcel with Mr. Neil Redmond and they came to an agreement for tax year 2010 that we do a reduction of \$521 of the appraised value.

Commissioner Eskew asked Mr. Redmond if he was okay with the State's recommendation. Mr. Redmond replied yes.

Commissioner Eskew informed since there is no further discussion the Commission will take under advisement and let him know something by the end of the month.

Jerry Knight, representing Eddie Young, Assessor appeared before the Commission to present to them from the Department of Tax and Revenue Title 110 West Virginia Legislative Rule regarding some reserve coal parcels in Fayette County. (See attached)

Mr. Knight told the Commissioners he has discussed this matter with Eddie Young, Assessor and Carl Harris, Prosecuting Attorney.

Based upon their review, for Tax Year 2010 the adjustment of the appraised values from T-20 to T-40 for those coal parcels that received values that appear questionable and reserve coal values that were erroneously generated as listed on the attached report for Fayette County.

Commissioner Eskew informed they will take under advisement and review changes and make a decision.

Valerie Cremeans State Tax Department informed the Commissioners they went over the parcels with Deanna Allen, representing H3LLC and they came to an agreement for tax year 2010.

Ms. Cremeans told the Commissioners Map/Parcel 02-9999-0620-2192.0000 there was no change, Map/Parcel 10-9999-0601-9621.0000 there was no change, Map/Parcel 01-9999-0619-9954.000 there was no change, and Map/Parcel 10-9999-0621-3000.0000 will be changed to Appraised Mineral Value \$274.

Commissioner Eskew informed the Commission will take under advisement and let them know something by the end of the month.

Commissioner Eskew informed Joseph Cook was scheduled for a hearing at 11:30 but was a no show.

Commissioner Eskew informed since there are no other hearings scheduled, the Board of Equalization and Review hearings will adjourn at 3:30 p. m. and reconvene on February 12, 2010.

The Commissioners received and reviewed a memorandum from Judge John W. Hatcher, Jr. and Daniel Wright, Circuit Clerk, informing they have developed a local program to commemorate Black History Month, with special emphasis to be given to two Fayette County black lawyers, T. L. Sweeney and James Ellis and their historic contribution to the legal profession in West Virginia.

The program will be held in the Main Courtroom, Fayette County Courthouse, on Thursday, February 25, 2010 commencing at 10:00 a.m.

The Commissioners received and reviewed a letter from Vested Health and Plan Benefit Services, Inc. informing that a GASB 45/OPEB

Presentation will be held on February 15th at 11:00 a.m. during the West Virginia Association of Counties Annual Conference.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that a special meeting for the Executive Committee of Region 4 Planning and Development Council is scheduled for Friday, February 19, 2010 at 11:00 a.m.

The Commissioners received and reviewed a letter from Coal Heritage Highway Authority enclosing a copy of the signed Memorandum of Understanding between the Fayette County Commission and the Coal Heritage Highway Authority.

The Commissioners received and reviewed an Application for Employment for Mark David Budzinski.

The Commissioners received and reviewed an Order from the Public Service Commission regarding General Order #184.26 in the matter of interest to be paid on customer deposits by electric utilities, General Order #185.31 in the matter of interest to be paid on customer deposits by gas utilities, General Order #186.24 in the matter of interest to be paid on customer deposits by sewer utilities, General Order #187.38 in the matter of interest to be paid on customer deposits by telephone utilities and General Order #188.30 in the matter of interest to be paid on customer deposits by water utilities.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of their minutes for January 2010.

The Commissioners received and reviewed a letter from the West Virginia State Auditor's Office informing they would like to publish a Notice of Redemption as a Class III-0 legal notice once a week for three successive weeks beginning as soon as possible for the purchaser of the following real estate for Certification No. 104228 George Avis located in Plateau District, Fee 4 67/Nr Whipple.

The Commissioners received and reviewed a letter from the National Council on Compensation Insurance, Inc. regarding information about our Workers Compensation Insurance and enclosing a copy of our current experience rating worksheet.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing securities pledged to the Fayette County Commission as of January 29, 2010.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period January 1, 2010 to January 31, 2010.

The Commissioners received and reviewed an Account Statement from Branch Banking and Trust Company for the period August 9, 2009 to January 31, 2010.

The Commissioners received and reviewed a fax from Brian Sparks, WVU Extension Agent regarding Farmers Market and Local Foods Survey, Southern WV.

The Commissioners received and reviewed a Proclamation by the Governor declaring a State of Emergency for the State of West Virginia on February 5, 2010.

The Commissioners received and reviewed from the Fayette County Animal Control the Center Activity Report, Monthly Revenue Report for the month of January, allotment for the New River Humane Society, amount \$14,218.34 for the month of February and Weekly Fees Collected for the week of January 29 to January 31, 2010, amount \$40.00.

The Commissioners received and reviewed a several correspondences from the West Virginia Association of Counties and the County Commissioners Association of West Virginia.

The Commissioners received and reviewed check for Jail Fees from the Town of Fayetteville, amount \$47.50, Sheriff of Nicholas County Reimbursement, amount \$10,825.97 and check from the Supreme Court Reimbursement Magistrate Court Fund, amount \$897.35

The Commissioners received and reviewed an e-mail from Steve Cruikshank, Director Emergency Service informing of his leave of absence.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Arbuckle Public Service District.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Joyce Ferrebee requesting a timeline from her regarding the completion of the financial statement and any adjustments that we need to make.

The meeting was adjourned at 3:45 p. m. The next scheduled meeting is February 12, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 12, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 12th day of February 2010.

Commissioner Eskew called the meeting to order at 8:45 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 Marie Cosette Ingram, Jerry Whitlock, David L. and Cynthia M. Click, Michelle D. or Shanon A. Dixon, Tanya White, William Ray and Becky Ann Dempsey, and Paul Alan Witt. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign real property tickets for Rebecca Lynn Tate etal, Bradie Nash and Nancy workman, Meredith Scarbro, William E. and Barbara Comer, Sr., David L. and Krista K. Pugh. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Wilma Josephine Monroe. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve 1st half payrolls, payrolls to be released today. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices. Commissioner Eskew seconded. Unanimous.

The Commissioners signed an Order designating that for the Primary Election to be held on May 11, 2010 the total number and type of elections boards for the various precincts.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council requesting a drawdown request for Page-Kincaid Public Service District-Ingram Branch Wastewater, amount \$52,565.40.

Commissioner Lopez offered a motion to approve and sign drawdown request for Page-Kincaid Public Service District-Ingram Branch Wastewater, amount \$52,565.40. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting final payment for the Fayette County Commission/Elevator/SALS Project, Project #03SCBG0102.

The Commissioners received and reviewed a letter from the Gauley River Public Service District asking that Teddie Elliott be

reappointed to serve as a Commissioner on the Gauley River Public Service District.

Commissioner Lopez offered a motion that Teddie Elliott be reappointed as a member of the Gauley River Public Service District, term to expire December 31, 2015. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Wilma Josephine Monroe regarding overpayment of taxes for tax year 2004, 2005, 2006, 2007, and 2008. A copy of the letter forwarded to Eddie Young, Assessor to review and advise.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that an overpayment of taxes for Wilma Josephine Monroe, Surf. 67 Old Tan Yard, 10-02-75-005.0000, Account #06239297. This error resulted in an overpayment of taxes for the years 2004, 2005, 2006, 2007, and 2008. The Assessor respectfully requests that a credit of future taxes in the amount of \$1,579.61 be given to Wilma Josephine Monroe.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, Wilma Josephine Monroe be afforded tax relief for tax year 2004, 2005, 2006, 2007, and 2008 in the total amount of \$1,579.61 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 Wender seconded. Unanimous. Order signed.

The Commissioners received and reviewed a copy of a letter from Eddie Young, Assessor to G. Russell Rollyson, Deputy Commissioner, State Auditors Office informing that Fee 4.67 ac near Whipple belongs to the Fayette County Commission by deed book 524, page 303. This property is located in Plateau District, certification #104228. This property should have been non-taxable.

Mr. Young told Mr. Rollyson he understand that this tract was sold in one of their sales.

Mr. Young is requesting that this sale be set aside.

The Commissioners received and reviewed a letter from G. Russell Rollyson, Deputy Commissioner, State Auditors Office informing that pursuant to the information he received, he set aside the purchase of the land. The Sheriff of Fayette County has been directed to refund the money to George Avis, Certification #104228.

The Commissioners recessed the County Commission meeting at 9:20 a.m.

The Commissioners convened the canvass of the Special Levy Election held on February 6, 2010 at 9:25 a.m.

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

Kelvin Holliday, County Clerk presented the military provisional ballots to the Commissioners.

Mr. Holliday told the Commissioners that there was a total of eleven (11) unvoted ballots.

Commissioner Wender offered a motion that all of the eleven (11) unvoted ballots were valid challenges and they will not be counted. Commissioner Lopez seconded. Unanimous.

The Canvass was completed at 1:00 p.m.

The Commissioners convened the Board of Equalization and Review at 1:15 p.m.

Commissioner Eskew informed no hearings were scheduled for the Board of Equalization and Review.

Commissioner Eskew informed since there is no one present they will recess this Board at 1:17 p.m.

The Commissioners reconvened the County Commission meeting at 1:17 p.m.

The Commissioners signed Abstract by Voting Precincts for the Special Levy Election held February 6, 2010.

Commissioner Wender offered a motion to go into an Executive Session to discuss personal matter. Commissioner Lopez seconded. Unanimous.

The Commissioners reconvened the Board of Equalization and Review Board at 1:25 p.m.

The Commissioners received and reviewed a letter from Eddie Young, Assessor regarding some reserve coal parcels in Fayette County. For Tax Year 2010 an adjustment of the appraised values from T-20 to T-40 for those coal parcels that received values that appear questionable and reserve coal values that were erroneously generated as listed on your second page report for Fayette County.

Commissioner Wender offered a motion to approve the adjustment of the appraised values from T-20 to T-40 and request that the Assessor programmatically make these adjustments for Fayette County.

Commissioner Lopez seconded. Unanimous.

Ms. Holly presented letters to be signed for property owners that who appeared at the February 8, 2010 Board of Equalization and Review Mineral Hearings:

WV Land Portfolio, LLC - Commissioner Wender offered a motion to issue a letter to WV Land Portfolio, LLC advising them the Commission has found that the valuation of the property in question will be changed in accordance with the evidence presented and the recommendation of the WV Department of Tax and Revenue. Commissioner Wender informed that since there is a lengthy list of parcels we asked that this be attached to the minutes. Commissioner Lopez seconded. Unanimous.

J. W. Walters, Inc. - Commissioner Wender offered a motion to issue a letter to J. Walters, Inc. advising them the Commission has found that the valuation of the property in question will be changed in accordance with the evidence presented and the recommendation of the WV Department of Tax and Revenue. Commissioner Lopez seconded. Unanimous.

H3LLC - Commissioner Wender offered a motion to issue a letter to H3LLC advising them the Commission has found that the valuation of the property in question will be changed in accordance with the evidence

presented and the recommendation of the WV Department of Tax and Revenue. Commissioner Lopez seconded. Unanimous.

Neil Redman - Commissioner Wender offered a motion to issue a letter to Neil Redman advising them the Commission has found that the valuation of the property in question will be changed in accordance with the evidence presented and the recommendation of the WV Department of Tax and Revenue. Commissioner Lopez seconded. Unanimous.

William E. and Barbara Comer - Commissioner Wender offered a motion to issue a letter to William E. and Barbara Comer advising them the Commission has found that the valuation of the property in question will not be changed in accordance with the evidence presented and the recommendation of the WV Department of Tax and Revenue. Commissioner Lopez seconded. Unanimous.

No one was scheduled for a hearing the Board of Equalization and Review was adjourned at 1:40 p.m.

The Commission reconvened the County Commission meeting at 1:40 p. m. and recessed to go into an Executive Session to discuss a personal matter.

The Commission reconvened the County Commission meeting at 2:30 p.m.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing they received a report of an injury regarding Russell Parker, Dog Warden.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding a Broadband Meeting in the Senate Judiciary Room at 9:30 a.m., Monday, February 15, 2010.

The Commissioners received and reviewed a letter from Debbie Tate, County Program Coordinator, WVU Extension Service informing that an Extension Service Committee meeting is scheduled for Monday, February 22, 2010 at 4:00 p.m.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the January 2010 Fayette Lottery will be directly deposited on February 16, 2010, amount \$37.68.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding SCBG SALS Dormitory Annex Project and Page-Kincaid Public Service District Ingram Branch Wastewater Project informing they are in receipt of and thanked the Commission for their January 29, 2010 letter requesting a waiver to allow the Fayette County Commission to compete in the Fiscal Year 2010 SCBG funding cycle.

The Commissioners received and reviewed Official Oath of Office from Susan M. Woods member of the Fayette County Public Library Board.

The Commissioners received and reviewed a copy of a letter from Steve Kessler, Sheriff to Debbie Aliff, Payroll Clerk informing as of February 2, 2010 Deputies Adam Roberts and Gerald Rinehart have completed their one (1) year probationary period. As per policy after

completion of probation their pay will increase \$100.00 a month or \$1,200.00 per year.

The Commissioners received and reviewed a letter from Appalachian Inspection Services, LLC giving an electrical Inspection Report of the Courthouse.

The Commissioners received and reviewed a letter from Travelers Insurance informing they are continuing to complete their investigation of Claim #028FYEGV0885A (Thomas E. Woodrum).

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 1 to February 4, 2010, amount \$798.00.

The Commissioners received and reviewed correspondence from the West Virginia Association of Counties.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$81.83; check from the Criminal Justice Service for Community Corrections Grants, amount \$19,390.35; check from the Supreme Court-FLM rent, amount \$2,362.50; and a check from the City of Beckley-Reimbursement DUI Patrol, amount \$163.16.

The Commissioners received and reviewed an e-mail from Election System and Software informing the RTAL booths have been repaired on RMA 15092 and will be shipped back today.

The meeting was adjourned at 3:30 p.m. The next scheduled meeting is February 18, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 18, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 18th day of February 2010.

Commissioner Eskew called the meeting to order at 9:17 a.m.

There were no exonerations to be approved and signed.

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

Ms. Berry presented an Order Certifying the Results of the Special Levy Election held February 6, 2010 to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Order Certifying the Results of the Special Levy Election held February 6, 2010. Commissioner Wender seconded. Unanimous. Order signed.

The Commissioner signed letters to the State Auditor's Office and the Secretary of State enclosing the Board of Canvasses' Certificates of the Results of the Special Excess Levy Election held in Fayette County on the 6th of February 2010.

The Commissioners asked Debbie Berry to call to see if the Budget Session Class can be held in Fayette County.

Betty Crookshank, Greenbrier County Commission called and cancelled her appointment at 11:00 a.m. Ms. Crookshank informed she will call and reschedule.

Earl Pauley, Park Superintendent and Peggy Bennett appeared before the Commission to discuss park repairs and get approval of a grant for the Sportsman Recreation Center.

Mr. Pauley told the Commissioners the original cost for the voice activator machine was \$2,200.00. They purchased it for \$2,095.00.

The Commissioners approved to pay the utility bills for the Sportsman Recreation Center up to February 4, 2010.

The Commissioners approved and signed the Community Participation Grant application for the Sportsman Recreation Center (\$5,000). The Commission local match is 20%.

Commissioner Wender asked Peggy Bennett to include in the application the total cost of materials, equipment repairs, wages and overtime expenditures.

Commissioner Wender offered a motion to approve the expenditures of \$5,000 for the grant for the Sportsman Recreation Center. Commissioner Lopez seconded. Unanimous.

Earl Pauley told the Commissioners that the Department of Environmental Protection is requiring them to fill out an application for a General Water Treatment Plant for the swimming pool at the Park.

Commissioner Wender offered a motion that Fayette County Commission approves application on behalf of the Department of Environmental Protection for a General Discharge Water Treatment Plant

for the Swimming Pool at the Fayette County Park. Commissioner Lopez seconded. Unanimous.

Earl Pauley told the Commissioners the 1968-GMC trash truck they have is unsafe to drive on the road. Mr. Pauley told the Commissioners they have a replacement truck ready.

Mr. Pauley asked the Commissioners to let him go and get the switch-n-go beds to put on the 2001 truck.

Commissioner Lopez asked Mr. Pauley to find the price of the switch-n-go beds and they will discuss on February 24, 2010.

Mr. Pauley told the Commissioners they need to replace the office roof, the approximate cost \$14,000.00.

Mr. Pauley is requesting high speed internet, estimated cost \$89.00. Commissioner Wender informed Mr. Pauley this would be another discussion for the Budget.

Mr. Pauley discussed employees' use of cell phones. The Commissioners suggested to Mr. Pauley to let the employees' know that cell phones are not allowed on the job.

The Commissioners received and reviewed a letter from the New River Gorge Bridge Day Commission informing that due to the resignation of Elmer Hess a vacancy exists on their Board. They are recommending that the Commission appoint Loren B. Cox to fill the unexpired term of Elmer Hess.

Commissioner Lopez offered a motion to appoint Loren Cox to fill the unexpired term of Elmer Hess on the New River Gorge Bridge Day

Commission. Commissioner Wender seconded. Unanimous. An Order and appointment to serve letter signed.

The Commissioners received and reviewed a notice from Kelvin Holliday, County Clerk informing that ES&S service agent contacted him today about making the M-650 available for preventive maintenance operations the week of March.

Mr. Holliday is requesting access to the storage room and asks that the Commission notify the Circuit Clerk.

The Commissioner asked that Dickie Smith, Maintenance Supervisor to unlock and open the door.

The Commissioners also received a notice from Mr. Holliday informing he appointed Curtis Dotson (D) and David Bennett (R) emergency ballot commissioners for the upcoming Primary Election being held May 11, 2010.

Debbie Berry presented a Resolution for the Meadow River Trail for the Commissioners to sign.

The Commissioners decided to hold until February 24, 2010.

The Commissioners adjourned the County Commission meeting at 11:50 a.m.

The Commissioners reconvened at 1:00 for the Board of Equalization and Review hearings.

Since there were no hearings scheduled, Commissioner Eskew asked that the Board of Equalization and Review hearing be adjourned at 1:05 p. m.

The Commissioners recessed the Board of Equalization and Review hearings until February 24, 2010.

The Commission reconvened the County Commission meeting at 1:05 p. m.

Commissioner Wender informed the Commissioners that Carolyn Wallace told him that more stimulus money is available for the Dunloup Creek Project.

The Commissioners signed a letter to Missy Wickline expressing their appreciation and admiration for her dedicated service as a poll worker in Precinct #68 at Meadow Bridge High School for the Special Levy Election on February 6, 2010.

The Commissioners signed Request for Reimbursement to the West Virginia Division of criminal Justice Services for the SPF-SIG grant, amount \$4,282.55.

The Commissioners received and reviewed a telephone message from Mary Beaumont who fell and broke her leg after the election class. Ms. Beaumont wants to talk about some suggestions about what the Commission could do so this doesn't happen again. Commissioner Wender informed the Commissioners he will return her call.

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is February 24, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 24, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 24th day of February 2010.

Commissioner Lopez called the meeting to order at 9:08 a.m.

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

Commissioner Wender offered a motion to approve and sign real property tax tickets for Hillard B. and Phyllis Toney, Juanita L. Smith, David L. and Krista K. Pugh, Wilma Josephine Monroe and Ernie Jean Price. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for Roger or Pamela Zickafoose and Clinton or Holly Tompkins. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refund for Wilma Josephine Monroe (\$668.72), Hillard B. and Phyllis Toney (\$297.28) and Wilma Josephine Monroe (\$358.08). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and 2nd half payrolls, payrolls to be released February 26, 2010. Commissioner Wender seconded. Unanimous.

Kelvin Holliday, County Clerk informed the Commissioners he has hired Alicia Treadway as the new Voter's Registrar to replace Treatha Sexton.

Carl Harris, Prosecuting Attorney told the Commissioners he received a call from Melanie Bodnar regarding the purchase of her property.

Mr. Harris told the Commissioners he would check at the Bank to see if everything has been cleared regarding the property.

Debbie Berry presented a Petition from the Assessor's Office to Combine or Divide and Segregate Land to the Commissioners.

Commissioner Wender offered a motion to approve and sign the Petition to Combine or Divide and Segregate Land for Darrell Dean and Edna Kincaid. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Center Grant, amount \$26,333.33.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign the Request fo Reimbursement for the Community Corrections Center Grant, amount \$26,333.33. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission would approve payment of \$20,000.00 for a tract of property from Melanie Bodnar provided the title search is complete. Commissioner Lopez seconded. Unanimous.

Ms. Holly questioned about the PEIA coverage when an employee is retiring.

The Commissioners received and reviewed two (2) drawdown request from Region 4 Planning and Development Council for Danese Public Service District-Water Extension Project #07ARCP15639, amount \$5,472.43 and New Haven Public Service District-Stringtown Road Water Extension, Project #08SCBG0031X, amount \$8,943.49.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign on behalf of the Fayette County Commission drawdown request for the New Haven Public Service District-Stringtown Road Water Extension, amount \$8,943.49. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign on behalf of the Fayette County Commission drawdown request for the Danese Public Service District-Water Extension, amount \$5,472.43. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the White Oak Public Service District recommending that Thoms Dragan be reappointed to serve as a member of the White Oak Public Service District.

Commissioner Wender offered a motion that Thomas Dragan be reappointed to serve as a member of the White Oak Public Service District, tem to expire January 1, 2016. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter signed.

Ms. Berry presented a Resolution for the Sportsman Recreation Club/Shooting Range (\$5,000.00) to the Commissioners.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to sign Agreement on behalf of the Fayette County Commission for the Sportsman Recreation Club/Shooting Range grant. Commissioner Wender seconded. Unanimous. Resolution signed.

Gene Worthington appeared before the Commission to request funds for Fiscal Year 2010-11 to help with the purchase of the Historic Fayette Theater building.

Commissioner Lopez asked Mr. Worthington if they had a dollar figure. Mr. Worthington replied no.

Commissioner Lopez suggested to Mr. Worthington to send in a written request with the dollar amount for the budget and they would let them know something by the end of March.

Levi Rose, Wolf Creek Watershed Project Coordinator appeared before the commission to ask for a letter of support from the Commission saying they support the efforts of the Plateau Action Network (PAN) to seek NRCS Watershed Assistance for Emergency Watershed Protection, along an identified headwater tributary to Wolf Creek.

The Commissioners asked Mr. Rose if he would prepare the letter and put on Commission letterhead and they would sign.

The Commissioners received and reviewed a letter from David Null, Principal, Fayetteville High School requesting the use of the Memorial Building on Wednesday, February 24, 2010 for practice, Thursday,

February 25, 2010 for a game, and March 2 and March 4, 2010 for their sectional games. The Commissioners approved.

Discussion was held with Dickie Smith, Maintenance Supervisor regarding a microwave, stove, a refrigerator and purchases of a couch (\$350) for the lounge in the basement. The commissioners approved.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing the security which was pledged to Fayette County Commission account will not be available for pledge as of February 22, 2010-(\$400M FNMA 4.66% cusip 3136F84K8 mat. 02-22-18), they will substitute this security with \$400 FHLB 4.00% cusip 3133XTEH5 mat. 04-01-19.

Commissioner Wender offered a motion that having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank the Fayette County Commission 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 the Division of Highways thanking the Commission for their letter dated February 8, 2010 on behalf of Nathan Johnson regarding resurfacing Reinhart Road in Glen Ferris.

A representative from their District Nine Headquarters has reviewed the request and found that Reinhart Road is not a part of their State Highway System. The Division of Highways does not have

any jurisdiction in this matter due to State law prohibiting them from expending funds for its maintenance or upkeep. The Division of Highways is unable to be of assistance in this matter.

The Commissioners asked that a letter be sent to Nathan Johnson attaching a copy of the Division of Highways letter and inform Mr. Johnson that the Fayette County Commission does not have the responsibility to maintain roads nor does it have the needed equipment.

The Commission recessed the Commission meeting at 11:20 a.m. to go into an Executive Session to discuss a personal matter.

The Commission reconvened the Commission meeting at 11:40 a.m.

Commissioner Wender offered a motion that Fayette County Commission amends the personnel policy to the first paragraph following No. 6 on Page 25 of the Personnel Manual, an employee who is retiring may apply accrued sick leave and vacation leave to be applied to years of services as permitted by the State Retirement Board. Further accrued sick leave shall otherwise be cancelled and may not be used for any other purpose and an employee may not be paid accrued vacation time and apply the same to years of service. Commissioner Lopez seconded. Unanimous. (See attached Amendment)

Ms. Holly reminded the Commissioners they need to enter an Order certifying the Board of Equalization and Review Hearing.

The Commissioners recessed for lunch at 12:00 p.m.

The Commissioners reconvened as the Board of Equalization and Review at 1:30 p.m.

Commissioner Lopez informed there were no hearings scheduled.

Commissioner Lopez read Order certifying the Board of Equalization and Review hearings.

Commissioner Lopez informed that since no one is here requesting a hearing he would like to entertain a motion to adjourn sine die.

Commissioner Wender offered a motion to adjourn the Board of Equalization and Review sine die. Commissioner Lopez seconded. Unanimous.

The Commissioners reconvened the Commission meeting at 1:35 p.m.

Commissioner Wender offered a motion in capacity of the County Administrator (Charlotte Holly) the Commission authorize Debbie Aliff, Payroll Clerk to pay 30 days of unpaid vacation to Charlotte Holly. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds due for the January 2010 Table Games will be directly deposited on February 16, 2010, amount \$3,581.75.

The Commissioners received and reviewed correspondence from the West Virginia Association of Counties.

The Commissioners received and reviewed a letter from 1-800-Gambler informing National Problem Gambling Awareness Week is March 7-13, 2010 asking the Commission to help The Problem Gamblers Help Network of WV (PGHNWV) promote awareness of this "hidden addiction."

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of

February 5 to February 11, 2010, amount \$217.40 and the week of February 12 to February 18, 2010, amount \$292.00.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$0.00 for the month of December 2009 and \$91.50 for the month of January 2010.

The Commissioners received and reviewed a copy of an e-mail from David Neal, E911 Coordinator to Debbie Aliff, Payroll Clerk informing that Stephanie Moore has resigned her position as Part time Communications Specialist effective February 15, 2010.

The Commissioners received and reviewed an Application for Employment from Vickie Lynn Moore.

The Commissioners received and reviewed Quarterly Report from Dave Pollard, County Resource Coordinator for the month of February 2010.

The Commissioners signed Agreement with the Fayette County Solid Waste Authority agreeing that the Authority will pay to the Commission an annual fee of \$9,945.00 which will be paid in twelve (12) equal monthly installments beginning March 15, 2010.

The Commissioners received and reviewed an invoice from West Virginia American Water regarding a Fire Hydrant at Prudence Road, Oak Hill, WV, amount \$3,000.00. The Commissioners approved to pay.

The Commissioners received and reviewed a letter from Kalkreuth Roofing and Sheet Metal regarding their Roof Saver Inspection Program.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding Spring Road, Edmond Road Waterline.

The Commissioners received and reviewed a letter from the Raleigh County Prosecuting Attorney enclosing Judgment Order and travel expense forms for reimbursement to Edgar E. Bibb, III, Special Prosecuting Attorney regarding State v. Thomas Eugene Woodrum.

Ms. Berry told Commissioner Eskew she called and cancelled his registration for the WV Association of Counties 2010 Annual conference being held February 14-16, 2010.

The Commissioners received and reviewed a letter from the Internal Revenue Service notifying the Fayette County Commission that they have returned your case to Tax Exempt Bonds.

The Commissioners received and reviewed from the Record requesting some information regarding all civil lawsuit settlements made by the County since July 1, 2006.

Ms. Holly informed the Commissioners that effective June 1, 1995 the IRB Administrative Fee is $\frac{1}{2}\%$.

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. regarding deactivating the alarm on Wiseman Avenue Courthouse doors.

The Commissioners received and reviewed checks for 911 Fees from AT&T Communications of WV, amount \$330.00, Vonage Tax Account, amount \$252.00, Verizon, amount \$23,747.88, and Citizens Communication Co., amount \$47.04; Alarm Fees amount \$435.00; City of Beckley-

Reimbursement DUI Patrol, amount \$163.16; and Fayetteville Fire Department fire Levy Fund, amount \$30.00

The Commissioners received and reviewed an e-mail from the West Virginia Association of Counties regarding regional jail bills.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Direct Deposit.

The Commissioners received and reviewed an e-mail from Aletha Stolar regarding Desk Review 2nd Quarter Family Resource Network 2010 (FRN).

The Commissioners received and reviewed an e-mail from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the County Commissioners' Association of West Virginia Legislative Meeting and the Board of Equalization and Review meeting.

The meeting was adjourned at 1:50 p.m. The next scheduled meeting is March 5, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 5, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 5th day of March 2010.

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

Dave Pollard, County Resource Coordinator appeared before the Commission to give an update on Kanawha Falls Community.

Mr. Pollard told the Commissioners that Phil Perone, Sanitarian for the Fayette County Health Department will do the water test for the Small Cities Block Grant. Mr. Pollard told the Commissioners Mr. Perone to get sample testing from the Kanawha Falls Community.

Mr. Pollard told the Commissioners they will set a meeting after they have the reports.

Mr. Pollard asked the Commissioners if they would consider hiring Rachel Davis to fill the vacancy position of the secretary for the Building Inspector. Instead of Ms. Davis being a VISTA worker she will become a County employee.

Doug Hylton appeared before the Commission to request assistance with the Meadow River Trail Grant.

Mr. Hylton told the Commissioners he has applied for a grant for \$100,000.00. Mr. Hylton told the Commissioners \$80,000 for grant and \$20,000 from Fayette and Greenbrier Counties to cover the match.

Mr. Hylton is asking the Fayette County Commission to make a commitment of \$10,000 and he would work to get the funds.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign Resolution to support a share of a \$10,000 match for the Meadow River Rail Trail Grant. Commissioner Lopez seconded.
Unanimous.

Mr. Hylton presented a draft copy of the purchase of the Meadow River Rail Trail.

Commissioner Wender asked Mr. Hylton about the stimulus money.

Mr. Hylton replied the stimulus money to be released sometime in April.

Commissioner Wender informed the Commission that Adam Hodges is the new West Virginia State Extension Agent he will assume Carl Thomas position.

Commissioner Wender informed Mr. Hodges office will be located in Oak Hill City Hall. He would need a laptop. Commissioner Wender asked Mr. Hodges to give the quote to Debbie Berry.

Commissioner Wender offered a motion that the Fayette County Commission purchases a laptop for Adam Hodges, not to exceed \$1800.00. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve overtime for Debbie Aliff and Jackie Hickman. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of February 3, February 8, 2010. Commissioner Lopez seconded. Unanimous.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his upcoming Fiscal Year 2010-2011 Budget.

Maintenance Garage Budget - Mr. Pauley wants to add a part-time person in the garage. Mr. Pauley told the Commissioners this would cut back on the overtime. Will start in the summer months for 12 weeks. Included the increase for PERS, requesting a Ranger Tire Changer, cost \$1,780.00 to be used for the new Ford Cruisers, a heater, Standing Pilot cost \$2,100.00, Spark Light cost \$2,200.00, and a Gas Powered Air Compressor.

Park Budget - Mr. Pauley told the Commissioners the roof at the Park Office and warehouse is leaking very badly. Mr. Pauley told the Commissioners he received a quote from Pete Johnson he doesn't want to repair the roof he wants to only repair bad spots and put a metal roof, cost \$16,651.52, received a quote from Allen and Son Construction for materials and labor, cost \$24,300.00. Mr. Pauley informed the Commissioners that Ricky Myles is no longer doing construction work his cost last year was \$14,000.00, extra help, total cost \$138,040.

Commissioner Lopez suggested rescheduling Mr. Pauley to continue discussing his budget on March 12, 2010.

The Commissioners scheduled Earl Pauley on March 12, 2010 at 10:00 a.m. to continue discussion of his Fiscal Year 2010-2011 Budget.

The Commissioners received and reviewed Budget request for Fiscal Year 2010-2011 Budget from Ann Skaggs member of the Fayette County Historical Society.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss his upcoming Fiscal Year 2010-2011 Budget.

Mr. Harris told the Commissioners he has included the PERS increase in his budget.

Mr. Harris is requesting raises for his employees, but asked that no mention of a specific amount of the raise be allocated to employees since he believes raises should be mandated by performance and raises should not be "across the board."

The Commissioners told Mr. Harris they would review and get back with him regarding their decision.

Debbie Tate, WVU Extension Office appeared before the Commission to discuss her upcoming Fiscal Year 2010-2011 budget.

Ms. Tate told the Commissioners no increase in salaries, included the increase for PERS.

Ms. Tate told the Commissioners the Board of Education annual Memorandum of Agreement has been signed.

Ms. Tate presented a Work Order list to the Commissioners. Commissioner Wender suggested giving the list to the Maintenance Department.

The Commissioners told Ms. Tate they would review and get back with her regarding their decision.

Eddie Young, Assessor appeared before the Commission to discuss his upcoming Fiscal Year 2010-2011 budget.

Mr. Young informed the Commissioners his Budget would be the same, included PERS increase, and asking for a \$100.00 raise fo his employees.

The Commissioners told Mr. Young they would review and get back with him regarding their decision.

Commissioner Wender informed the Commissioners he received a telephone call from Mary Beaumont regarding her broken leg. Commissioner Wender told the Commissioners he asked her to report the injury to our insurance.

The Commissioners received and reviewed a letter from Deputy Sheriff Steve K. Neal requesting use of the Memorial Building to host and promote an annual boxing event during the month of October.

Commissioner Wender offered a motion to approve the request of Deputy Sheriff Steve Neal, the use of the Memorial Building to host and promote an annual boxing event during October, the rental fee is waived. The custodial and trash service fees and insurance requirements will not be waived; all other rules are applicable. All alcoholic beverages are prohibited and adequate security is required for the vent and for parking. Commissioner Lopez seconded. Unanimous.

Kelvin Holliday, County Clerk appeared before the Commission to discuss her upcoming Fiscal Year 2010-2011 budget.

Mr. Holliday told the Commissioners he's not asking for anything and presented the same budget as last year with the increase in the PERS.

The Commissioners told Mr. Holliday they would review and get back with him regarding their decision.

The Commissioners signed a letter of support to the USDA NRCS Emergency Watershed Protection in support of the efforts of the Plateau Action Network (PAN) to seek NRCS Watershed Assistance for Emergency Watershed Protection, along an identified headwater tributary to Wolf Creek.

The Commissioners signed a letter of support to Senator William Laird expressing their support for a request sent to you from Judge John W. Hatcher, Jr. dated March 2, 2010 to obtain the necessary funds needed to purchase a new audio system for the courtroom at the Fayette County Courthouse.

The Commissioners signed a letter to Nathan Johnson attaching a copy of the letter they received from the Division of Highways regarding his request to resurface Reinhart Road in Glen Ferris.

The Division of Highways informed Reinhart Road is not a part of the State Highway system and due to a directive established on October 28, 2005 "due to financial constraint and limited funding capabilities, Division of Highways will not be adding roads to the State Highway System," therefore, the Division of Highways is unable to be of assistance.

The Commissioners informed Mr. Johnson the Commission does not have the responsibility of maintaining roads nor does it have the needed equipment.

Daniel Wright, Circuit Clerk appeared before the Commission to discuss her upcoming Fiscal Year 2010-2011 budget.

Mr. Wright told the Commissioners everything in his budget the same, he's asking for an additional employee for his office, included the increase in the PERS.

Commissioner Lopez asked Mr. Wright if he would consider a part-time employee.

The Commissioners told Mr. Wright they would review and get back with him regarding their decision.

Okey Skidmore, Manager Fayette County Memorial Building appeared before the Commissioners to discuss his upcoming Fiscal Year 2010-2011 Budget.

Mr. Skidmore told the Commissioners he's not asking for anything presented the same budget as last year with the increase in the PERS.

Mr. Skidmore told the Commissioners about the gas line at the Memorial Building need to be repaired.

Commissioner Lopez suggested asking Steve Crowell from Maintenance to look at and Commissioner Wender also suggested asking John Pino to look at.

Mr. Skidmore told the Commissioners he called Dan Snead regarding the Memorial Building sidewalks.

The Commissioners told Mr. Skidmore they would review and get back with him regarding their decision.

Steve Kessler, Sheriff appeared before the Commission to discuss his upcoming Fiscal Year 2010-2011 budget.

Sheriff Kessler told the Commissioners he included the increase in the PERS.

Sheriff Kessler told the Commissioners he is asking for four (4) vehicles. Sheriff Kessler told the Commissioners that the Ford Explorers are the cheapest, cost \$21,429.

Sheriff Kessler told the Commissioners he would like an increase in overtime for \$70,000 to \$80,000, Dog Warden, no change, no change in their overtime, Supplies and Materials no change, Uniform for Law no change, Uniform Allowance no change, part-time employees no change, STARS Program no change, K-9 Fund no change, Project Life Saver no change, Training and Education no change, Dues and Subscription increase to \$1,000, Travel Expense no change, Regional Jail Expense, \$800,000, additional pay increases of \$100.00, overtime for Tax Office \$6,000, Security Holster and Tactical Light \$250 each \$5,000 half would be paid out of the Concealed Weapons Funds.

The Commissioners told Sheriff Kessler they would review and get back with him regarding their decision.

The Commissioners recess for lunch at 12:30 p.m.

The Commissioners reconvened the Commission meeting at 2:10 p.m.

Commissioner Lopez offered a motion to go into Executive Session. Commissioner Lopez withdrew his motion.

The Commissioners signed a letter to Debbie Aliff, Payroll Clerk informing that Debbie Berry salary will increase to \$50,000, Debbie Aliff will assume Secretary/Bookkeeper for the Fayette County Solid

Waste Authority salary \$7,500 and Jackie Hickman, Payroll Clerk for the Fayette County Solid Waste Authority will increase to \$2,400. The Fayette County Solid Waste Authority will reimburse the County Commission \$2,072.40 for their portion of Jackie Hickman salary.

The Commissioners signed a sympathy card for the Gene Carte, Jr. Family.

The Commissioners received and reviewed a note from Treatha Sexton requesting that her 12 days and 4 3/4 hours of sick days be divided between Debbie Aliff and Ruth Thomas. This was approved by Kelvin Holliday, County Clerk.

The Commissioners received and reviewed Audit Report and Related Financial Statements of Ansted Certified Fire Department Fire Levy Fund for the Fiscal Year ended June 30, 2009.

The Commissioners received and reviewed Official Oath of Office from Ted Elliott member of the Gauley River Public Service District.

The Commissioners received and reviewed a letter from Shentel Cable Company informing they will be making changes to its West Virginia cable television business in the Ansted area.

The Commissioners received and reviewed a letter from George M. Edwards requesting under the "Freedom of Information Act" all reports that have been prepared or are being prepared for the Fayette County Prosecutor, Carl Harris, concerning the illegal use of public monies to promote a bond issue by the Fayette County Board of Education.

The Commissioners received and reviewed correspondences from the West Virginia Association of Counties.

The Commissioners received and reviewed checks from the Secretary of Military Affairs & Public Safety-Gauley Tower, amount \$104,965.00, criminal Justice Services-Community Corrections Grant, amount \$18,933.62, Reimburse Women's Resource Center-STOP Grant, amount \$1,212.08, 911 Fees from Level 3 Communications LLC, amount \$102.00 and Money Orders-USPS, reimbursement, amount \$42.54.

Commissioner Lopez offered a motion to go into Executive Session at 2:15 p.m. Commissioner Wender seconded. Unanimous.

The Commissioners adjourned the Executive Session at 3:00 p.m.

The Commissioners reconvened the County Commission meeting at 3:00 and adjourned. The next scheduled meeting is March 12, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 12, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 12th day of March 2010.

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

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

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tickets for Mary W. and Krista (Harvey) Persinger, Heath Whipkey, Misty Harrell, Gary Lee and

Jennifer C. Wilkerson, Zachariah Washburn, Tracey L. Walker, Jerome Scott Coleman, Robert A. Sargent and Dallas Duncan, Jr. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign exonerations for real property tickets for Thomas Gwinn, Jr., Daniel Moss, Lee Anna Sowder, Mark and Lois Burnside and C. F. Champe. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and 1st half payrolls, checks to be released today including payrolls. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from Sheriff Steve Kessler overtime for Cindy Renick (223 hrs.) and Rebecca Jones (193 hrs.) for work done during the transition of the Tax Department.

Commissioner Lopez offered a motion to approve overtime for Cindy Renick (223 hrs.) and Rebecca Jones (193 hrs.) to compensate for the work done during the transition of the Tax Department. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a notice from Eddie Young, Assessor informing that the assessed valuation of property for all classes in Fayette County for the assessment year 2010 was \$1,537,232,060.

Mr. Young told the Commissioners that the classification of Fayette County would change from Class III to Class II as required by Chapter 7, Article 7, Section of the Code of West Virginia.

Commissioner Wender offered a motion that the Fayette County Commission issue an Order informing that having determined that the assessed valuation of property for all classes in Fayette County for the assessment year 2010 was \$1,537,232,060 as certified on March 3, 2010 by Eddie Young, Assessor, the Fayette County Commission order that the classification of Fayette County be changed from Class III to Class II as required by Chapter 7, Article 7, Section of the West Virginia Code, as amended, and that this change be recorded with the State Auditor and the State Tax Commission. Commissioner Lopez seconded. Unanimous. (See attached Order)

Earl Pauley, Park Superintendent appeared before the Commission to continue discussion of his Fiscal Year 2010-2011 Budget.

Discussion was held with Mr. Pauley regarding part time/full time temporary employees.

Commissioner Wender asked Mr. Pauley about contracting out some of the work at the Park.

Commissioner Lopez asked Mr. Pauley if he would ask his four (4) part time/full time temporary employees if they would work eight (8) months out of a year.

Commissioner Lopez asked Mr. Pauley to give them a priority list of the things that needs to be done at the Park.

Mr. Pauley presented a list of jobs to be completed at the Fayette County Park during the summer, presented a list of the vehicles the County owned to the Commissioners.

Commissioner Lopez asked Mr. Pauley to check and get estimates on what is needed in the garage. Commissioner Lopez told Mr. Pauley the Commission might be able to purchase in this year's budget.

The Commissioners received and reviewed a letter from the United Way requesting a contribution to their Community Baby Shower being held April 16, 2010.

After a brief discussion, Commissioner Lopez offered a motion that the Fayette County Commission will appropriate \$300.00 to the United Way for their Community Baby Shower being held April 16, 2010. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a drawdown request from Region 4 Planning and Development Council for the New Haven Public Service District-Stringtown Road Water Extension, amount \$3,396.00.

Commissioner Lopez offered a motion to approve and sign Drawdown Request for New Haven Public Service District-Stringtown Road Water Extension, amount \$3,396.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Fayetteville High School requesting to reserve the use of the Memorial Building on May 28, 2010 for their 2010 Graduation Ceremony.

Commissioner Lopez offered a motion to approve the request of Fayetteville High School, the use of the Memorial Building for their 2010 Graduation, rental fee will be waived. All other rules are applicable including insurance and custodian fees. The organization

is responsible for the clean up of the building and grounds after the event. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Deputy Sheriff Steve K. Neal requesting use of the Memorial Building to host and promote an annual boxing event during the month of October.

Commissioner Lopez offered a motion to approve the request of Deputy Sheriff Steve Neal, the use of the Memorial building to host and promote an annual boxing event during October, the rental fee is waived. The custodial and trash service fees and insurance requirements will not be waived; all other rules are applicable. All alcoholic beverages are prohibited and adequate security is required for the event and for parking. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Clyde W. Sypult regarding overpayment of taxes on his property. A copy of the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners there was a clerical error made on Clyde Sypult real property tax assessment.

Mr. Young asked that the Commission approve a tax refund for tax years 2004, 2005, 2006, 2007 and 2008 in the total amount of \$1,679.12 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.

The Commissioners approved and signed an Order subject to the approval of the Assessor, Clyde Sypult be afforded tax relief for tax

years 2004, 2005, 2006, 2007 and 2008 in the total amount of \$1,679.12 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.

Ms. Berry informed the Commissioners she had notified the democratic and the republican executive committees to give their list of names of poll workers for the upcoming Primary Election.

Ms. Berry presented an Order and lists of the poll workers to be approved for the upcoming Primary to the Commissioners.

The Commissioners approved poll workers' list received from the democratic and republican executive committees for the upcoming Primary Election. Order signed.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing that he has hired Curtis Dotson (D) and David Bennett (R) as the Emergency Absentee Ballot commissioners for the upcoming Primary Election.

The Commissioners signed a letter to David Null, Principal, Fayetteville High School approving the request to use the Memorial Building for basketball practice Monday, March 15 and Tuesday, March 16, 2010, the rental fee, trash and custodial fee for the practice will be waived.

The Commissioners signed Dismissal Order regarding the Estate of Cecil Alvin Robertson.

The Commissioners received and reviewed a copy of the 2011 Levy Estimate as of March 4, 2010.

The Commissioners received and reviewed letters from Kelvin Holliday, County clerk asking that Gail Withrow part time registrar rate of pay be increased to \$8.50 an hour retroactive March 1, 2010.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk informing of the early voting part time employees hired for the 2010 primary election (March 1 (60-days) Gail Withrow, April 1 (40-days) Norma Williams and Carol Smith, April 12 (30-days) Sally Cales and Janet McClung, and April 21 (20-days) Skip Bowman and Rebecca Hudson.)

The Commissioners received and reviewed a copy of a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll clerk informing that Jack Micah Feltner resigned on March 8, 2010. After reviewing his leave record he has accumulated 10 days vacation time he has requested to be paid for those earned days.

The Commissioners received and reviewed a letter from the City of Mount Hope requesting the contribution pledged by the Commission for Fiscal Year 2009, amount \$2,500.00. The Commissioners approved.

The Commissioners signed a letter to Debbie Aliff, Payroll Clerk informing her of the adjustments that needs to be made to Debbie Berry, Debbie Aliff and Jackie Hickman's salaries effective March 1, 2010.

The Commissioners received and reviewed checks for 911 Fees from CityNet Holdings, LLC, amount \$151.32 and City Net, amount \$795.40; Supreme Court-FLMA rent, amount \$2,362.50; Reimbursement City of Beckley, amount \$171.52; and Soldiers and Sailors Fund, amount \$25.00.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 26 to February 28, 2010, amount \$100.00 and the week of March 1 to March 4, 2010, amount \$301.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the 2010-2014 Consolidated Action Plan Fiscal Year 2010 Draft Action Plan and Executive Summary.

The Commissioners received and reviewed from the WorkForce West Virginia an Unemployment claim for Vicki L. Moore.

The Commissioners received and reviewed correspondence from the West Virginia Association of Counties informing of the number of bills sent to the House and the Senate.

The Commissioners received and reviewed a copy of a letter from the Division of Highways to John David thanking him for his letter they received on January 14, 2010 concerning the missing "SALS Landing" road sign on WV 61 in Page, Fayette County, West Virginia.

The Commissioners received and reviewed a letter from the Appalachian Regional Commission (ARC) inviting the Commission to participate in an economic development listening session at the Pipestem Resort State Park in Pipestem on March 22, 2010 to assist the ARC, USDA Rural Development (RD) and other federal agencies to better understand our priorities and needs for fostering local economic growth.

The Commissioners received and reviewed a letter from the West Virginia State Fire Marshal's Office regarding a Residential Fire Sprinkler Seminar for Policy Makers.

The Commissioner adjourned the County Commission meeting at 11:10 a.m. for a Budget Work Session

The Budget Work Session was adjourned at 3:30 p.m. The next scheduled meeting is March 19, 2010.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MARCH 19, 2010

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 19th day of March 2010.

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

Jim Lively, Sr. Appeared before the Commission on behalf of the City of Oak Hill to request funding of \$10,000 for an Amphitheater Project in Oak Hill.

Mr. Lively told the Commissioners the project cost is \$150,000.00.

The Commissioners informed Mr. Lively the Commission would make a commitment of \$10,000.00 with the contingency the City of Oak Hill raise the \$120,000.00.

Commissioner Lopez told Mr. Lively the Commission will include the \$10,000.00 in their Coal Severance Fiscal Year 2010-2011 Budget.

Allen Ballard, Building Inspector presented the Building Inspection Fee Report of the amount collected in the past 3-years, amount \$386,706.57 to the Commissioners.

Dave Pollard, County Resource Coordinator appeared before the commission to discuss the Kanawha Falls Public Service District and the Armstrong Deepwater Public Service District.

Commissioner Wender asked Dave Pollard about the vandalism at Wolf Creek Park.

The Commissioners received and reviewed a letter from the Armstrong Deepwater Public Service District informing Judson Wallace term as a member of the Armstrong Deepwater Public Service District will expire April 1, 2010. The Commission is asking that Judson Wallace be reappointed to serve.

The Commissioners approved to reappoint Judson Wallace, a member of the Armstrong Deepwater Public Service District. An Order and an appointment to serve letter signed.

The Commissioners received and reviewed from John David an application for a Community Partnership Grant Program for the Southern Appalachian Labor School (SALS) Coalfield Housing Project for a Housing Materials Distribution Center.

Commissioner Lopez offered a motion to approve and authorize the adoption of said Resolution. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from Margie Stanley requesting permission to use the Courthouse lawn for a nondenominational community service on Thursday, May 6, 2010 for the purpose of acknowledging National Day of Prayer.

The Commissioners approved permission to use the Courthouse lawn for anon-denominational community service on Thursday, May 6, 2010 from 12:00 noon to 1:00 p.m. for the purpose of acknowledging National Day of Prayer.

The Commissioners received and reviewed the revised letter to Debbie Aliff, Payroll Clerk regarding adjustments in salaries for Debbie Berry, Debbie Aliff and Jackie Hickman.

The Elected Officials signed a letter to the West Virginia State Auditor informing that for cost/savings and efficiency purposes the policy for the purchase of commodities for various Fayette County Departments has been that the Office of the County Commission will be the central purchasing office.

Senator William Laird appeared before the Commission to ask that they approve and sign Resolution regarding the cancellation of the lease agreement for the management and operation of Hawks Nest Golf Course. Senator Laird read the Resolution to the Commissioners and presented the Commission, a copy of the Audit Report. The Commissioners approved and signed.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of their minutes for the months of February and March 2010.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the funds due for the January Limited Video Lottery will be directly deposited on February 26, 2010, amount \$6,446.96 and funds due for the February 2010 Table Games will be directly deposited on March 16, 2010, amount \$3,350.11.

The Commissioners received and reviewed an invitation from Ann Hosey Garcelon, Clint Carte and David Carte inviting the Commission to a Program of Readings Inspired by the Life of Gene Carte, Thursday, March 25, 2010 at the John V. Ray Room, Kanawha County Public Libraries.

The Commissioners received and reviewed a letter from the Consolidated Public Retirement Board notifying the Fayette County Commission of an overpayment on the February 2010 retirement report.

The Commissioners received and reviewed a Public Notice for bids for the roof repairs at the Fayette County Park Office Building.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 5 to March 11, 2010, a amount \$408.09.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties regarding raises for the elected officials.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$172,125.19, Vonage Tax Account, amount \$252.00, and Citizens Communications Company, amount \$48.98; Secretary of Military Affairs and Public Safety-Gauley Mountain Tower,

amount \$5,400.00; and Department of Health & Human Service-
Reimbursement Community Correction Center, amount \$3,930.00.

The Commissioners received and reviewed an e-mail from Carrie Strunk, Chairman Fayette County Solid Waste Authority regarding the Landfill at Cunard.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director giving the Commission a Morning Report informing the Governor has sent a request to the President for a federal disaster for the December 18-20 winter storm.

The Commissioners received and reviewed an e-mail from John David to Commissioner Wender regarding the Renewal of their Community Participation Grant for Housing Material Distribution Center.

The Commissioners received and reviewed several e-mails from Steve Crusikshank and Greg Stone regarding mitigation of the buyout program.

The meeting was adjourned at 11:18 a.m. The next scheduled meeting is March 24, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 24, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 24th day of March 2010.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the Resolution received from the Armstrong Deepwater Public Service District. Mr. Harris asked the Commissioners if certain paragraphs should not be included in the Resolution.

After a brief discussion, the Commissioners approved to sign Resolution as presented.

The Commissioners received and reviewed a letter from Bowles, Rice, McDavid, Groff and Love, confirming agreement on behalf of the firm to act as counsel to Fayette County Commission regarding the Judy Treadway matter. The Commissioners signed the agreement.

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

Commissioner Wender offered a motion to approve and sign real property tickets for BMRS Management, Eloise Bays Blume etal, Stanley E. and Jennifer McClain, and Kenneth A. and Debra Boles. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Byron D. and Cynthia J. Winebrenner, Anthony A. Jones, Kristin J. and Samuel W. Adkins, Molly E. and Duane E. Roles, Lawrence A. and Roberta A. Carte, Crystal D. Smith. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today, to approve 2nd half payrolls,

payrolls to be released on March 30, 2010. Commissioner Wender seconded. Unanimous.

Commissioner Eskew informed they are here to day to adopt the Budget for the Fiscal Year 2010-2011.

Commissioner Eskew gave a brief summary of what the Commission approved for the Fiscal Year 2010-2011.

Commissioner Eskew informed they have included in the budget \$100.00 pay raise for each employee, PERS increase County is picking up the full amount, Regional Jail cost stays the same.

Carl Harris, Prosecuting Attorney told the Commissioners they need to decide on how they are going to handle the part time/full time temporary employees.

Commissioner Wender suggested that Debbie Berry send a letter to each elected official. The Commissioners asked Carl Harris if he would draft the letter informing them that during this budget session the Commission was made aware of the fact that there were individuals working for the County who are classified as either part time or full time-temporary and upon review of this issue by the Staff and Prosecuting Attorney they are advised to be very careful of this practice.

Commissioner Eskew informed the Budget for this Fiscal Year 2010 to 2011 General County Fund Budget is \$8,567,070 and the Coal Severance Fund Budget is \$728,318. Commissioner Eskew asked for a motion to approve this year's Fiscal Year Budget for 2010-2011.

Commissioner Lopez offered a motion to adopt the Budget for Fiscal Year 2010-2011 for the General County Fund (\$8,567,070) and the Coal Severance Fund (\$728,318). Commissioner Wender seconded. Unanimous. The Commissioners signed the Fiscal Year Budget for 2010-2011.

The Commissioners asked Debbie Berry to include in the elected officials budget letters that the Commission has included funding effective July 1, 2010 for salary increases based on \$100.00 monthly per employee, funds to pay the increase from the current 11% to 12.5% for the employers' contribution to the PERS are included.

The Commissioners scheduled the following County Commission Meeting: April 9, April 16, April 20-Lay the Levy, May 4, May 14-Canvass, May 18-to certify the election and May 28, 2010.

The Commissioners received and reviewed an e-mail from the Fayette County Farmland Protection board requesting they appoint Adam Hodges, Executive Director, County Development Authority to fill the unexpired term of Carl Thompson.

Commissioner Wender offered a motion that Adam Hodges, Executive Director, County Development Authority be appointed a member of the Fayette County Farmland Protection Board to fill the unexpired term of Carl Thompson. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners received and reviewed a letter from Capital Resource Agency asking that the Commission send a letter for the year 2010 that reaffirms that Judson Wallace be reappointed the

representative to the Capital Resource Agency Board.

Commissioner Lopez offered a motion that Judson Wallace be reappointed as the County Commissioner's representative to the Board of Directors of the Capital Resource Agency, Inc. Commissioner Wender seconded. Order and appointment to serve letter signed.

The Commissioners signed a letter to Kristi M. Atha-Rader, CEO Rainelle Medical Center, Inc. informing on behalf of the Fayette County Commission they are in support of your application to continue funding for your Community Health Center operations in the County.

The Commissioners received and reviewed an e-mail from George Mannaham asking the Commission to sign a Resolution from FACES of Coal and send copies to their senators and delegates.

The Commissioners declined to sign Resolution.

The Commissioners received and reviewed a letter from the Fayette County AAU/WV Boys and Girls Hoopsters requesting use of the Memorial Building from April 1 through August 31, 2010.

Commissioner Lopez offered a motion to approve the request of the Fayette County AAU/WV Boys and Girls Hoopsters to use the Memorial Building for AAU practice and instructional sessions for the coming year pending no conflict of schedule. The \$1,000.00 rental fee will be waived; however, this approval is until August 31, 2010. The requirements of the garbage and the custodian fees are also waived with the understanding that Philip Samples, Coach/Organizer of the

Fayette County AAU/WV Boys and Girls Hoopsters shall be responsible for the clean up and security of the building and grounds after each practice. Commissioner Wender seconded. Unanimous.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the Community Corrections Center, amount \$19,072.77.

The Commissioners received and reviewed a copy of a letter to Attorney Carl W. Roop regarding Melanie Bodner property.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding a Training Session April 2010 for Energy Efficiency and Conservation Block Grant Program.

Ms. Berry told the Commissioners she would like to attend. The Commissioners approved and suggested to Ms. Berry to contact Doug Arbogast to see if would like to attend.

The Commissioners asked Allen Ballard to attend the meeting.

The Commissioners informed Mr. Ballard that they had advertised for repairs for the roof at the Fayette County Park.

The Commissioners asked Mr. Ballard if he knew anyone who would put a roof on the building for less than \$24,000.00.

The Commissioners asked Ms. Berry to give Mr. Ballard a copy of the legal and asked Mr. Ballard if he would send copies of the legal to other contractors.

The Commissioners received and reviewed an Official Oath of Office from Judson Wallace, a member of the Armstrong Public Service District.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for the week of March 12 to March 18, 2010, amount \$214.00.

The Commissioners received and reviewed a letter from Verizon regarding Account Transition of ILEC Services to Frontier Communications.

The Commissioners received and reviewed a letter from the Consolidated Public Retirement Board enclosing a form application which should be used by any individual wishing to be considered by the Board for appointment as a representative of the Public Employees Retirement System (PERS) to the West Virginia Investment Management Board.

The Commissioners received and reviewed a letter from the Federation of Humane Organizations of West Virginia informing of their 2010 FOHO WV Conference on Animals being held April 17, 2010 at the Day's Hotel Conference Center in Flatwood, WV.

The Commissioners received and reviewed a letter from SuddenLink informing that in the Fayette County franchise area, they have recently increased Internet speed, added high definition (HD) channels, and expanded their video-on-demand menu.

The Commissioners received and reviewed a check for 911 Fees from the Public Service Commission, amount \$172,125.19.

The Commissioners received and reviewed an e-mail from Morgan Armstrong regarding meeting with the Commissioners on April 9, 2010 for a GASB45 discussion.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the ICPRB Training.

The meeting was adjourned at 11:25 a.m. The next scheduled meeting is April 9, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 9, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 9th day of April 2010.

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

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

Commissioner Wender offered a motion to approve and sign real property tickets for Kimberly Ann Taylor, Michael and Kimberly Smithson, John Blair and Johnny N. Johnson etux. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tickets for William Otriz, Sarah Sue Massey, Norman C. and Hazel Conner, Barbara A. and Michael Smith, Loyd M. and Kathryn Phillips, Vickie L, Smith and David and Heather Gainer. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to sign and approve refund for Norman C. and Hazel Conner (\$479.18). Commissioner Eskew seconded. Unanimous.

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

Commissioner Wender offered a motion to approve 1st half April payrolls, payrolls to be released April 15, 2010. Commissioner Eskew seconded. Unanimous.

Kelvin Holliday, County Clerk appeared before the Commission to discuss purchase of 1 or 2 more iVotronics for training and backup purposes and a battery charger.

Mr. Holliday told the Commissioners the approximate cost of the battery charger is \$2,000.00.

Discussion was held, Commissioner Wender offered a motion that Fayette County Commission purchases a battery charger (approximate cost \$2,000) and five (5) batteries (\$100 each) for the Primary Election. This is to be paid out of the Election Fund. Commissioner Eskew seconded. Unanimous.

Mr. Holliday presented to the Commissioners a proposal from Thomas Malone for book repairs and lamination for major needs in the County Clerk's Office, amount \$12,381.00.

Commissioner Wender offered a motion pursuant to a request from Kelvin Holliday, County Clerk the Fayette County Commission approves the proposal from Thomas Malone (\$12,381) to repair deed books and books of record in the County Clerk's Office. Commissioner Eskew seconded. Unanimous.

Ms. Berry informed the Commissioners they had asked to advertise for bids for the Fayette County Park Office Building roof.

Ms. Berry told the Commissioners that the bids were due on Monday, April 5, 2010. Ms. Berry told the Commissioners she received three (3) bids from DanHill Construction, Stanric, Inc. and Allen and Sons Construction.

The Commissioners opened the bids: DanHill Construction \$90,564.00, Stanric, Inc., \$90,868.00 and Allen and Son Construction \$24,300.00.

Commissioner Wender offered a motion that Earl Pauley, Park Superintendent review the three (3) bids received and get back with the Commission with his decision. Commissioner Eskew seconded. Unanimous.

The Commissioners signed from the Fayette County Health Department Applications for a permit to Operate a Park for the Harlem Heights Park and Boomer Ball Park.

The Commissioners received and reviewed a request from 4-C Economic Development Authority for Fayette County Commission to write letters on behalf of 4-C to Senator Robert C. Byrd and Congressman Nick Rahall, II for their fund request for "MEDCSS" an important Department of Defense Project.

The Commissioners received and reviewed a letter from Fayetteville Fairs and Festivals requesting permission to place inflatable jumping items on the Fayette County Courthouse lawn on Friday, July 2, 2010.

Commissioner Wender offered a motion to approve the request of the Fayetteville Fairs and Festival Committee, the use of the Courthouse property with the conditions that no vehicles are permitted on the Courthouse lawn for any purpose including unloading, that no amplification is allowed, that all county property shall be cleaned up immediately after the event concludes, that no alcoholic beverages are permitted and that the Fayetteville Fairs and Festival are responsible for any and all damages to Courthouse property, including but not limited to repair and/or replacement. Commissioner Eskew seconded. Unanimous.

The Commissioners signed request to the West Virginia Development Office for the first drawdown for the Fayette County Sportsman's Recreation Center, amount \$7,000.00.

Thomas Morgan, President, Plan Benefit Services, Inc. appeared before the Commission to present them with a contract for Turn Key GASB 45 Mitigation and Implementation Strategies.

Mr. Morgan told the Commissioner this program is intended to provide each organization with all of the facts needed in order to determine the best options for mitigating its OPEB liabilities.

Mr. Morgan told the Commissioners this program provides the full actuarial valuation, all insurance options for replacing the PEIA, recommendations for retiree benefits, funding options, modeling program projecting 30-years funding costs, and communication and enrollment assistance.

The Commissioners told Mr. Morgan they would review the information and get back with him.

Greg Stone, Assistant State Conservation for NRC appeared before the Commission to present two (2) new Agreements for the Dunloup Creek Watershed Demolition.

Discussion was held, Commissioner Wender offered a motion that Fayette County Commission authorizes upon the approval of Carl Harris, Prosecuting Attorney review, Commissioner Eskew to sign Agreement 69-3D47-10-2 on behalf of the Fayette County Commission thereafter Commissioner Eskew on the recommendation of Steve Cruikshank is authorized to sign on behalf of the Commission after review of Carl Harris for any future Agreements. Commissioner Eskew seconded. Unanimous.

Sheriff Steve Kessler appeared before the Commission to inform them that he was asked by Timothy Payton, Principal of Oak Hill High School if he would make application and apply for the Prevention Resource Officer Grant for Oak Hill High School.

Sheriff Kessler told the Commissioners the salary for the Deputy would be \$31,000. This includes the match by the Board of Education of \$10,600.

Neil Redman appeared before the Commission to discuss the New River Gorge Zip Line Program on Saturday Road.

Mr. Redman told the Commissioners he is here today to inform the Commission of the changes he is planning to make.

After a brief discussion the Commission told Mr. Redman that he should talk with Tim Richardson our Zoning Officer about the changes.

Commissioner Wender offered a motion that Fayette County Commission sign a Resolution regarding capturing some of the Coal Severance Tax Dollars. Commissioner Eskew seconded. Unanimous. Resolution signed.

The Commissioners signed Grant Application for the Prescription Drug Abuse in West Virginia.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$4,737.61.

The Commissioners signed a Memorandum to the Elected Officials and Department Heads regarding part-time or full-time temporary employees.

The Commissioners received and reviewed a letter from Danese Public Service District requesting that Robert I. Richards be reappointed to serve as a member of the Danese Public Service District.

Commissioner Wender offered a motion that Robert I. Richards be reappointed to serve as a member on the Danese Public Service District for a term of six years, term expiring March 30, 2016. Commissioner Eskew seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners signed letters to Carl Harris, Prosecuting Attorney, John MacCorkle, Pullin, Fowler and Flanagan, PLLC, Steptoe and Johnson and Frances, Nelson and Brison informing our Auditors are conducting an audit of our financial statements of July 1, 2008 to June 30, 2009.

The Commission is asking that they furnish the auditors a description of all material pending or threatened litigation, claims, and assessments (excluding unasserted claims and assessments).

The Commissioners signed for Daniel Wright, Circuit Clerk the Agreement between the Division of Culture and History for and on behalf of Archives and History for and on behalf of Records Management and Preservation Board and the Fayette County Commission.

The Commissioners signed letter to the New River Alliance of Climbers approving the request for permission to setup informational booths on and around the Courthouse lawn from 7:00 a.m. to 10:00 a. m. on Saturday, May 15, 2010 for the 8th Annual New River Rendezvous spring event to promote world-class climbing in Fayette County.

The Commissioners signed letters of support for Southern Appalachian Labor School (SALS) for two (2) Community Facilities Grant to obtain a van for school educational service and for funds to be

used to rehabilitate a former store one mile south of Kincaid on WV 61 and create a Green Building Educational Laboratory.

The Commissioners received and reviewed a note from Judge John Hatcher requesting that Stanley Steamer clean the carpet in his office and his secretary's office.

Commissioner Wender offered a motion that Dickie Smith contact Stanley Steamer to clean carpet in Judge John Hatcher's office and his secretary's office. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed three (3) bids for an Ice Maker for the Fayette County Park-Ideal Distributing (\$3,490.00), Pro Restaurant Equipment (\$6,402.88), and Camco Heating and Cooling (\$3,700.00).

Earl Pauley, Park Superintendent recommendation to the Commissioners Camco Heating and Cooling (\$3,700.00).

Commissioner Wender offered a motion to approve recommendation of Earl Pauley, Park Superintendent to accept bid from Camco Heating and Cooling for the purchase of an Ice Maker for the Fayette County Park. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Health Department requesting the Commission approval and cooperation in the construction of an additional sidewalk located near the Fayette County Health Center building.

Commissioner Wender offered a motion that Fayette County Commission will cooperate in the construction of an additional

sidewalk change at the Fayette County Health Department up to \$5,000.00. Commissioner Eskew seconded. Unanimous.

The Commissioners asked that Steve Cruikshank, OES Director be scheduled on the April 16, 2010 Agenda at 11:00 a.m. for an Executive Session regarding personal matter.

The Commissioners asked that Dave Pollard, County Resource Coordinator be scheduled on the April 20, 2010 Agenda at 11:30 a. m. for an Executive Session to discuss Arbucke Public Service District and the City of Oak Hill.

The Commissioners received and reviewed Certificate of Liability for the WVU Extension 4-H Leader Association.

The Commissioners received and reviewed a letter from Gum Spring Baptist Church thanking the Fayette County Community Corrections Center for making the men for community service available to assist with the drywall and painting of their fellowship hall.

The Commissioners also, received a letter from Judge Paul Blake attaching the copy of the letter he received from Gum Spring Baptist Church describing the experience his congregation had with the Fayette County Community Corrections Program.

The Commissioners received and reviewed a telephone message from Clifford Ramsey regarding change of his mailing address.

Ms. Berry informed the Commissioners she talked with Kevin White, Mapping/Addressing. Mr. White informed her he would give Mr. Ramsey a call.

The Commissioners received and reviewed an Audit Report from the Gauley River Volunteer Fire Department Levy Fund for the Fiscal Year ended June 30, 2009.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of March 31, 2010.

The Commissioners received and reviewed from the New York Bank of Melon Account Statements for the period January 1, through March 31, 2010 and February 23 to March 23, 2010.

The Commissioners received and reviewed letters from the West Virginia Economic Development Authority announcing that \$77,858,000 and \$53,175,000 is available for reallocation for projects in any West Virginia county that can comply with the Recovery Zone guidelines.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding the New Haven Public Service District-Fayette County Regional Water Phase III-A-Arrowwood Waterline Extension.

The Commissioners received and reviewed a letter from the City of Oak Hill informing of a Press Conference Tuesday, April 13, 2010 at 9:00 a.m. at the Oak Hill City Hall to learn the details of the Oak Hill Sewer Improvement Project.

The Commissioners received and reviewed a letter from Just For Kids, Inc. thanking the Commission for their assistance for the past four (4) years and the assistance for Fiscal Year 2010-2011.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection confirming that

Fayette County has met the requirements set forth by the REAP Standard Operating Procedure for 2010.

The Commissioners received and reviewed a letter from the Fayette County Chamber of Commerce asking the Commission to consider adding a statement to their existing Fayette County boarder signs, of "This Is Scouting Country." A copy of the letter forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from Jeff Smell, President/Owner announcing the commencement of Country Roads Leasing, LLC.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds due for the February Limited Video Lottery will be directly deposited on March 26, 2010, amount \$6,702.34.

The Commissioners received and reviewed a letter from the Federal Emergency Management Agency (FEMA) notifying the Commission of the final flood elevation determination for Fayette County in compliance with Title 44, Chapter 1, Post 67, Section 67.11, Code of Federal Regulations (CFR).

The Commissioners received and reviewed a copy of a letter to Earl Pauley, Park Superintendent from Debbie Tate, 4-H and Youth Development Agent requesting to modify the 2010 camp rental agreement.

The Commissioners received and reviewed a letter from Maple Coal Company Permit #S-3041-91 regarding blasting activities on the waters of Right Fork of/and Armstrong Creek, Hickory Camp, Unknown Branch,

Unnamed Branch, and Laurel Branch of Paint Creek of the Kanawha River in the Valley District of Fayette County during April 11, 2010 through April 10, 2011 unless emergency conditions dictate unscheduled detonation.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council inviting the Commission to attend their spring dinner meeting, Wednesday, April 21, 2010 at the Lewis Christian Community Center.

The Commissioners received and reviewed an invitation from the Kanawha County Commission inviting the Commission to attend the Dedication of the W. Kent Carper Justice and Public Safety Complex being held on Wednesday, April 7, 2010 at 4:30 p.m.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding a Workers' Compensation claim for Kim Linzy.

The Commissioners received and reviewed several correspondences from the WorkForce West Virginia regarding Unemployment Compensation claims.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 19, to March 25, 2010, amount \$272.00 and the week of March 26 to March 31, 2010, amount \$244.00.

The Commissioners received and reviewed checks for 911 Fees from Granite Telecommunications, LLC, amount \$202.00 and AT&TIXCs and Alascom, ME, amount \$300.00; check from the Supreme Court-FLM rent, amount \$2,362.50; check from the West Virginia Development Office-

HUD/SCBG-New Haven Public Service District, amount \$3,396.00; check from the Criminal Justice Services-SPF-SIG grant, amount \$4,282.55; Franchise Fees from Shentel Cable, amount \$487.34 and Jail Fees from the Town of Fayetteville, amount \$47.50.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director informing that President Obama has approved a request from Governor Joe Manchin for a federal disaster declaration for Fayette, Greenbrier, Kanawha, Mercer, Raleigh and Summers counties.

The Commissioners received and reviewed an e-mail from John David to Commissioner Wender regarding Gauley Bridge.

The meeting was adjourned at 1:05 p.m. The next scheduled meeting is April 16, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 16, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 16th day of April 2010.

Commissioner Eskew called the meeting to order at 10:00 a.m.

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

Commissioner Wender suggested scheduling Mike Hofe with Research Environmental and Industrial Consultants, Inc. (REIC) on the May 4 Agenda to discuss the results of March 18, 2010 Mold Inspection/Sampling on the ground floor of the Courthouse Annex.

The Commissioners recessed the County Commission meeting at 10:00 a. m. to test paper and iVotronics devices for Early Voting.

Present for the testing were kelvin Holliday, County Clerk, Carl Harris, Prosecuting Attorney, Ballot Commissioners Larry Dotson and Richard Meadows, Linda Johnson, Debbie Berry, County Administrator.

The Commissioners reconvened the County Commission meeting at 11:30 a. m.

Dickie Smith, Maintenance Supervisor appeared before the Commission to request purchase of 18 to 20 faucets for the Courthouse Annex.

Mr. Smith told the Commissioners he received two quotes from Summit Supply, Inc. 1) for \$107.05 and 2) for \$85.60.

The Commissioners approved for Dickie Smith to purchase 18 to 20 faucets at \$85.60 each for the Courthouse Annex.

Mr. Smith asked the Commissioners permission to purchase a weed eater for the Maintenance Department. The Commissioners approved.

Commissioner Wender asked that Leonard Price with Appalachian Inspections, Allen Ballard and Dickie Smith be scheduled to appear at the first meeting in May (May 4, 2010) to discuss the electrical wiring at the Courthouse.

Commissioner Lopez offered a motion to go into an Executive Session at 11:40 a.m., with Steve Cruikshank, OES Director to discuss a personal matter.

The Commissioners reconvened the County Commission meeting at 1:15 p.m.

Commissioner Wender offered a motion to instruct the County Administrator to issue a letter to Steve Cruikshank, David Neal and Theresa White setting forth that David Neal is the 911 Coordinator, Theresa White, Director of the Office of Emergency Services, Steve Cruikshank, Deputy Director of the Office of Emergency Services and Fire Services Coordinator. Direct the Fire Service Levy Fund to increase Theresa White's pay from the current rate of pay to \$32,000.00 per year with the understanding that Theresa and Steve will diligently work together to obtain grants to offset Theresa White's pay, effective May 1, 2010. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a Notice to the Elected Officials and the Department Heads informing that due to numerous complains the Fayette County Commission has marked various parking spaces as being designated for elected County officials and for handicapped parking. The parking lot between the courthouse and jail will be posted for use by authorized persons only.

The Commissioners signed a letter to Sheriff Steve Kessler requesting his assistance in enforcing the restriction of the parking lot between the Courthouse and Jail area as designated for elected officials and Fayette County Sheriff's Deputies only.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing the security pledged to the Fayette County Commission will not be available for pledge as of April 15, 2010. They have substituted \$200M FHLB cusip 3133XMCL3 4.875% mat. 09-08-17.

Commissioner Wender offered a motion having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank 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.

The Commissioners received and reviewed a drawdown request from Region 4 Planning and Development Council for the New Haven Public Service District Stringtown Road Water Extension, amount \$31,174.69.

Commissioner Lopez offered a motion to approve and sign drawdown request for the New Haven Public Service District Stringtown Water Extension, amount 431,174.69. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion Fayette County Commission authorize 4-C Economic Development Authority to apply through the Division of Highway Industrial Road Access Program for the development of the Wolf Creek Park Project to provide Fayette County up to \$400,000 for fiscal year 2010-2011 and further authorize Commissioner Eskew to sign. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the 1st Quarter Consumer Sales Tax Report for the Fayette County Park.

The Commissioners received and reviewed an Official Oath of Office for Robert I. Richards, a member of the Danese Public Service District.

The Commissioners signed a Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Fayette County Commission for the Upper Paint Creek Watershed Association (\$3,000).

The Commissioners signed a letter to Okey Skidmore approving the request of the West Virginia Blazers AAU Basketball Team to use the Memorial Building for AAU Practice and instructional sessions for the coming year pending no conflict of schedule. The \$1,000 rental fee will be waived however, this approval is until August 31, 2010.

Commissioner Lopez offered a motion to adjourn the County Commission meeting. Commissioner Wender seconded. Unanimous.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is April 20, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 20, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 20th day of April 2010.

Commissioner Lopez called the meeting to order at 9:14 a.m.

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

Commissioner Wender offered a motion to approve and sign real property tickets for Clyde W. and Norma Sypult. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Thelma K. and Ayersman Chris Tyler, John W. Adkins, and Denzil R. and Mona G. Cook. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refund for Clyde W. and Norma Sypult (\$1,529.98). Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes for January 29, February 12, February 18, February 24, March 5, March 12, March 19, and March 24, 2010. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve 2nd half payrolls, checks to be released April 30, 2010. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked the Commission about Liability Insurance for Amy Shumate with the Fayette County Farmland Protection Board.

The Commissioners asked Debbie Berry to check with Jim Lively Insurance regarding this matter.

Ms. Berry presented a letter she received from the State Auditor Office giving a Notice of Approval of the Levy Estimate (Budget) to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission on this day approves the County Commission Levy Order and Rate Sheet for Fiscal Year 2010-2011. Commissioner Lopez seconded. Unanimous. The Commissioners signed the Order laying the Levy to be used in Fayette County for Fiscal year 2010-2011. Kelvin Holliday, County Clerk signed the Levy Rate Sheet for Fiscal Year 2010-2011. (See attached)

The Commissioners signed letters to the outside agencies regarding their contribution for Fiscal Year 2010-2011 Budget.

The Commissioners signed letter to the Elected Officials and Department Heads regarding their Fiscal Year 2020-2011 Budget.

Commissioner Wender offered a motion to approve the transfer of \$77,500.00 reimbursement from the Fayette County Excess Levy Election Expense Fund to the Fayette County General Fund for expenditures for the Special Election for the Renewal of Existing Additional County Levy. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Wender offered a motion to approve ordering the annual pro-rata 5-year costs associated with such special levy election to be deducted from the total annual amount raised for the Law Enforcement Levy Fund (\$4,250), the Library Levy Fund (\$2,000), and the Fire Levy Fund (\$6,250). Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from Region 4 Planning and Development Council a drawdown request for Danese Public Service District, amount \$96.54.

Commissioner Wender offered a motion to approve and sign drawdown request from Region 4 Planning and Development Council for the Danese Public Service District, amount \$96.54. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed Agreement for Contracted Police and/or Security Services for the Fayette County Sheriff's Department to provide extraordinary police and/or security services to Ahern a Division of Kokosing Construction Company.

The Fayette County Sheriff's Department will provide an aggregate of 10½ hours of service during the time period of 7:00 a.m. through 5:30 p.m. beginning April 15, 2010 and ending 6-8 weeks from the start date at a rate of \$40.00 per man-hour of which \$10.00 per man-hour shall be given to the Fayette County Commission for the offset of costs.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that April 2010 marks the forty-

second anniversary of the enactment of Title VIII of the Civil Rights Act of 1968-Fair Housing Law.

In observance of this anniversary and in an effort to emphasize that it is the policy of the State of West Virginia to provide its citizens with equal opportunity and access, Governor Manchin has again proclaimed April 2010 as Fair Housing Month for the State of West Virginia.

The West Virginia Development Office sent a letter encouraging the Commission to implement appropriate activities in commemoration of fair housing.

Commissioner Wender offered a motion to sign Proclamation making April 2010 Fair Housing Month. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners approved for Debbie Berry to write checks for invoices received from the Community Corrections Center.

Rob Steptoe with Crew and Associates appeared before the Commission to discuss the heating system upgrade for the Courthouse.

Mr. Steptoe informed the Commissioners they have done a lot of West Virginia Energy Performance Projects.

Mr. Steptoe told the Commissioners the firm provides their clients with a variety of products that include municipal bond financing, interim note financing for preconstruction activities, lease financing for equipment, refinancing of existing debt, and investment programs for client funds. Crews can also provide gap financing through joint partnering with government funding sources for

projects partially funded with federal stimulus money and other grant or loan proceeds.

After the brief discussion, Commissioner Wender told Mr. Steptoe that our Boiler Replacement Project is only \$107,000.00.

Mr. Steptoe told the Commissioners he would run the analysis and get back with Commissioner Wender.

Melissa Harrah appeared before the Commission to request funding for playground equipment for the Valley Elementary School.

Commissioner Wender offered a motion to make a \$5,000.00 contribution to the Valley Elementary School Project for playground equipment. Commissioner Wender asked that this be paid out of the Coal Severance Fund. Commissioner Lopez seconded. Unanimous.

W. D. Smith, Executive Director Region 4 Planning and Development Council and Dave Pollard, County Resource Coordinator appeared before the Commission to give a brief summary of the Winona Wastewater Project.

W.D. informed the Commissioners that Ed Shutt advised him that they would need approximately \$250,000+ to achieve the readiness to proceed status.

W. D. told the Commissioners that Stafford Consultants, Inc. is committed to working with New Haven Public Service District and the Fayette County Commission in moving the project forward if they can identify a viable plan for funding the readiness to proceed phase and the permanent financing without an assumption of high risks by the project team professionals.

W. D. told the Commissioners Ed Shutt is asking the Commission if they could figure out a better way to come up with the \$250,000.

Commissioner Wender asked Dave Pollard, County Resource Coordinator to draft a letter to Ed Shutt and let him know that the Commission is in receipt of his memo regarding the water and wastewater projects.

Commissioner Wender asked Mr. Pollard to include in the letter they are aware of their request that Mr. Pollard participate in a 2-3 hour work session in re-prioritizing water projects under consideration by the New Haven District and ask that you work with him to schedule such a meeting as soon as possible.

Commissioner Wender asked that the same meeting be used to develop a strategy for acquiring the funds needed for design of the Winona wastewater project.

Commissioner Wender asked that a copy of the letter be sent to W. D. Smith, Executive Director Region 4 Planning and Development Council.

John Breneman, President, Karen Ryan and Lorien MacAuley, members of the Fayette County Farmers Market appeared before the Commission to request their assistance in three important matters.

First, is that the Fayette County Commission renews their lease of the Wiseman Avenue parking lot for the 2010 market year being held every Saturday, 7:30 a.m. to 11:30 p.m. from Mothers Day weekend until mid-November.

Commissioner Wender offered a motion to approve Lease Agreement with the Fayette County Farmers Market to use the courthouse parking lot for operation of a farmer's market every Saturday, 7:30 a.m. from Mothers Day weekend until mid-November. The Lessee shall pay unto the Lessor the monthly rental in the amount of One Dollar and 00/100 (\$1.00) per month. The Lessee shall maintain liability insurance in the amount of One Million Dollars and 00/100 (\$1,000,000.00) on said parking lot and Lessor shall be named as a co-insured. Commissioner Lopez seconded. Unanimous.

Second, they are requesting \$1,670 in monetary assistance from the Fayette County Commission to assist with the setup of an EBTS (Electronic Benefits Transfer System) for the Farmers market and the hiring of a local individual as a Market Booth Coordinator. This individual would administer an EBTS machine at one of their locations which would allow customers to use their Food Stamps assistance to pay for Farmers market produce.

Third, they are requesting that the Fayette County Commission assist them in accessing, if possible, a telephone line and an electrical outlet at the Wiseman Avenue parking lot site during the Fayetteville market hours.

Commissioner Wender offered a motion that Fayette County Commission will allocate \$2,000 to the Farmers Market to assist with the setup of an EBTS (Electronic Benefits Transfer System) and the hiring of a local individual as a Market Booth Coordinator, and access to telephone service and electrical outlet at the Courthouse at the

Wiseman Avenue parking lot site during the Fayetteville market hours. Commissioner Lopez seconded. Unanimous. The Lease Agreement was signed.

The Commissioners recessed the County Commission meeting to go into an Executive Session with Tim Richardson, Zoning Officer, Dave Pollard, County Resource Coordinator, and Carl Harris, Prosecuting Attorney to discuss Arbuckle Public Service District and the City of Oak Hill.

The Commission reconvened the County Commission meeting at 11:25 a.m.

The Commissioners signed a letter to the Fayette County Green Advisory Team informing they fully supports their 2010 Earth Day Celebration planned for Saturday, April 24, 2010, but they asked that all patrons respect the Courthouse grounds, particularly the Marquis de LaFayette Statue. There should be no climbing or hanging on the statue.

The Commissioners signed a letter to the Governor's Office of Economic Opportunity requesting along with our Legislative Delegation a meeting with you during the week of April 26th-30th to discuss the Weatherization Program.

Commissioner Wender offered a motion to send a letter to Region 4 Planning and Development Council notifying them that Fayette County Commission intends to apply for the Energy Efficiency and Conservation Block Grant funds to replace the Boiler at the Fayette County Courthouse. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the March 2010 Table Games will be directly deposited on April 16, 2010, amount \$3,447.80.

The Commissioners received and reviewed a letter from the Department of Revenue State Tax Department informing they have completed and enclosed a summary of the county's appraisal ratio study comparing the accuracy of CAMA values to market values for real property subsequent to our meetings as a Board of Review and Equalization.

The Commissioners received and reviewed a copy of a letter to Detective Rodney K. Perdue, II from Sheriff Steve W. Kessler informing that effective Tuesday, April 6, 2010 and continuing through Monday, April 12, 2010 Mr. Perdue is suspended without pay for a period of five working days. He will return to full duty status on Tuesday, April 13, 2010.

The Commissioners received and reviewed a copy of a letter to Detective-Lieutenant James K. Sizemore from Sheriff Steve W. Kessler informing that effective Wednesday, April 28, 2010 and continuing through Friday, April 30, 2010. Mr. Sizemore is suspended without pay for a period of three working days. He will return to full duty status on Monday, May 3, 2010.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from David Neal, E-911 Coordinator informing effective immediately please add Sandra Kessler, Cora

Stover, and John Lewis to his payroll as Part-time Communications Specialists. Their regular hourly rate of pay is \$7.50 an hour.

The Commissioners received and reviewed a Remittance by the Assessor to the West Virginia State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$103.50 for the month of March.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period of March 1, 2010 to March 31, 2010.

The Commissioners received and reviewed from Branch Banking and Trust Company (BB&T) a list of securities held as collateral to secure the deposits of Fayette County Commission as of March 31, 2010.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April 1, 2010, amount \$75.00 and the week of April 2 to April 8, 2010, amount \$205.00.

The Commissioners received and reviewed from BrickStreet Insurance correspondence regarding Kim Linzy Workers' Compensation claim.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$80.85, Compliance Solutions, Inc., amount \$390.00 and Vonage America, amount \$250.00; Alarm Fees, amount \$\$605.00; Criminal Justice Services-Community Corrections Grant, amount \$26,333.33; Reimbursement Lowe's, amount \$20.00.

The meeting was adjourned at 11:35 a.m. The next scheduled meeting is May 4, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 4, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 4th of May 2010.

Commissioner Lopez called the meeting to order at 9:06 a.m.

Mary Weatherford 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 David P. Rightenour, Daniel M. Tygrett, Marc Eugene and Christina J. Whitney, Thomas M. and Beverly H. Oxley, and Rebecca D. Blevins. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property ticket for Elva Jean White. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes of April 9, April 16, and April 20, 2010. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve 1st half payrolls, payrolls to be released May 14, 2010. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$4,725.00 for the months of April and May.

Ms. Berry told the Commissioners she sent the Fiscal Year 2008-2009 Financial Statement to the papers to be published.

The Commissioners received and reviewed a letter from William R. Laird IV, Chairperson for the Local Criminal Justice Board informing that a board seat that had been occupied by Jill Smith, who is no longer employed by the Child Protective Services Division of the DHHR is currently vacant.

Mr. Laird is requesting that the Fayette County Commission appoint Celi Van Dyke to the vacant seat on the Local Criminal Justice Board representing victims of crime.

Commissioner Wender offered a motion to appoint Celi Van Dyke to fill the term of Jill Smith, Advocate from Organization for Rights of Victims of Crimes as a member of the Fayette County Community Criminal Justice Board. Commissioner Lopez seconded. Unanimous.

Debbie Tate, County 4-H Program Coordinator appeared before the Commissioners to discuss the Work Order she presented to the Commission on May 1, 2009 and to discuss the 4-H Camp Contract Agreement at the Fayette County Park.

The Commissioners reviewed the Work Order and suggested to Ms. Tate to review with Dickie Smith, Maintenance Supervisor and work out. The Commissioners told Ms. Tate they would review and check the building with Mr. Smith the first meeting in June.

Ms. Tate discussed the 4-H Camp Contract Agreement with the Commission.

Ms. Tate told the Commissioners the problems she is having with Earl Pauley, Park Superintendent regarding their request to modify the camp rental agreement, the campers use of the pool, and the extension of the day activities.

Commissioner Lopez suggested having Earl Pauley come up and sit down with them to discuss.

Commissioner Lopez asked to schedule Debbie Tate and Earl Pauley (for 45 minutes) to attend the first Commission meeting in June to discuss further.

Commissioner Wender asked Ms. Berry to send him an e-mail to work out the rest of the Commission Agenda for the year.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer informing that the Fayette County Planning and Zoning Commission took action regarding the appointment of one member of the Fayette County Hearing Board at their regularly scheduled meeting April 26, 2010.

The Planning and Zoning Commission moved to appoint Pete Hobbs of Ansted as the Commission designated appointee.

Commissioner Wender offered a motion to appoint Pete Hobbs a member of the Fayette County Hearing Board, term to expire May 4, 2012. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to William C. Hannabass, City Manager of the City of Oak Hill informing the Fayette County Commission is in support of the Oak Hill Sewer Improvement Project.

The Commissioners signed a letter to the Town of Gauley informing the Fayette County Commission has completed their budget for the Fiscal Year beginning July 1, 2010 and they have approved \$2,000 for the Gauley Bridge Senior Center.

The Commissioners received and reviewed a letter from Richard Linio, Director of Facilities Management and Facilities Planning at the West Virginia University Institute of Technology requesting a letter of support of the West Virginia University Institute of Technology in obtaining a Community Facilities Grant.

The Commissioners signed a letter of support for the West Virginia University Institute of Technology.

The Commissioners received and reviewed a request from Sally Hurst asking that the Commission approve a contribution to the Energy Express at Mount Hope.

Commissioner Wended asked Ms. Berry to give Ms. Hurst a call and ask how much of a contribution she is requesting.

Commissioner Wender offered a motion that the Fayette County Commission would approve up to \$700.00 contribution to the Mount Hope Energy Express. Commissioner Lopez seconded. Unanimous.

Ms. Berry told the Commissioners that Dickie Smith, Maintenance Supervisor informed her that Danny Wright, Circuit Clerk is requesting a computer line for his new employee. The Commissioners approved for Mr. Smith to run a computer line.

The Commissioners received and reviewed an invitation from Page-Kincaid Public Service District inviting the Commission to attend the ribbon cutting/dedication of the Ingram Branch Wastewater Collection and Treatment System being held at the Ingram Branch Wastewater Treatment Plant on Monday, May 17, 2010 at 10:30 a.m.

The Commissioners received and reviewed an invitation from Dave Pollard, Program Chair, inviting the Commission to attend the Graduation Ceremony and Banquet honoring the 2009-2010 graduates of the Leadership Fayette County Program.

Ms. Berry reminded the Commission that Know Your Government Day is Friday, May 7, 2010. Ms. Berry told the Commissioners since they are using the Commission Room to give out election supplies she will be taking the groups up to the 911 Center.

Ms. Berry told the Commissioners they need to transfer money from the General County Fund to the Dog Tax Fund.

Commissioner Wender offered a motion to transfer \$4,500.00 from the Fayette County General Fund to the Fayette County Dog Tax Fund. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a final drawdown request to the West Virginia Development Office for the Prudence Road Fire, amount \$3,000.00.

Commissioner Wender offered a motion to approve request to the West Virginia Development Office to drawdown \$3,000.00 for the Prudence Road fire Hydrant. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office certifying that the Fayette County Commission will provide the required 10% local match for the Sportsman Recreation Center Grant (\$5,000).

Ms. Berry presented Resolutions to be signed for the Upper Kanawha Valley Community Center (\$4,000), the Fayette County Sheriff Department (\$3,000), and the Fayette County Community Corrections Program-Day Report Center (\$2,000).

Commissioner Wender offered a motion to adopt the three Resolutions (Upper Kanawha Valley Community Center, Fayette County Sheriff Department and the Fayette County Community Corrections Program-Day Report Center) and authorize the Presiding Commissioner Lopez to execute on behalf of the County Commission. Commissioner Lopez seconded. Unanimous. Resolutions signed.

The Commissioners asked that Assistant Prosecuting Attorney meet with Attorney William McCourt to discuss the motion to remove the Executrix and motion to re-open the Estate of Ben Willard Olds, Sr.

The Commissioners adjourned the County Commission at 10:00 a.m. to run the test on the iVotronics for the Primary Election.

The Commissioners reconvened the County Commission meeting at 10:52 a.m.

Assistant Prosecuting Attorney asked that the 10:00 hearing regarding the Estate of Ben Willard Olds be continued.

Mr. Steele informed the Commissioners that the Executrix Rebecca J. Olds did not have an attorney.

The Commissioners asked that this be rescheduled on the July agenda.

Senator William Laird and Delegate David Perry appeared before the Commission to present Certificates from the Governor's Community Participation Grant Award for the Upper Kanawha Valley Community Center (\$4,000), the Fayette County Sheriff Department (\$3,000), Gauneka Ruritan Center (\$5,000) and the Fayette County Community Corrections Program-Day Report Center (\$2,000).

The Commissioners approved Kelvin Holliday, County Clerk travel voucher.

Kelvin Holliday asked the Commissioner if they would unlock the Ballot Room at 4:00 to bring down ballot material and supplies to be given out Thursday and Friday.

Commissioner Wender offered a motion to authorize Dickie Smith, Maintenance Supervisor to unlock ballot room with the understanding that this is ballot material and supplies only to be given out Thursday and Friday. Commissioner Lopez seconded. Unanimous.

Theresa White, Director OES appeared before the Commission to ask that they sign a Resolution to adopt the Fayette County and Municipalities Pre-Disaster Mitigation Plan.

Commissioner Wender offered a motion that Fayette County Commission adopts the Fayette County and Municipalities Pre-Disaster Mitigation Plan and a copy of the Resolution be attached with the minutes. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. White gave a Status Update for Dunloup Creek Watershed Buyout Project.

Ms. White told the Commissioners that they had given 12 properties to the Appraisal to review. They received only 3 back. All 3 had multiple revisions to be corrected, Appraisal reviews 3 completed multiple reviews was needed for each.

The Commissioners asked Ms. White what she recommends. Ms. White told the Commissioners she recommend going with the other appraisals.

Commissioner Wender offered a motion to terminate the contract with Mike Tyree for nonperformance and suggested offering the contract to the other appraisals. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to authorize Theresa White to offer the Contract and appraisal work for the Dunloup Creek Project buyout to the other 2 bidders with the initial bid offer. Commissioner Lopez seconded. Unanimous.

Ms. White told the Commissioners that \$19,507.88 is the amount money paid out.

Allen Ballard and Leonard price appeared before the Commission to discuss the electrical issues at the Courthouse.

After a brief discussion, the Commissioners suggested asking Dan Snead to get with Allen Ballard and Leonard price to discuss further.

Allen Ballard told the Commissioners that the 911 Center has software to identify abandoned and dilapidated properties.

Mr. Ballard asked the Commissioners if they would approve purchase of software and hardware equipment for the Fayette County Beautification Committee to connect with the 911 Centers' equipment to help identify abandon and dilapidated buildings.

Commissioner Wender offered a motion that Fayette County Commission will spend up to \$1,000.00 for software and hardware for identification of mapping for dilapidated buildings. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Valley Elementary Local School Improvement Council thanking the Commission for their donation of \$5,000.00 toward their new playground facility for the school. An invoice attached.

Commissioner Wender offered a motion to approve payment of \$5,000.00 out of the current budget to the Valley Elementary Local School Improvement Council for the Playground Facility Project. Commissioner Lopez seconded. Unanimous.

The Commissioners reviewed and approved abstract toward beautification of Fayette County, West Virginia from Aletha Stolar, Vice Chair Fayette County Dilapidated Building and Beautification Committee.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for wine, liquor and private club taxes will be directly deposited on April 27, 2010,

amount 281.12, funds due for the 75% of the coal severance tax will be directly deposited on April 22, 2010, amount \$115,671.21 and funds due for the March Limited Video Lottery will be directly deposited on April 26, 2010, amount \$6,647.72.

The Commissioners received and reviewed from the Fayette County Zoning Office minutes of their April 26, 2010 meeting.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding Kanawha Falls Public Service District (Kanawha Falls & Boonesborough) Water Project.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April 9 to April 15, 2010, amount \$896.00 and the week of April 16 to April 22, 2010, amount \$768.00.

The Commissioners received and reviewed a letter from the Fayette County Health Department informing that it's time to renew the Permits to operate the food establishment at the Fayette County Park for Fiscal Year 2010-2011.

The Commissioners received and reviewed a copy of a letter from Eddie Young, Assessor to Debbie Aliff, Payroll Clerk informing that effective May 1, 2010 Tommy L. Jackson will be employed on a full time basis as the PVC Mapper. He will continue to be paid from the PVC Fund at an annual salary of \$48,000.00.

The Commissioners received and reviewed a letter from the United States Environmental Protection Agency congratulating and confirming that the Fayette County Commission was selected as one of the entities EPA will begin negotiations with to award a cooperative agreement for an assessment grant.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period March 23, 2010 through April 22, 2010.

The Commissioners received and reviewed correspondences from the West Virginia Association of Counties and the County Commissioners' Association of West Virginia.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding Kim I. Linzy Workers' Compensations claim.

The Commissioners received and reviewed several correspondences from WorkForce West Virginia regarding Jack M. Feltner Unemployment Claims.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$23,245.15, Level 3 Communications LLC, amount \$102.00, Granite Telecommunications LLC, amount \$200.00, IDT Corporation, amount \$12.00, Cebridge Telecom, WV d/b/a Suddenlink, amount \$6,696.00, AT&T Communications of WV, amount \$418.00, 8x8, Inc., amount \$106.00; checks for Franchise Fees from Suddenlink Communications, amount \$46,868.28; and check from Criminal Justice Services for Community Corrections Grant, amount \$19,072.77.

The meeting was adjourned at 12:15 p.m. The next scheduled meeting is May 14, 2010.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 14, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 14th day of May to canvass the votes cast in the Primary Election held on May 11, 2010.

Commissioner Eskew called the canvass to order at 9:00 a.m.

The canvass was adjourned at 12:00 p.m.

The Commission reconvened for a County Commission meeting at 1:10 p.m.

The Commissioners approved vouchers and invoices, checks to be released today.

The Commissioners signed the Election Results including the 55 Provisional Ballots from the Primary Election held on May 11, 2010.

The Commissioners signed a letter of support to the Southern Appalachian Labor School (SALS) seeking Housing Preservation Grant funds and a letter of support for SALS Home Rehabilitation Program.

The meeting was adjourned at 1:20 p.m. The next scheduled meeting is May 18, 2010.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 18, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: John H. Lopez, Matthew Wender

The Fayette County Commission met in a special session on this 18th day of May 2010.

Commissioner Lopez called the meeting to order at 9:20 a.m.

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

There were no exonerations and no minutes to be approved.

Sheriff Steve Kessler presented the Delinquent Tax List for the Year 2009 to the Commissioners.

Commissioner Wender offered a motion to accept the copies of the Delinquent Tax List for Real Estate in Fayette County for the non-payment of taxes thereon for the year 2009, which said list being examined by the Commission. Commissioner Lopez seconded. Unanimous.

The Commissioners approved the following schedule for the County Commission meetings: June 11, June 25, July 9, July 23, August 6, August 27, September 10, September 24, October 6, October 26, November 8, November 12, December 3 and December 17, 2010.

Ms. Berry told the Commissioners in August 2007 they created a Fayette County Planning Commission Hearing Board. Mr. Richardson informed her that the Fayette County Commission has to appoint a member to serve on this Hearing Board.

Commissioner Wender informed he would serve on the Fayette County Planning Commission Hearing Board for a two-year term.

Ms. Berry presented a drawdown request from Region 4 Planning and Development Council for the New Haven Public Service District-Stringtown Road Water Extension in the amount of \$196,737.44 to the Commissioners.

Commissioner Wender offered a motion to approve drawdown request for the New Haven Public Service District-Stringtown Road Water Extension, amount \$196,737.44. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Robert and Judith Rider asking again for assistance for the families located along a segment of the Armstrong Creek in correcting the flooding of the creek.

Discussion was held, the Commissioners asked Ms. Berry to forward a copy of the letter to Theresa White, OES Director and ask her if there is anyway this home could be considered for a FEMA buyout.

Commissioner Wender asked that Theresa White schedule time on the May 28, 2010 County Commission meeting to discuss further.

Allen Ballard, Building Inspector and Bill Hannabass, City Manager for the City of Oak Hill appeared before the Commission to request a renewal of the Building Code Agreement with the City of Oak Hill for another year.

Mr. Ballard told the Commissioners as of April 30, 2010 a \$14,000 profit has been made and at the end of the year Fayette County will reimburse the City of Oak Hill half.

Commissioner Wender offered a motion that the Fayette County Commission agrees to extend Agreement with the City of Oak Hill to adopt the Building Code Agreement for the enforcement of buildings effective July 1, 2010 to June 30, 2011. Commissioner Lopez seconded. Unanimous.

Morgan Armstrong, CEO Plan Benefit Services, Inc. appeared before the Commission to discuss further the contract for Turn-Key GASB 45 Mitigation and Implementation Strategies (OPEB Liability).

Mr. Armstrong gave a brief summary on what was discussed at the April 9, 2010 County Commission meeting.

Mr. Armstrong talked about the Fayette County Commission pulling out of the PEIA Insurance Coverage.

Mr. Armstrong told the Commissioners they offer a Retiree Medical Benefit Package.

Mr. Armstrong told the Commissioners their fee for the full turn-key program is \$2,000.00.

Commissioner Wender told Mr. Armstrong he is very reluctant to pull out of PEIA, would hate to do anything in advance.

Commissioner Lopez told Mr. Armstrong before the Commission would even consider pulling out of PEIA they would have to meet and discuss with the Elected Officials and get feedback from the employees.

Mr. Armstrong suggested to the Commission to contact Patti Hamilton, Executive Director, West Virginia Association of Counties to find out more information.

Commissioner Wender offered a motion that the Fayette County Commission enters into a contract with Blackburn Actuarial, Inc. (\$2,000) for the purpose of determining their benefit obligations. Commissioner Lopez seconded. Unanimous.

The Commissioners told Mr. Armstrong they would have the Prosecuting Attorney to review the contract.

Mike Hofe, Consultant for REIC appeared before the Commission to give a brief summary of the results of March 18, 2010 Mold Inspection/Sampling of the Courthouse Annex Ground Floor.

Mr. Hofe told the Commissioners there were no water issues, nothing to address.

Commissioner Wender suggested making copies available for Sheriff Steve Kessler, Dickie Smith, Maintenance Supervisor, and Eddie Young, Assessor and they are to discuss with their employees and if they have any questions concerning this report to contact Mike Hofe (304) 255-2500.

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 2010 (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 West Virginia.

The Commissioners signed a letter to the Elected Officials and Department Heads asking that they submit all invoices dated on or before June 30, 2010, to Stephanie Sears as soon as possible but no

later than July 1, 2010. Submit travel reimbursements for June to Stephanie Sears by June 25 and submit the balance of their June travel reimbursement by noon on July 1, 2010. Contact Debbie Aliff, Payroll Clerk for any payroll related deadlines for June.

The Commissioners signed a letter to the Elected Officials attaching an Annual Report form for use in filing a report with the County Commission and the State Tax Commissioner as required on the first day of June of each year.

The Commissioners received and reviewed a Request for Reimbursement from Carri Strunk to the West Virginia Division of Criminal Justice Services for the Strategic Prevention Framework State Incentive Grant (SPF-SIG) for the amount of \$5,557.41.

Commissioner Wender offered a motion to approve drawdown request to the West Virginia Division of Criminal Justice Services for the SPF-SIG grant, amount \$5,557.41. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from David Neal, E911 Coordinator a request to purchase a generator to replace the existing unit on Mann Mountain and a request to purchase a plotter printer.

Mr. Neal told the Commissioners they have a rental unit currently in use cost \$558.00 per week or \$1,674 per month (\$558.00 x 3 weeks 1 week free discount) estimated use 2 months cost \$3,348.00) or option to lease purchase a mobile generator, cost \$1,952.00 per month x 6 months. Ownership at the end of the lease total cost \$11,712.00.

Commissioner Wender offered a motion to purchase a new plotter printer from Charleston Blueprint at \$4,170.00 with a 5-year warranty. To be paid out of the 911 Fund. Commissioner Lopez seconded.

Commissioner Wender offered a motion to purchase a new generator provided Mr. Neal get two (2) other bids. The lower bid would be approved. To be paid out of the 911 Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Substance Abuse Task Force requesting that the Fayette County Commission match the \$5,000 funding received from the West Virginia Partnership to Promote Community Well-being to assist in this vital process.

Discussion was held, the Commission asked Ms. Berry to contact Carri Strunk and let her know that the Commission only approved \$2,000 match for the Fayette County Substance Abuse Task Force.

The Commission approves to pay the invoice received from the Fayette County Farmers Market for the purchase of Fayette County Farmers Market Information/EBT Stand Coordinator and EBT related equipment, amount \$2,000.00.

The Commissioners approved vouchers for the Poll Workers who worked the May 11, 2010 Primary Election.

The Commissioners signed the 2010 Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Fayette County Commission in the amount of

\$2,000 to purchase educational media and equipment for the Fayette County Community Corrections Program-Day Report Center.

The Commissioners signed an Order and an Appointment to Serve Letter reappointing Debra Fragala-Pories a member of the Fayette County Board of Health for a five (5) year term, the term to expire June 30, 2015.

The Commissioners approved paying the invoice from the Town of Fayetteville for \$122.92 for sidewalk repair to the Fayette County Health Department.

Commissioner Lopez announced that the Commission is here today to certify the canvass of the Primary Election.

Ms. Berry presented the Abstracts by Voting Precincts and an Order to be signed by the Commission.

The Commissioners reviewed the Abstracts and Order. Commissioner Wender offered a motion that the 2010 Primary Election be certified and all documents are signed. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Order certifying the results of the canvass for the 2010 Primary Election. A letter and certificates were forwarded to the Secretary of State and the County Clerk giving the results of the canvass.

The Commissioners approved High Speed Internet Service Plan for the Fayette County Park, amount \$79.00 a month.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS New River Humane Society Allocation, amount

\$14,239.74 for the month of May and Weekly Fees Collected for the week of April 23 to April 29, 2010, amount \$516.00, the week of April 30, 2010, amount \$112.00 and the week of May 1 to May 6, 2010, amount \$211.00.

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

The Commissioners received and reviewed a letter from Wells Fargo regarding Three Rivers Companies.

The Commissioners received and reviewed a letter from the Lower Paint Creek Watershed Association, Inc. inviting Commissioner Ken Eskew to their Sixth Annual Children's Fishing Day being held on May 15, 2010 at the Handicap fishing Pier on Paint Creek.

The Commissioners received and reviewed a copy of a letter from State Farm Insurance Companies informing James and Sulestine Atkinson of the Debris Removal coverages available in their Rental Dwelling policy.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the funds due for the April 2010 Fayette Lottery will be directly deposited on May 17, 2010, amount \$43.34 and the funds due for the April 2010 Table Games will be directly deposited on May 17, 2010, amount \$3,370.32.

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$58.50 for the month of April.

The Commissioners received and reviewed a letter from the Page-Kincaid Public Service District inviting the Commission to the ribbon cutting/dedication of the Ingram Branch Wastewater Collection and Treatment System being held at the Ingram Branch Wastewater Treatment Plant on Monday, May 17, 2010 at 10:30 a.m.

The Commissioners received and reviewed a letter from the Board of Review WorkForce West Virginia regarding claimant Jack M. Feltner, Case #R-2010-1644.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties giving the unofficial results of the Primary Election.

The Commissioners received and reviewed a letter from the Bank of New York Mellon enclosing an Account Statement for the Period April 1, 2010 through April 30, 2010.

The Commissioners received and reviewed a several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed a letter Sedgwick CMS regarding Becky J. Toney claim.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$22,862.28, Frontier Communications, amount \$48.98, Telecommunications Company, amount \$48.99, and Vonage Tax Account, amount \$256.00, a check for Jail Fees from the Town of Ansted, amount \$142.50 and a refund check from the United States Treasury, amount \$298.98.

The Commissioners received and reviewed an e-mail to Debbie Aliff, Payroll Clerk from David Neal, E911 Coordinator informing of Jewell Crites and Ronnie Leflar leave hours accumulated at the end of April.

The Commissioners received and reviewed an e-mail Jack McClung reminding Commissioner Wender of his request for additional funds for the Oak Leaf Festival.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Allen Ballard regarding a follow-up on the SALS Carlisle Project Inspections.

The Commissioners received and reviewed an e-mail to Commissioner Wender regarding a conference call to discuss the Summer Food Service Program TANF Emergency Funds.

The meeting was adjourned at 1:10 p.m. The next scheduled meeting is May 28, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 28, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 28th day of May 2010.

Commissioner Eskew called the meeting to order at 9:04 a.m.

Discussion was held regarding the e-mail the Commission received from Bob Meadows regarding the repairs at the Shooting Range.

Mr. Meadows is asking why the repairs they presented and were approved by the County Commission have not been completed.

Discussion was held, Commissioner Lopez suggested having Earl Pauley, Bob Meadows, Jodie Ward and Peggy Bennett come here and sit down and discuss the matter.

Sheriff Steve Kessler appeared before the Commission to inform them that he has received notification from the Bureau of Justice Assistance that the Fayette County Sheriff's Office is eligible to receive \$21,042.00 in direct Federal Grant funding for the 2010 fiscal year.

Sheriff Kessler told the Commissioners no matching funds are required for them to receive this grant funding.

Sheriff Kessler told the Commissioners they are required to request public comment on the manner in which these funds should be expended.

Sheriff Kessler told the Commissioners these grant funds will be used for law enforcement training, to provide training for new members of the Sheriff's Tactical Team, to purchase TASERS and in-car video systems, to provide ongoing training for Deputy Sheriffs assigned to the Sheriff's Drug Unit and/or to purchase an upgraded CVSA System from VIPRE systems.

Sheriff Kessler told the Commissioners the contact person would be Detective-Lieutenant J. K. Sizemore.

Attorney Vickie Hylton appeared before the Commission with questions about payment of Sheriff Steve Kessler's agreement for contracted police and/or security services to the deputies.

Ms. Hylton asked the Commissioners if the deputies are to be paid as contracted services or is the payroll clerk to deduct federal, state taxes and FICA from their payroll.

The Commissioners asked Ms. Hylton to call a representative from the IRS to check and see how they should proceed and get back with the Commission today.

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 Catherine M. Blankenship, Oak Hill SNF Operations, LLC, Kenneth R. Miller, Jr., Virginia L. Crane, Gerald A. and Kelly A. Wilburn, Jr., Russell W. or Linda C. Light, Connie and Terry Dunbar and George and Elizabeth Yurkovich. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property ticket for Bradie and Nancy Workman. Commissioner Lopez seconded. Unanimous.

Eddie Young presented the Real Property Tax Books and the Personal Property Tax Books to be certified and examined to the Commissioners.

Commissioner Lopez offered a motion to certify that they have examined the Personal and Real Property Tax Books and have made such

correction and fixed such valuations and that this record shows the complete valuation and assessments of the personal and real property of Fayette County for the Year 2010. Commissioner Wender seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve 2nd half payrolls for the month of May, checks to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of May 14, 2010. Commissioner Lopez seconded. Unanimous.

Bill Hannabass, City Manager for the City of Oak Hill presented application for Annexation by Minor Boundary Adjustment for portions of the White Oak Rail Trail to the Commissioners.

Mr. Hannabass told the Commissioners that the purpose of the annexation is to make the ordinances of the City consistent along the White Oak Rail Trail and provide the Oak Hill Police Department with jurisdiction.

Commissioner Wender offered a motion to accept the application for the Annexation by Minor Boundary Adjustment for portions of the White Oak Rail Trail. The Commissioners request that the City of Oak Hill advertise. The Commission will have a hearing on June 25, 2010 to hear comments and opinions. Commissioner Lopez seconded. Unanimous.

Attorney Vickie Hylton returned to the Commissioners to give them their answer regarding the deputies' overtime pay.

Ms. Hylton told the Commissioners she talked with the representative from the IRS and was told the Commission would have to take out taxes.

Ms. Hylton told the Commissioners the \$10.00 can be used for matching funds.

Commissioner Lopez suggested paying the payroll clerk administrative fee. The Commission approved.

Commissioner Wender offered a motion that Fayette County Commission will pay the deputies as if this is their regular wage taking out state, federal and social security taxes, the Commission would be obligated for the Workers' Compensation and Retirement. Commissioner Lopez seconded. Unanimous.

Jeff Wood representative for the State of Coalfield Community Development appeared before the Commission to request that the Fayette County Commission authorize the State of West Virginia Division of Energy to update the County maps regarding surface mining that will be incorporated with the Boy Scouts of America.

Commissioner Wender offered a motion that the Fayette County Commission authorize the State of West Virginia Division of Energy to update the County maps regarding surface mining that will be incorporated with the Boy Scouts of America. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commissioners that Sylvia Allen had called him 6-8 months ago regarding the County naming a County Historian.

Ms. Allen had asked that the Commission sign a Proclamation naming Daniel Wright, Circuit clerk the County's Historian.

Present for the discussion was Sylvia Allen and Kelvin Holliday.

Commissioner Wender told Ms. Allen that they had discussed this with the Prosecuting Attorney. He informed the Commission that he sees no problem with naming Mr. Wright the County's Historian.

The Commission asked Ms. Allen if she would prepare the Proclamation the Commission will take action on naming Daniel Wright our County's Historian.

Discussion was held regarding the Fayette County Park roof. The Commissioners suggested advertising for a carpenter.

Commissioner Wender offered a motion that the Commission goes into Executive Session to discuss a Building Inspector matter.

Commissioner Lopez seconded. Unanimous.

The Commission adjourned the County Commission meeting at 10:30 a.m.

The Commission reconvened the County Commission meeting at 11:25 a.m.

Commissioner Wender informed the Commission he had talked with Kelly Davis, Acting Director of the Office of Economic Opportunity regarding our Weatherization Program.

Earl Smith, with the Weatherization Program in Wyoming County under the Mountain Heart Community Services, Inc. appeared before the Commission to give a summary of their Program.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission previously met with Mountain Heart Community Services, Inc. of Wyoming County and they have given assurance that a warehouse and work crew will be located in Fayette County along with a long successful history of the Mountain Heart Community Services, Inc., Fayette County Commission would like for the supervision and operation of their Weatherization Program be under the Mountain Heart Community Services, Inc. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission will request to the Governor's Office of Economic Opportunity that Fayette County Commission would like supervision of the operations of the Fayette County Weatherization Program to be with the Wyoming County Weatherization Program. Commissioner Lopez seconded. Unanimous.

Theresa White, OES Director appeared before the Commission to present the letter she prepared responding to Robert and Judith Rider letters dated March 2004 and May 2010 regarding the flooding along Armstrong Creek.

The Commission reviewed the letter and approved to send to Mr. and Mrs. Rider.

Ms. White told the Commissioners she received the ARRA Demolition Project Agreements and she and Carl Harris, Prosecuting Attorney has several questions regarding the Agreements.

Ms. White told the Commissioners she rather they not sign the Agreements today.

Commissioner Wender asked that Greg Stone, Theresa White and Carl Harris be scheduled on the agenda for June 11, 2010 to discuss the ARRA Demolition Project Agreements further.

The Commissioners asked Ms. Berry to e-mail Greg Stone and inform him that the Commission would like to schedule him for our June 11, 2010 meeting to discuss and answer questions regarding the Dunloup Creek Project ARRA Demolition Agreements.

Commissioner Wender offered a motion that Fayette County Commission will enter into a contract with Blackburn Actuarial, Inc. Account Liability, add language that no expense or charge tot he Fayette County Commission may be made beyond Two Thousand Dollars (\$2,000) without first obtaining written consent from the Commission for a specific additional amount. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners they have prepared the check for the Fayette County Jail and Law Enforcement Museum (\$1,500) for Fiscal Year 2009-2010.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for David E. Backus, Donna and

Harold Bibb, William and Kathy Reed, and David and Dorothy Robertson.
Commissioner Wender seconded. Unanimous.

Commissioner Wender asked ms. Berry to make reservations at Stonewall Jackson Resort and Conference Center for their County Commissioners' Annual Meeting being held August 1st, 2nd and 3rd, 2010.

Ms. Berry presented the grant application for the West Virginia Energy Efficiency and Conservation Block Grant Program to replace the boiler at the Fayette County Courthouse to the Commissioners.

Commissioner Wender offered a motion that Fayette County Commission will submit a grant to the West Virginia Energy Efficiency and Conservation Block Grant to replace the boiler at the Fayette County courthouse. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Judge Paul Blake informing of the concerns of the needed long overdue repairs and upgrades to the Circuit Court level (third floor) of the Courthouse Judicial Annex.

Ms. Berry informed the Commissioners at their last meeting they appointed Commissioner Wender as a member of the Fayette County Planning Hearing Board.

Ms. Berry told the Commissioners that since Commissioner Wender is a County Commissioner he cannot serve.

Commissioner Eskew suggested asking Aletha Stolar if she would like to serve.

Ms. Berry presented a letter for the West Virginia Development Office requesting final drawdown for the Fayette County Sheriff's Department Laptop Computers, amount \$9,000.00 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown request to the West Virginia Development Office for the Fayette County Sheriff's Department Laptop Computers, amount \$9,000.00. Commissioner Eskew seconded. Unanimous.

Ms. Berry presented a letter for the West Virginia Development Office requesting final drawdown for the American Red Cross, amount \$4,249.53 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown request to the West Virginia Development Office for the American Red Cross, amount \$4,249.53. Commissioner Eskew seconded. Unanimous.

Ms. Berry presented a letter for the West Virginia Development Office requesting final drawdown for the Fayette County Starting Point, amount \$2,000.00 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown request to the West Virginia Development Office for the Fayette County Starting Point, amount \$2,000.00. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting that their contract with the West Virginia Development Office for the exterior doors at the Fayette County Soldiers and Sailors Memorial Building be extended to cover the period from July 1, 2010 through June 30, 2011.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the Community Corrections Center, amount \$22,154.45 for the month of April.

The Commissioners received and reviewed a drawdown request from Region 4 Planning and Development Council for Danese Public Service District Water Extension Project #07ARCP15639, amount \$13,197.95.

Commissioner Lopez offered a motion to approve drawdown request from Region 4 Planning and Development Council for Danese Public Service District Water Extension, amount \$13,197.95. Commissioner Wender seconded. Unanimous.

The Commissioners signed letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of June.

The Commissioners signed the Hazard Mitigation Property Lease Agreement between the Fayette County Commission (Landlord) and Oather Jones (Tenant).

The Commissioners received and reviewed a letter from the Outpouring Church requesting use of the Memorial Building for their June 26 and July 24 meetings.

Ms. Berry told the Commissioners she sent a copy of the letter to Carl Harris, Prosecuting Attorney to review and advise.

Mr. Harris informed her that since we rent the building and have a rental policy, he believes they would have a right to rent the same as anyone else.

The Commissioners signed Application for a Permit to Operate a Food Establishment from the Fayette County Health Department.

Ms. Berry told the Commissioners that Dan Snead sent over a drawdown request to the West Virginia Courthouse Facilities Improvement Authority for Flat Top Construction, Inc. for the Fayette County Courthouse walks and wall repairs, amount \$68,557.50.

The Commissioners received and reviewed Requisition from the County Clerk's Office requesting a Ballot Jogger, cost \$750.00.

The Commissioners asked Ms. Berry to get a quote from Plateau Printing.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festivals inviting the Commissioners to participate in their New River Gorge Heritage Festival 4th of July Celebration Parade to be held on July 2, 2010.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler requesting a Budget Adjustment to his Fiscal Year 2009-2010 Law Enforcement, amount \$20,000.

Commissioner Wender offered a motion that Fayette County Commission makes a budget adjustment for the Fayette County Sheriff's Department in the amount of \$20,000 for his overtime line item budget for the Law Enforcement General County Fund Budget. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting that the remainder of his annual

travel budget be transferred to the general fund so that he can purchase needed office furniture and supplies.

Commissioner Wender offered a motion to approve the request of the Circuit Clerk and authorize the transfer of the remainder of his travel budget to the general fund budget. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk authorizing withdrawals from his record books line item for the fiscal year ending June 30, 2010 to cover additional June overspending through May 2010.

Commissioner Wender offered a motion to transfer money from the County Clerk's record books line item to the Group Insurance (PEIA), Extra Help and Travel line items. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Elected Officials and Department Heads asking that they submit a summary balance report to the Fayette County Commission of accrued unused vacation and compensatory leave for each full-time employee in their department as of June 30, 2010.

The Commissioners received and reviewed a letter from Ford Motor Company informing that prior their notification regarding an open safety recall (05528) to address a potential underhood fire risk on vehicles' 2FALP71WXVX160356-1997 Crown Victoria, 2FALP71WOSX18348-1995 Crown Victoria, 2FALP71W2SX183481-1995 Crown Victoria, and 2FALP71W3VX142278-1997 Crown Victoria, Ford Motor Company records

indicate the vehicles have not been brought to a Ford dealer for repair.

The Commissioners received and reviewed a copy of a memo from Stephen A. Lewis, MD, F.A.C.C. informing that Thomas Steele is out of work effective immediately.

The Commissioners received and reviewed a letter from Shental Cable Company informing they will be making changes to its West Virginia cable television business.

The Commissioners received and reviewed a letter from Buckskin Council #617 thanking the Commission for their \$1,000 contribution for 2010.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for their letter of support for the inclusion of funds in the Fiscal Year 2011 Department of Defense Appropriations bill, for the Medical Evaluation Data Conversion Support System (MEDCSS) program.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the April Limited Video Lottery will be directly deposited on May 26, 2010, amount \$7,312.43.

The Commissioners received and reviewed a letter from U. S. Cellular regarding a loaner phone borrowed while Signal claim was being processed.

The Commissioners received and reviewed a copy of the Certificate of Operations for the Courthouse Elevator.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of May 7 to May 13, 2010, amount \$897.00 and the week of May 14 to May 20, 2010, amount \$194.00.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period April 24 to May 21, 2010.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing the securities pledged as of April 30, 2010.

The Commissioners received and reviewed checks for 911 Fees from AT&T IXCs & Alascom, M. E., amount \$308.00, Level 3 Communications, LLC, amount \$102.00, Granite Telecommunications, LLC, amount \$222.00, Cequel Communications Holdings, ME, amount \$7,108.00, IDT Corporation, amount \$12.00, Mountain Communications, LLC, amount \$76.93 and One Communications Corp., amount \$2,388.14; Jail Fees-Town of Ansted, amount \$47.50; Franchise Fee-Shental Cable Company, amount \$1,385.02; Sailors and Soldiers Fund, amount \$200.00; Lease deposit Oather Jones, amount \$1.00; Human Services Division-FRN, amount \$10,000.00; Criminal Justice Services-SPF-SIG, amount \$4,736.05; Reimbursement Town of Fayetteville (salt), amount \$726.28 and Saints Peter and Paul School-use of the Memorial Building, amount \$438.76.

The Commissioners received and reviewed an e-mail from the American Red Cross informing Lifeguard Class is scheduled for June 1st through June 3rd at the Fayette County Park.

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is June 11, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 11, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 11th day of June 2010.

Commissioner Eskew called the meeting to order at 9:06 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 Lester T. Labounty, Jr., Glenna L. Kester, Kristy Smith, Kenneth D. and Cheryl L. Horrocks, Joseph Thomas, Douglas and Amanda (Ames) Midkiff, Ricky Lee Gilkerson, and Clyde Hopkins. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls, checks to be released June 15, 2010. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the Commissioners there were no minutes for approval today.

Shawn Dobson appeared before the Commission on behalf of the parents and citizens of Fayette County regarding the policy as it relates to the Fayette County Pool.

Ms. Dobson told the Commissioners they would like to propose the following amendment to the pool policy: Allow personal flotation devices in all pools at the Beckwith facility to include the "kiddie" pool and the "big" pool. These personal flotation devices may include but may not be limited to: Life jackets, arm floaties, swimsuit flotation, flotation rings and noodles.

Discussion was held, Commissioner Wender suggested that a letter be sent to Earl Pauley, Park Superintendent asking him to consider amending the policy or report valid reasons to deny.

Commissioner Wender asked that Earl Pauley come before the Commission on the 25th of June if he feels this amendment cannot be done.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Day Repot Center, amount \$20,451.34 for the month of May.

Commissioner Wender offered a motion that the Fayette County Commission sign the Resolution designating the jurisdiction of the County as a Recovery Zone and authorizing to sign and make application for the Recovery Zone. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to go into an Executive Session at 9:30 a.m. with Dickie Smith, Maintenance Supervisor to discuss a personal matter. Commissioner Wender seconded. Unanimous.

The Commission reconvened the County Commission meeting at 10:05 a.m.

The Commissioners signed a letter to the Public Service Commission requesting that the Public Service Commission set as a condition for the closing of the Verizon sale to Frontier that the DSL extension to the Lookout community be completed as planned and promised.

The Commissioners received and reviewed a letter from the Fayette County Solid Waste Authority recommending that William Toney be reappointed to serve as a member of the Fayette County Solid Waste Authority.

Commissioner Lopez offered a motion that William Toney be reappointed to serve as a member of the Fayette County Solid Waste Authority, term to expire June 30, 2014. Commissioner Wender seconded. Unanimous. An Order and an appointment to serve letter signed.

The Commissioners signed a letter to the West Virginia State Auditor's Office regarding the audit of the financial statements of June 30, 2009.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the security pledged to the Fayette County Commission will not be available for pledge as of June 4, 2010. They will substitute this security.

Commissioner Wender offered a motion that having been advised of the need to substitute certain securities pledged on behalf of Fayette

County National Bank, the Fayette County Commission 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 from Region 4 Planning and Development Council a drawdown request for Page-Kincaid Public Service District-Ingram Branch Wastewater, amount \$30,203.13.

Commissioner Lopez offered a motion to approve drawdown request for Page-Kincaid Public Service District-Ingram Branch Wastewater, amount \$30,203.13. Commissioner Wender seconded. Unanimous.

The Commissioners signed the Business Registration Certificate to the State Tax Department for the Fayette County Park.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of July.

The Commissioners signed Application for a Permit to Operate Park to the Fayette County Health Department for the Fayette County Park.

The Commissioners signed a letter to the Division of Highways authorizing Joseph D. Carelli, a representative of Fayette County Commission to procure property from the West Virginia State Agency for Surplus Property. The Fayette County Solid Waste Authority will pay the bill.

Ms. Berry asked the Commissioners if they would approve paying travel expenses she received from Kelvin Holliday, County Clerk and Lisa Redden.

Commissioner Lopez offered a motion to approve paying travel expense for Kelvin Holliday and Lisa Redden. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Budget Revision Order for Fiscal Year 2009-2010 General County Fund to the Commissioners.

Commissioner Wender offered a motion to approve Budget Revision Order for Fiscal Year 2009-2010 General County Fund. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Berry informed the Commissioners that Earl Pauley, Park Superintendent called to inform her that the Booster Heater for the dishwasher at the Fayette County Park needed to be replaced. Commissioner Lopez approved the purchase, amount \$2,400.00.

The Commissioners received and reviewed Audit Report from the Nuttall Volunteer Fire Department for the Fiscal Year ended June 30, 2007, June 30, 2008, and June 30, 2009.

The Commissioners received and reviewed a copy of a letter to Whitlock Realty, Inc. from Tim Richardson, Zoning Officer regarding the proposed Whitlock Development.

Greg Stone, Natural Resources Conservation Service, Theresa White, OES Director appeared before the Commission to discuss and sign the two American Recovery and Reinvestment Act (ARRA) Agreements for the Dunloup Creek Project.

Mr. Stone told the Commissioners one Agreement is for the Real Property Appraisals and Acquisition the other Agreement provides for the installation of certain works of improvement.

Brian Parsons, Assistant Prosecuting Attorney informed the Commissioners he reviewed both Agreements.

Mr. Parsons asked that they require copies of the contractor's insurance policies to be included in their packets.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission approves the two contracts-First for the expenditure for the acquisition of real property in designated portions of the Dunloup Creek Watershed in order to enable NRCS and the Sponsors to reestablish the floodplain and reduce flood damages through a voluntary buy-out project and Second for the expenditure of \$345,000 for the demolition of houses that can be done prudently with that amount of money and authorize Commissioner Eskew to sign Agreements. Commissioner Lopez seconded. Unanimous. Agreements signed.

Barbara Hickman and Charles Toombs appeared before the Commissioners to discuss getting sewer to their place of business on Allman Street in Oak Hill.

After a brief discussion the Commissioners suggested to Barbara Hickman to go to the City of Oak Hill and request a minor boundary adjustment.

Charles Toombs appeared before the Commissioners to voice his opinion on the sewer matter and Wolf Creek Public Service District.

The Commissioners recessed the County Commission meeting at 12:00 p.m. to inspect the Courthouse Annex with Dan Snead to review the request for repairs they received from Judge Paul Blake.

The Commissioners reconvened the County Commission meeting at 12:50 p.m.

The Commissioners asked Dan Snead to count the number of windows to be replaced, how much carpet needs to be replaced, painting cost, a new commode for Judge Blake's Office, replace all the commodes.

The Commissioners asked Dan Snead to report back to them, Mr. Snead to check the roof at the Courthouse Annex Building next week.

The Commissioners signed a letter to Steve Everett informing that on June 8, 2010 his random drug test indicated positive for a controlled substance. This is in violation of the County's Drug Free Workplace Policy.

Mr. Everett is suspended until June 14, 2010, pending action of the County Commission.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$88.50 for the month of May.

The Commissioners received and reviewed the Fayette-Nicholas Chapter Newsletter for the month of June.

The Commissioners approved to pay the invoice from General Exterminating Company, \$30.00 for the WVU Extension Office.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr., informing he had been told by Sgt. Michael Fridley,

Fayette County Sheriff Deputy and Dickie Smith, Maintenance Supervisor that two (2) maintenance workers failed the drug tests.

Judge Hatcher informed the Commissioners that he do not want either of them working in his office, the Courtroom, the Circuit Clerk's Offices, his Court Reporter's Office, and his Law Clerk's Office.

The Commissioners received and reviewed a copy of a letter to Roger Beverage, Executive Director, Nicholas County Day Reporting Center informing that Sara Horrocks, Case Manager for the Nicholas County Day Reporting Center resigned as of June 7, 2010.

The Commissioners received and reviewed a letter from Debbie Tate, 4-H Agent, WVU Extension Service requesting that the \$600.00 allotted for contracted services be dispersed to the Fayette County 4-H Volunteer Leaders Association. Their funds are used to pay for a camp nurse @\$300.00 and 2 ECIs (Extension Camping Instructors) @ \$150.00 each.

The Commissioners received and reviewed a letter from Stafford Consultant Incorporated regarding holding a Strategic Plan for the water and wastewater projects for the New Haven Public Service District.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank listing securities pledged as of May 28, 2010.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period May 1, 2010 through May 31, 2010.

The Commissioners received and reviewed a thank-you note from the United Way of Southern West Virginia, Inc. thanking the Commissioners for their donation for their first Community Baby Shower.

The Commissioners received and reviewed a letter approving the use of the Memorial Building for the Mile Run on June 3, 2010 and the Fayetteville Elementary School's Fund Day, June 7, 2010.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective June 2, 2010 he will employ Andrew Weis as a summer intern at a rate of \$7.50 per hour and requesting that Jessica L. Rinehart be transferred from the Regular County Payroll to the PVC Fund still be paid at a rate of \$7.50 per hour.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff Steve Kessler informing he has hired four (4) people for summer part-time help in his office Caryn Hickman, Britney Sutphin and Richard Allen Smith effective June 1, 2010 at a rate of \$7.50 an hour and Noah Oliver to start June 8, 2010 at a rate of \$7.50 an hour.

The Commissioners received and reviewed Certificate of Operation for the Courthouse Elevator.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service district enclosing a copy of their minutes for the month of May.

The Commissioners received and reviewed a letter from Appalachian Power Company informing that a meeting has been scheduled for July 8,

2010 to discuss progress on the studies being performed as part of the relicensing effort for the London/Marmet and Winfield Hydroelectric Projects.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of May 21 to May 27, 2010, amount \$409.00, the week of May 28 to May 31, 2010, amount \$115.00, and the week of June 1 to June 3, 2010, amount \$141.00.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges in the matter of Judy L. Treadway, Claimant and the Fayette County Commission regarding an Order Extending Time Frame.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing the next Executive Committee meeting of Region 4 Planning and Development Council for 2010 is scheduled for Wednesday, June 16, 2010 at 7:00 p.m. in the Council's conference room in Summersville.

The Commissioners received and reviewed a check from the Supreme Court-FLM rent, amount \$4,725.00; a check from Fayetteville High School rental of Memorial Building, amount \$500.00; a check from Fayette County Solid Waste Authority reimbursement for the month of May, amount \$798.15; a check from the City of Beckley reimbursement, amount \$163.16; WV Department of Health and Human Services-Community Corrections Drug Testing, amount \$1,986.45.

The Commissioners received and reviewed an e-mail from Lavada Williamson regarding information she learned at the WWSAO Annual Training Seminar.

The meeting was adjourned at 1:05 p.m. The next scheduled meeting is June 25, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 25, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 25th day of June 2010.

Commissioner Eskew called the meeting to order at 9:20 a.m.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 2nd half payrolls, checks to be released on June 30, 2010. Commissioner Wender seconded. Unanimous.

The Commissioner received and reviewed a letter from the Fayette County National Bank informing that the security pledged to the Fayette County Commission will not be available for a pledge as of July 1, 2010. They will substitute this security.

Commissioner Wender offered a motion that having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank, the Fayette County Commission 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.

Commissioner Wender offered a motion that Fayette County Commission sends letters extending their appreciation to Sheriff Steve Kessler, Detective Lieutenant James Sizemore, Detective Corporal Glenn A. Chapman, Detective Rod Perdue, Sargents Mike Fridley and Charles R. Bryant, Corporals Shawn Campbell, Tillman "Nick" Mooney, Philip R. Statler and Deputies P. J. "Jeb" McCutcheon, James M. Pack, William K. Willis, Adam E. Roberts, W. K. "Keith" McGraw and Steve L. Yarber for their vital services provided to the citizens of Fayette County and its many communities. The Fayette County Commission extends their congratulations to them for the recent awards they received. Commissioner Lopez seconded.

Bob Meadows, Jodie Ward appeared before the Commission to discuss the Shooting Range.

Mr. Meadows presented a copy of the list that he presented to the Commission at their January 8, 2010 Commission meeting regarding the Club and Clubhouse Equipment.

Earl Pauley, Park Superintendent informed the Commissioners they are waiting on the \$5,000.00 grant to complete the three light foot folding tables, the twenty-four folding chairs padded seats, floor tiles installed and the storm doors for the clubhouse. The items that have been completed are the voice activated release for trap field, the roof on trap house replaced, the base cabinet for sink counter top and the ceiling fans.

Mr. Meadows asked about changing the floor tile to a rough surface.

Mr. Pauley told the Commissioners in the grant they had requested a floor tile. Mr. Pauley told the Commissioners he would have to check and see if this can be changed.

Discussion was held regarding purchase of a high lift to replace structure of metal steps.

Commissioner Wender offered a motion that Fayette County Commission authorizes Earl Pauley to check expenditure of a high lift to replace structure of metal steps not to exceed \$9,000.00. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to deny the request of Shawn Dobson to use floatation devices in the Fayette County Park Swimming Pool based on best pool management practices. Commissioner Wender seconded. Unanimous.

Bill Hannabass, City Manager of Oak Hill appeared before the Commission to present an application for annexation by minor boundary adjustment by the City of Oak Hill.

Bill Hannabass presented three sets of maps. Mr. Hannabass told the Commissioners there are no businesses located within the boundaries of the property to be annexed or are their persons residing within the territory,

The annexation application consists of 65 acres more or less, situate the North, West and South of the current Corporate Limits of the City of Oak Hill. The area proposed for annexation is described as portions of the White Oak Rail Trail that extend beyond the current corporate boundary.

Present for the hearing were Jerry Paige and Judy Mackey.

Commissioner Eskew swore in Mr. Paige and Ms. Mackey.

Discussion was held regarding the location of the annexation.

Carl Harris, Prosecuting Attorney told the Commissioners for the record what the City is proposing to annex is that area of the rail to trail that was borrowed from CSX Norfolk and Southern and that was required three or four years ago and that's the only thing being effected, it doesn't effect anyone else property.

Commissioner Eskew asked for any other comments.

Commissioner Wender offered a motion that the Fayette County Commission authorizes the City of Oak Hill and approve the request by the City of Oak Hill to annex that 65 acres, more or less that is comprised of the White Oak Rail Trail. Also, the White Oak Rail Trail of it currently exists beyond the City Limits that Rail Trail in fact is already owned by the City of Oak Hill. Commissioner Lopez seconded. Unanimous.

W. D. Smith, Executive Director Region 4 Planning and Development Council, Bill Hannabass, City Manager Oak Hill, the Staff of Arbuckle Public Service District their Attorney Bill Wooton appeared before the Commission to discuss the Arbuckle Public Service District project.

W. D. informed the Commissioners the advertisement for the engineering services has been prepared.

Bill Hannabass informed the Commissioners the grant situation is not going to materialize, needs to go back to the drawing board. Need to break project down to two phases? Estimate the project to be completed in 8 to 10 years.

W. D. informed the Commissioners that Arbuckle Public Service District is \$300,000.00 plus behind but USDA feels a strong commitment to proceed with the project.

Attorney Wooton asked about using the old advertisement for the engineer services.

Commissioner Wender informed he hope the City of Oak Hill would come to some kind of an Agreement with Arbuckle Public Service District.

Commissioner Wender offered a motion that Fayette County Commission will pay to Smith Cochran and Hicks up to \$5,000.00 for the projections discussed early. 1) Arbuckle Public Service District has an open book policy in dealing with the City of Oak Hill, 2) Arbuckle Public Service District and

Smith Cochran and Hicks will share and would discuss with Oak Hill what information that will have with Oak Hill, 3) That Oak Hill and Arbuckle Public Service District will work toward an OMO Agreement for the operation of the facility but not the administrative functions, 4) The project is shared with the City of Oak Hill, Oak Hill sanitation Board, Fayette County Commission and the Region 4 Planning and Development Office, 5) A Letter from Arbuckle Public Service District saying they understood. Commissioner Lopez seconded with the understanding that we have trouble with Public Service District's in the Valley and they would help them if needed.

Jim Lively, Sr. presented the Renewal of Liability Insurance for the Courthouse to the Commissioners.

Mr. Lively presented a package deal from Travelers Insurance.

Commissioner Lopez offered a motion that Fayette County goes with the Travelers Insurance package deal from Jim Lively Insurance. Commissioner Wender seconded. Unanimous.

The Commissioners presented a Proclamation to Daniel Wright, Circuit Clerk proclaiming that he shall serve as the County's resource for information regarding the history of Fayette County.

Debbie Berry read the Proclamation.

Commissioner Wender offered a motion that Fayette County Commission appoints Daniel Wright, Circuit Clerk in an official capacity as the Fayette County Historian. Commissioner Lopez seconded. Unanimous.

Allen Ballard, Chairman, Tim Richardson, Aletha Stolar and Angela Gerald of the Fayette County Beautification Committee appeared before the Commission.

Mr. Ballard asked the Commission for a pledge to hire a Program Manager for the Fayette County Beautification Committee, \$25,000 starting salary for

a two-year commitment and approval to go for the \$400,000 loan with the West Virginia Housing Development Fund.

Mr. Ballard told the Commissioners they would have to pay up to \$50,000 a year to pay the loan back. Video lottery money debt service reserves are available for the loan.

Aletha Stolar told the Commission they would be able to identify 40 to 60 homes at a cost less than \$10,000.

Commissioner Wender offered a motion that Fayette County Commission accept pledge, will hire a project manager for the Fayette County Beautification Committee. Mr. Ballard to prepare a job description and conduct interviews and make recommendations to the Commission, salary \$25,000 plus benefits. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission will do a Budget Revision out of the Coal Severance Fund in the amount of \$50,000 for debt services for the loan. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission authorizes the Fayette County Beautification Committee on behalf of the Fayette County Commission to negotiate with the West Virginia Housing Development Fund for a loan not to exceed \$400,000 and if we required to do so we stand ready to serve this loan with revenue required from the Video Lottery. Commissioner Lopez seconded. Unanimous.

The Commission recessed the Commission meeting at 12:30 p.m.

The Commission reconvened the Commission meeting at 1:50 p.m.

The Commission received and reviewed from Dan Snead a change Order for the Family Law Clerk Offices, approved per proposal dated June 9, 2010,

\$3,339.40, Change Order to modify the steps leading onto Maple Avenue, amount \$1,722.80, total amount \$5,062.20.

The Commissioners received and reviewed from Dan Snead a proposal to provide preliminary planning documentation for the proposed new Fayette County 911 Center.

Mr. Snead presented a list of the planning efforts to the Commissioners.

Mr. Snead told the Commissioners for the work he proposes a fee of \$3,500.00. His work can begin immediately and should take about four weeks to complete.

Commissioner Lopez offered a motion to accept the proposal of Dan Snead for the proposed Fayette County 911 Center. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a Request for Reimbursement to the West Virginia Courthouse Facilities Improvement Authority for Architectural/Engineering Services for J. Dan Snead and Associates for the Fayette County Courthouse Walls and Wall Repair, amount \$8,864.00.

The Commissioners signed a letter to the West Virginia Sustainable Communities pledging their support for Fayette County in the West Virginia Sustainable Communities' Step-by-Step Process.

The Commissioners received and reviewed Request for Reimbursement to the Homeland Security Grant for the Gauley River Tower, amount \$28,163.59.

Commissioner Lopez offered a motion to approve a sign Request for Reimbursement for the Gauley River Valley Tower, amount \$28,163.59.

Commissioner Eskew seconded. Unanimous.

The Commissioner received and reviewed an update from David Neal, E911 Coordinator informing that the Valley Tower Site received lighting strike and

electrical damage on June 23, 2010 during a storm. Upon the initial evaluation damage appears to be isolated to the generator transfer switch. The Commission asks that David Neal report back to Debbie Berry, County Administrator on the progress.

The Commissioners received a drawdown request for Danese Public Service District Water Extension, amount \$27,272.02.

Commissioner Lopez offered a motion to approve and sign drawdown request for Danese Public Service District Water Extension, amount \$27,272.02. Commissioner Eskew seconded. Unanimous.

The Commissioner received a drawdown request for the New Haven Public Service District-Stringtown Road Water Extension, amount \$193,271.99.

Commissioner Lopez offered a motion to approve and sign drawdown request for the New Haven Public Service District-Stringtown Road Water Extension, amount \$193,271.99. Commissioner Eskew seconded. Unanimous.

The Commissioners signed letters to the West Virginia Public Service Commission and Natalie Tennant, Secretary of State listing the public service districts and the current board members and their term for each district.

The Commissioners signed a letter of support for Page-Kincaid Public Service District in seeking support to drill another deep well within its system as a back-up supply in case needed.

The Commissioners signed a letter to Okey Skidmore, Manager of the Fayette County Memorial Building informing the Commission approved the request of the Fayetteville Midget Football League Cheerleaders to use the Memorial Building September 25, 2010 for their Cheerleading Festival, the \$1,000 rental, custodial, and trash service fees will be waived. All other rules are applicable including the insurance requirement.

The Commissioners received and reviewed a letter from Judy Gunsaulis, Director, Fayette County Public Libraries informing the term of Randall Patterson and Felice Stark will expire on June 30, 2010. The Board will like to reappoint Mr. Patterson and Ms. Stark members of the Fayette County Library Board.

Ms. Gunsaulis informed the Commissioners they used to be on a schedule where the terms of the five (5) members expired one per year on June 30, 2010.

Ms. Gunsaulis is requesting the Commission to renew Mr. Patterson for the normal 5-year period and renew Ms. Stark for a 3-year period this would put them back on schedule.

Commissioner Lopez offered a motion to reappoint Randall Paterson for a five (5) year term a member of the Fayette County Library Board term to expire June 30, 2015. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to reappoint Felice Stark for a three (3) year term a member of the Fayette County Library Board term to expire June 30, 2013. Commissioner Eskew seconded. Unanimous. Orders and appointment to serve letters signed.

Ms. Berry presented an Order designating three (3) banks to be County depositories of public monies (Fayette County National Bank, Branch Banking and Trust (BB&T), and the Bank of Mount Hope.

Ms. Berry informed the Commissioners she sent the Order over to the Prosecuting Attorney Office to review.

Commissioner Lopez 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) and the bank of Mount

Hope). Commissioner Eskew seconded. Unanimous. Order and letters to each bank signed.

The Commissioners signed their Budget Statement for the ensuing Fiscal year beginning July 1, 2010 to June 30, 2011.

Ms. Berry presented to the Commissioners an Order to transfer \$10,200.71 from the Fayette County Worthless Check Fund to the 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 \$35,840.32 for Fiscal Year 2009-2010 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 \$118,644.58 to the Fayette County general Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrate.

Commissioner Wender offered a motion to approve transfer of funds from the Fayette County Worthless Check Fund (\$10,200.71) to the General County Fund, to transfer the sum of \$35,840.32 for Fiscal Year 2009-2010 from the Magistrate Court Fund to the Fayette County General County Fund and to transfer the balance of the Fayette County General School Fund in the amount of \$118,644.58 to the Fayette County General Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners approved hiring Christy Thomas and James Everette Moore as full time employees effective July 1, 2010 annual salary \$17,656.00 plus benefit.

The Commissioners signed Hazard Mitigation Property Lease between the Fayette County Commission ("Landlord") and Darrell and Connie Thomas ("Tenant") for \$1.00.

The Commissioners signed a letter to the West Virginia Auditor's Office regarding the audit of the financial statement of June 30, 2009.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a memo informing that the Christian Revival Center would be available for the General Election for voting in Precinct 42.

The Commissioners signed a memo to the elected official and Fayette County Employees informing that Fayette County Commission will give county employees a day off to join in the Historic Memorial Services for Senator Robert C. Byrd. The Courthouse will be closed on Friday, July 2, 2010.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing that during the week of May 17 thru May 21 it was discovered that money had been taken from within the Tax Office.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing her of a Grant Funded payroll Adjustment for the Fayette County Community Corrections Program, effective July 1, 2010.

The Commissioners received and reviewed a letter from Travelers Insurance regarding May 6, 2010 Sixty (60) Day notice of Intent to File Citizen suit Pursuant to 33 U.S.C. § 1365 (clean Water Act) on behalf of Three Rivers Companies, LLC, et al ("Three Rivers") against West Virginia Department of health and Human Resources, et al (including the Commission).

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding the Fiscal year 2011 Community Corrections Administrative Manual and Grant Report Forms for the Project Period July 1, 2010 thru June 30, 2011.

The Commissioners received and reviewed Pledge Security Release Notifications from Wells Fargo.

The Commissioners received and reviewed from the Office of the State Treasurer informing the 75% of the oil and gas severance tax will be directly departed on June 21, 2010, amount \$138,465.87, the funds due for the Fayette County Lottery will be directly deposited on June 16, 2010, amount \$45.35, the funds due for the table Games will be directly deposited on June 16, 2010, amount \$3,536.40.

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

The Commissioners received and reviewed from BrickStreet Insurance informing they have been notified of Judy L. Treadway change of address.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of June 4 to June 10, 2010, amount \$229.00 and the week of June 11 to June 17, 2010, amount \$662.00.

The Commissioners received and reviewed checks for 911 Fees from Level 3 Communications, LLC, amount \$102.00, Granite Telecommunications, LLC, amount \$238.00, Cequel Communications Holdings, ME, amount \$7,164.00, AT&T Communications of WV, amount \$228.00, One Communications, amount \$2,357.10, Frontier Communications, amount \$48.98 and Vonage Tax Account, amount \$260.00; Alarm Fees, amount \$105.00; Sheriff of Nicholas County-Reimbursement Community Corrections worker, amount \$9,316.12.

The meeting was adjourned at 2:50 p.m. The next scheduled meeting is July 9, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 9, 2010

COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 9th day of July 2010.

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

Commissioner Lopez offered a motion to approve 1st half payrolls, payrolls to be released on July 15, 2010. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed no minutes to be approved.

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

Mary Weatherford, Chief Deputy 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 Chad A. or Laura Meadow, Mary and Jonathan Grose, William R. or Pamela Murray, Brandon Edward Isaacs, Amanda Buttrick, Yarrow and Walters Chris Levine, Lori Dilley, Larry L. or Kathy M. Lilly, and Phillis J. Menei. Commissioner Wender seconded. Unanimous.

Commissioner Wender 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 Petition to Combine or Divide and Segregate Land for Randall T. Wriston, etux. Commissioner Wender seconded. Unanimous.

Kelvin Holliday, County Clerk appeared before the Commission.

Mr. Holliday told the Commissioners post cards for the General Election needs to be ordered. The Commission approved.

Mr. Holliday asked the Commissioners if they would approve purchase of EZMap Viewer Software for the Voter's Registration Office, cost \$824.00.

Commissioner Lopez offered a motion to approve purchase of EZMap Viewer Software for the Voter's Registration Office, cost \$824.00. Commissioner Wender seconded. Unanimous.

Mr. Holliday presented to the Commissioners early voting hires for the 2010 General Election. The Commission approved.

Ms. Berry presented copies of the letter she received from Judge John Hatcher requesting that the exhaust fan in the ladies restroom between the Courtroom and the Circuit Clerk's office and the exhaust fan in the restroom in his office be replaced, asking to have the trim placed around the heater in the ladies restroom, and asking that a door closer be installed on the Circuit Clerk's door. The Commission approved.

The Commissioners signed Inspections Agreements for Appalachian Inspection Services, LLC and Stone Inspection Service, Inc. for the period July 1, 2010 to June 30, 2011.

Commissioner Lopez offered a motion to appoint Greg O'Neal a member of the Arbuckle Public Service District to fill the unexpired term of Curtis Dotson due to his resignation. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Dave Pollard, County Resource Coordinator requesting that he contacts the West Virginia Development Housing Office to ask if they will host a grant to cover personnel for the position of a Program Manager for the Fayette County Abandoned and Dilapidated Program.

The Commissioners received and reviewed a letter from the Fayette County Planning and Zoning Commission informing the three year terms of four (4) members of the Fayette County Planning and Zoning Commission will expire on August 3, 2010. The Commission is requesting that Sherman Bobbitt, Charlton Heights, Guy Dooley, Ansted, Debbie Sizemore, Oak Hill and Jennifer Salvatore, Fayetteville be reappointed to serve.

Commissioner Lopez offered a motion that Sherman Bobbitt, Guy Dooley, Debbie Sizemore, and Jennifer Salvatore be reappointed to serve on the Fayette County Planning and Zoning Commission, term to expire August 3, 2013. Commissioner Wender seconded. Orders and appointment to serve letters signed.

Commissioner Eskew signed Consumer Sales Tax Report for the Fayette County Park, amount \$899.26.

Ms. Berry presented an Order designating JP Morgan Chase Bank, NA to be County depositories of public monies.

Ms. Berry informed the Commissioners she sent the Order over to the Prosecuting Attorney Office to review.

Commissioner Wender 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 (JP Morgan Chase Bank, NA). Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners received and reviewed an invoice to the West Virginia Division of Culture and History for the County Records Management and Preservation Grant Program requesting reimbursement of \$10,000.00 to microfilm and digitize the Circuit Clerk's Criminal Order Books for 1966 to Present.

Commissioner Lopez offered a motion to approve an invoice to the West Virginia Division of Culture and History for the County Records Management and Preservation Grant Program for \$10,000.00 to microfilm and digitize the Circuit Clerk's Criminal Order Books. Commissioner Wender. Unanimous.

The Commissioners called for an Executive Session at 9:50 a.m.

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

Theresa White, Director Office of Emergency Services presented an update on the Dunloup Creek Buyout.

Ms. White told the Commissioners she had issues on Item #6, where they vacate property in 30-days after sale.

Carl Harris, Prosecuting Attorney will review the contract.

The Commissioners asked Debbie Berry and Theresa White to meet with Jim Lively to see if we are covered and get it in writing.

Commissioner Wender offered a motion that in the absence of Commissioner Ken Eskew, Carl Harris, Prosecuting Attorney could sign the contract. Commissioner Lopez seconded. Unanimous.

Ms. White told the Commissioners they will hold a pre-bid conference at the Fayette County Commission Chambers on July 22, 2010 at 1:00 p.m.

The Commissioners asked Ms. Berry to send a letter to the County Commission Employees advising them that the Commission has reinstated a policy to require all Fayette County Commission full time courthouse employees to report their vacation schedules, sick leave and out of the office schedules and any time they are not at their designated job to the County Administrator Office.

They are to phone the County Administrator's Office, email, or drop a note by the County Commission Office if they will not be able to work these assigned hours.

Ms. Berry presented an Order Adopting the 2010 Fayette County Building Code for the Commissioners to sign.

Commissioner Wender offered a motion to approve and sign Order Adopting the 2010 Fayette County Building Code. Commissioner Lopez seconded. Unanimous.

The Commissioners asked that a letter be sent to Jim Lively, Sr. and the City of Oak Hill informing them that the Fayette County Commission approved their request for a contribution to the City of

Oak Hill Amphitheater Project and that the check will be delivered once all funding has been received for their project.

The Commission asked that they let the Commission know when all funds needed for the amphitheater is received and the Commission will forward the contribution of \$10,00.00.

Aletha Stolar appeared before the Commission to inform them that she has a grant that she will be applying for to cover Angela Gerald's salary.

Discussion was held regarding Ms. Gerald's salary.

Commissioner Lopez offered a motion to approve Angela Gerald's salary of \$22,000.00 a year if they got the grant, if they didn't get the grant Ms. Gerald's salary would be \$18,500.00 a year. Commissioner Wender seconded. Unanimous.

The Commissioners told Ms. Stolar they would have to advertise for the job position.

The Commissioners received and reviewed a memo from Cindy Renick informing that during their last audit it was noted that they needed to write off checks that have been outstanding prior to January 1, 2008.

Ms. Renick is requesting permission from the Commission to void these checks and receipt this money back to the appropriate funds.

Commissioner Wender offered a motion that the outstanding checks be voided and deposited back into the appropriate funds. Commissioner Lopez seconded. Unanimous. Ms. Renick to send over a list of the outstanding checks.

Ms. Berry presented a Budget Revision Order for Fiscal Year 2010-2011 Coal Severance Fund to the Commissioners.

Commissioner Lopez offered a motion to approve Budget Revision Order for Fiscal Year 2010-2011 Coal Severance Fund. Commissioner Wender seconded. Unanimous. Order signed.

The Commissioners received and reviewed an invitation from Debbie Tate, 4-H Agent inviting the Commissioners to attend their 4-H Dinner on Thursday at 5:00 p.m.

The Commissioners received and reviewed an invitation from Region 4 Planning and Development Council inviting the Commissioners to attend their Council Dinner on Wednesday, July 21, 2010 at Summersville Campground. Commissioner Eskew will attend.

Commissioner Wender offered a motion to authorize Debbie Berry to open ballot room as needed. Commissioner Eskew seconded. Unanimous.

Kelvin Holliday, County Clerk informed the Commissioners that Alisha Treadway would be taking over all the election duties.

The Commissioners received and reviewed a proposal for Professional Consulting Services from Pat Ford, President Sirk/Ford Initiative (SFI), LLC for a Comprehensive Plan Update.

Mr. Ford told the Commissioners this project consists, briefly of a meeting facilitation, project identification and project management.

Mr. Ford told the Commissioners the Sirk/Ford Initiative, LLC will invoice a flat rate of \$10,000.00 for the services listed in this proposal. The \$10,000.00 covers time for services rendered and expenses for travel, room, and lodging.

Discussion was held, the Commissioners asked that Pat Ford include a solution for the Hawks Nest Golf Course in the Comprehensive Plan Update.

Commissioner Lopez offered a motion to approve and hire Pat Ford for professional services at \$10,000.00 services to include a solution for the Hawks Nest Golf Course. Commissioner Wender seconded. Unanimous.

The Commissioners informed the Renewal of Suddenlink Franchise will be discussed at their July 23, 2010 meeting.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS the Weekly Fees Collected for the week of June 25 to June 30, 2010, amount \$125.00.

The Commissioners received and reviewed a copy of a memo to Debbie Aliff, Payroll Clerk from Sheriff Steve Kessler informing that Cindy Renick would like to donate 50 hours of her unused sick leave to Kim Linzy.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the periods May 22, 2010 through June 22, 2010 and June 1, 2010 through June 23, 2010.

The Commissioners received and reviewed Audit Report and Related Financial Statements of Gauley Bridge Volunteer Fire Department Fire Levy Fund for the Fiscal Years Ended June 30, 2003, June 30, 2004, June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008, and June 30, 2009.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$176,024.03; WV Development Office-New Haven PSD, amount \$193,271.99 and Danese PSD, amount \$27,272.02; WV Statewide Addressing and Mapping Board, amount \$910.81; the Department of Health & Human Services-Community Corrections, amount \$3,266.00; and Reimbursement from Vickie Hylton, amount \$34.00.

Commissioner Wender offered a motion to adjourn the Commission meeting. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 12:25 p.m. The next scheduled meeting is July 23, 2010.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 23, 2010

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 23rd day of July 2010.

Commissioner Eskew called the meeting to order at 9:20 a.m.

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

Commissioner Wender offered a motion to approve and sign exonerations for real property tickets (See attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tickets for Calvin F. and Josephine Comer, Sr., Eric L. and Bonnie G. Pugh, Delbert B. or Connie Huddleston, Claybon E. and Jerry L. Matthews, Ronald A. and Merri C. King, Jr., John and Kelly Hamrick, Brenda Joyce Gilland, Benjamin and Shannon Elmore, Scotty and Mary Bowman, Harry Eugene and Elizabeth Nichols, Clifford Tommy Bays. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2nd half payrolls, check to be released July 30, 2010. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of May 18, 2010 and June 11, 2010. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney and Allen Ballard, Floodplain Manager appeared before the Commission to ask that the Fayette County Unified Development Code Section 9007 be amended and section replaced.

Commissioner Wender offered a motion to adopt the amendments to the Fayette County Unified Development Code Section 9007 to meet the requirements of the National Flood Insurance Act of 1968 (42 U.S.C. 401 et seq.) Amended by the Congress of the United States. Commissioner Lopez seconded. Unanimous. An ordinance signed.

Discussion was held regarding the Fayette County Park roof. Commissioner informed repairs not to exceed \$15,000.00.

Kelvin Holliday, County Clerk and Lisa Redden, Chief Deputy and Linda Johnson appeared before the Commission to give an update on the upcoming Special Primary Election.

Mr. Holliday told the Commissioners acting through the endorsement of the West Virginia Secretary of State's Office through special powers granted by HB 201 governing the 2010 special primary election, as head of county elections he is declaring this day (July 23, 2010) to the County Commission the need for four "super precincts" for the August 28, 2010 special primary election.

Mr. Holliday told the Commissioners this allows for one Clerk and one Commissioner only being required in addition to the normal 5 poll officials. The normal 10 poll workers at each location will be cut to 7.

Commissioner Wender offered a motion that Fayette County Commission adopts the endorsement of the West Virginia Secretary of State's office through special powers granted that office by HB 201 governing the 2010 special primary election for four "super precincts" for the August 28, 2010 special primary election. Commissioner Lopez seconded. Commissioner Wender asked that a copy of the County Clerk's letter be attached to the minutes.

The Commissioners approved to move the August 27th County Commission meeting to August 31st.

Commissioner Wender offered a motion that Fayette County Commission approves the list of poll workers received from the County Clerk of persons who worked the Primary Election on May 11, 2010 and

under direction from H. B. 201 to use said list relating to filling a vacancy in the office of United States Senator for the August 28, 2010 special primary election. Commissioner Lopez seconded. Unanimous.

Lisa Redden informed the Commissioners that the election classes would be held on August 9, August 10, August 12, and August 14, 2010; the make up classes would be held on August 16, August 17, and August 18, 2010; early voting begins on August 20 thru August 25; test voting equipment August 19; second test for voting equipment August 23; carry down supplies August 25; issue supplies August 26 and August 27; certify the election September 1, 2010.

Commissioner Wender offered a motion that Fayette County Commission designate Debbie Berry to open ballot cans for the special primary election. Commissioner Lopez seconded. Unanimous.

Michael Keleman, Regional Manager Suddenlink appeared before the Commission to present a Franchise Agreement.

Mr. Keleman told the Commissioners they had consolidated four, the lease is for 5-years, franchise fees are the same, this is the standard contract.

Commissioner Wender asked about the public channel in the valley area.

Mr. Keleman told the Commissioners he would work with Tom Syner regarding the public channel for the Valley.

Commissioner Wender suggested holding off signing the Agreement until Tom Syner and Mike Keleman work out.

Commissioner Eskew asked if there was anyone present for comment on the Franchise Agreement. No one present.

Commissioner Wender offered a motion to table this approval on the Franchise Agreement until August 6, 2010 provided Suddenlink and our Public channel agree as to how the station will be placed on for the valley. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Application for Certificate to operate the Courthouse Incinerator for the Operating Year July 1, 2010 - June 30, 2011, cost \$200.00.

Ms. Berry told the Commissioners she received from Larry Dotson a request informing the Office of WV State Treasurer would like to schedule an appointment in the future to discuss the 457(b) Deferred Compensation Plan with the Commission.

Commissioner Lopez asked to hold for now.

Ms. Berry presented from the West Virginia Development Office a contract for the Fiscal Year 2010 Community Participation Grant for the Fayette County Sportsman Recreation Center, amount \$5,000.00 to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolution for the Fayette County Sportsman Recreation Center (\$5,000). Commissioner Wender seconded. Unanimous.

Bill Hannabass, City Manager for the City of Oak Hill appeared before the Commission to present Petitions to be Annexed in the City of Oak Hill.

A petition from Angela Frye and George Frye for annexation of Parcel 4, Map 21D, Plateau District recorded in Deed Book 610 on Deed Page 247. Property consists of 1 acre more or less and is located on the South West corner of the intersection of Allman Street and the White Oak Rail Trail.

Discussion was held, Carl Harris, Prosecuting Attorney informed the Commissioners that he had reviewed the Petition. Mr. Harris suggested to Mr. Hannabass to retype the Certification.

There was no opposition.

Commissioner Wender offered a motion that Fayette County Commission approves the letter of Annexation of Angela and George Frye with the understanding that Mr. Hannabass will deliver the retyped certificate to the Commission this afternoon. Commissioner Lopez seconded. Unanimous.

Mr. Hannabass presented to the Commissioners a petition from Southern Appalachian Labor School (SALS) for annexation BEGINNING at a point as described in Deed Book 583 at Page 92 ATA 265+60, 197 RT from R/W data shown on sheet 11 of federal project no. F 173 (28) Highway Plans thence N02°27'40"E 125.78 feet STA 264+12+12, 288 RT thence S74°00'00" W 314.52feetnce S47°47'00"E 342.03 feet to STA 267+85, 152 RT thence N31°06'45"E 73.81 feet to STA 267+000, 150 RT thence N02°27"40"E to the point of BEGINNING.

There was no opposition.

Commissioner Lopez offered a motion that Fayette County Commission approves annexation for Southern Appalachian Labor School

(SALS) to be annexed in the City of Oak Hill as requested by John David. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the UKV/Fayetteville Little League Softball Team requesting a donation toward their trip to the regional tournaments in Clearwater, Florida on July 30, 31, and August 1, 2010.

The Commissioners denied their request for a donation.

The Commissioners received and reviewed a letter from the New River Patriots Youth Football Association, Inc. a new, non-profit youth football association requesting a donation to help purchase several items in order for their children to participate in the league.

The Commissioners denied their request for a donation.

The Commissioners received and reviewed a letter from Amy Whittington requesting the use of the Memorial Building to teach Zumba classes.

Discussion was held, the Commission asked Ms. Berry to contact Okey Skidmore and asks him to get more details.

Ms. Berry asked the Commissioners if it was okay to get the tabletop ballot jogger for the County Clerk's Office.

Ms. Berry told the Commissioners she received quotes from Plateau Printing (\$718.00) and Election Systems & Software (\$750.00).

Ms. Berry told the Commissioners that Jackie Hickman informed her she can order it from Office Max for \$351.82.

The Commissioners approved purchase of the tabletop ballot jogger from Office Max (\$351.82).

Alan Wickline, Chairman of the Fayette County Farmland Protection Program presented a proposed change to the Fayette County Farmland Protection Board's Articles of Association. (See attached)

Carl Harris, Prosecuting Attorney informed the Commissioners that according to the statute provided under the West Virginia Code 8A-12-4 this cannot be changed by the Fayette County Farmland protection Board's Articles of Association.

The Commission asked Mr. Harris to draft a letter informing the Farmland Protection Board.

Ms. Berry informed the Commissioners a couple from Pick Up America stopped by the Office to ask if their group could use the Memorial Building to take showers. The Commissioners informed the Memorial Building not suitable for this.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,326.50 for the month of August.

Levi Rose and Debra Fragala-Pories appeared before the Commission to talk about the Fayette County Onsite Sewer System Database Proposal.

Mr. Rose told the Commissioners they are here today to talk about proposing collaboration between the Fayette County Health Department and the Fayette County Commission to develop and implement a database

that addresses fecal coliform concerns from unsewered portions of the county.

Mr. Rose told the Commissioners that developing an Onsite Septic System database will be the first step.

Mr. Rose told the Commissioners he is here today to ask for support for the proposal.

ELA cost savings, GIS software, Fayette County Commission check with OES, 911 and Law Enforcement, Eddie Young check if GIS cost is eliminated

Commissioner Lopez suggested tabling this, not in no position to make a monetary commitment.

Commissioner Eskew informed he needs a little more time to review.

Mr. Rose told the Commissioners this could take up to 2-years.

The Commissioners adjourned the County Commission meeting for lunch at 11:50 a.m.

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

Attorney William A. McCourt, Jr., Ben Willard Olds, Jr., and Shawn Olds and Attorney Philip J. Tissue and Rebecca Olds and also Carl Harris, Prosecuting Attorney on behalf of the Fayette County Commission, pursuant to that notice of hearing previously filed herein, that being a continuance of an Order setting aside Final Settlement and Reopening Estate.

Carl Harris told the Commissioners there was a motion filed to do a number of things, the first thing was to set aside the final settlement. A motion was filed to remove the Executrix from the Estate and require a detail account on the Estate, on February 26, 2010 there was a hearing scheduled in April and rescheduled for May, a notice was sent out and then a final settlement was sent in sometime after that and presented to the Commissioners and was approved on March 12, 2010 without there ever having been a hearing on the previous issues that was filed with the Commission.

Based upon the Commission review of that it is his understanding that the Commission has decided to set aside that final settlement due to the fact the motion wasn't resolved before that final settlement was filed and to refer this to one of the Special Fiduciary Commissioners for the purpose of conducting a hearing and making recommendations to the Commission in regard to the other matters contained in that motion.

Attorney Philip Tissue told the Commissioners that he had people here that would be testifying.

Carl Harris suggested to the Commission to have whoever is going to testify today to give their name.

Attorney Tissue informed he would introduce them-Ira Akers, Silas Evans, Christine Schoolcraft, and Jean Dixon.

Attorney William McCourt introduced Angela Petrault.

Carl Harris informed that no further subpoenas need be served upon those witnesses heretofore appearing and that only a letter from

counsel is necessary to notify them of a new time and place for the hearing to be held as ordered herein.

Commissioner Eskew informed this would conclude the hearing.

The Commissioners signed the Annexation Papers from Bill Hannabass, City Manager of the City of Oak Hill.

Eddie Young, Assessor appeared before the Commission to discuss use of cell phones during working hours.

After a brief discussion, the Commissioners approved to Amend the Fayette County Personnel Manual to include cell phone use in Section D - Ethics.

The Commissioners approved and signed Petitions to Combine or Divide and Segregate Land for Harry E. and Virginia G. Burleson, Lewis E. and Martha Ann Hedrick, Leonard M. Richmond, William D. and Sherry Green, Alan E. and Barbara Wells, Raymond and Carolyn Goddard and John M. and Legirtha Mae Radford

The Commissioners received and reviewed a letter from the CODA Mountain Academy, formerly known as Morey Music Institute requesting immediately assistance in helping CODA survive. The tuition for the Academy program is \$650 per student. They have raised several thousand dollars. They need to raise about \$15,000 additional dollars in the next 4 weeks to meet their 2010 budget.

Commissioner Lopez and Commissioner Wender denied the request.

The Commissioners received and reviewed travel vouchers from Kelvin Holliday, County Clerk in the amount of \$140.03.

The Commissioners approved to pay travel expense for Kelvin Holliday, County Clerk, amount \$140.03.

The Commissioners received and reviewed from Region 4 Planning and Development Council a drawdown request for Danese Public Service District Water Extension, amount \$19,354.30.

Commissioner Lopez offered a motion to approve drawdown request for the Danese Public Service District Water Extension, amount \$19,354.30. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from Region 4 Planning and Development Council a drawdown request for New Haven Public Service District Stringtown Road Water Extension, amount \$222,633.08.

Commissioner Lopez offered a motion to approve drawdown request for the New Haven Public Service District Stringtown Road Water Extension, amount \$222,633.08. Commissioner Wender seconded. Unanimous.

The Commissioners signed a Request for Reimbursement to the West Virginia Courthouse Facilities Improvement Authority to Flat Top Construction for the Courthouse walks and wall repair, amount \$25,998.48.

Commissioner Lopez offered a motion to approve Request for Reimbursement to the West Virginia Courthouse Facilities Improvement Authority for Flat Top Construction for the Courthouse walks and wall repairs, amount \$25,998.48. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Budget Revision Order for Fiscal Year 2010-2011 General County Fund to the Commissioners

Commissioner Lopez offered a motion to approve Budget Revision order for Fiscal Year 2010-2011 General County Fund. Commissioner Wender seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from Jeremiah Borsman regarding an overpayment of taxes on his property. A copy of the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners there was a clerical error made on Jeremiah Borsman real property assessment.

Mr. Young asked that the Commission approve a tax refund for tax years 2005, 2006, 2007, 2008 and 2009 in the total amount of \$1,453.40 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 offered a motion to approve and sign an Order subject to the approval of the Assessor, Jeremiah Borsman be afforded tax relief for tax years 2005, 2006, 2007, 2008 and 2009 in the total amount of \$1,453.40 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 Wender seconded. Unanimous.

The Commissioners signed a letter from Dave Pollard, County Resource Coordinator to the West Virginia Division of Highways regarding Fayette County Urban Renewal Authority-Wolf Creek Park Industrial Access Road Application.

Commissioner Wender offered a motion that The Fayette County Commission pledges to execute a binding letter of credit with Fayette County National Bank as a means of increasing its surety per the attached Industrial Access Road Application for Wolf Creek Park. Commissioner Lopez seconded. Unanimous. Letter signed.

The Commissioners signed a letter to the West Virginia Housing Development Fund thanking them for their assistance and commitment in helping Fayette County begin tackling the longtime problem of removing dilapidated and abandoned structures from our landscape.

The Commissioners signed the Justice Assistance Grant Program (JAG) contract for the Fayette County Sheriff's Department, amount \$28,500.00.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Strategic Prevention Framework State Incentive Grant (SPF-SIG), amount \$4,999.13.

The Commissioners approved to release check to the City of Oak Hill Amphitheater Project, amount \$10,000.00.

The Commissioners signed a letter to the West Virginia Local Government Services Division requesting that their office prepare the Fayette County Commission Fiscal year 2009-2010 Financial Statement.

The Commissioners received and reviewed a copy of the invoices paid by the Danese Public Service District relating to design, construction, and other services for the water extension project.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk, from Sheriff Steve Kessler informing Nicole Kessler has been hired for the position of a part-time transport driver at the Community Corrections Center effective August 1, 2010 at \$9.00 per hour.

The Commissioners received and reviewed a copy of an e-mail to Debbie Aliff, Payroll Clerk from David Neal, E911 Coordinator asking that John Lewis and Cora Stover be changed from part-time to full-time employees effective July 16, 2010 hourly rate \$8.50 and adjust Amy Neal's hourly rate to \$8.50.

The Commissioners received and reviewed a note from Richard Smith, Maintenance Supervisor informing that Steve Everett missed 5-days July 1, July 6, July 7, July 8 and July 16. Mr. Everett did not have enough hours to cover, will not get paid for 7.5 hours.

The Commissioners received and reviewed a note from Richard Smith, Maintenance Supervisor informing that he is giving Kim Linzy 48 hours of his sick leave.

The Commissioners received and reviewed a letter from General Preservation Corporation informing they specialize in exterior preservation of restoring all types of buildings.

The Commissioners received and reviewed a letter from Appalachian Power regarding London/Marmet Project No. 1175, Winfield Project No. 1290 Draft Water Quality Report.

The Commissioners received and reviewed an invoice from the West Virginia University Cooperative Extension Service requesting

reimbursement for payment of local funding body's share of extension agent(s) salary and fringe benefits (if applicable) for the time period July 1, 2010 through September 30, 2010, amount \$2,500.00.

The Commissioners received and reviewed an invoice from the West Virginia University Cooperative Extension Service requesting reimbursement for payment of local funding body's share of extension agent(s) salary and fringe benefits (if applicable) for the time period July 1, 2010 through September 30, 2010, amount \$4,058.50.

The Commissioners received and reviewed a copy of an Order to the West Virginia Consolidated Retirement Board requesting payment to the Fayette County Commission, the amount of restitution previously Order by this Court, or so much thereof as funds are available from the amount paid into the West Virginia Consolidated Retirement fund as wage deduction contributions made from the wages of Thomas Woodrum.

The Commissioners received and reviewed a copy of a statement to Kelvin Holliday, County Clerk from Lisa Redden authorizes the pay increase of \$100.00 per month to take effect July 15, 2010 to be given to Alicia Treadway in exchange for her taking on more election duties.

The Commissioners received and reviewed a letter from Armstrong Deepwater Public Service District requesting \$5,000.000 that was set aside in the Budget to assist them in locating leaks, along with other needs to help better serve their customers.

The Commissioners received and reviewed a copy of an Order granting motion to dismiss third-party defendants, Office of the Fayette County Planning Department; Timothy Richardson, in his

official capacity as the Director of the Fayette County Planning Department; and the Office of the Clerk of the Fayette County Commission, Civil Action #07-C-2108 (Z) Honorable Paul Zakaib, Jr.

The Commissioners received and reviewed a thank-you note from the Good News outreach, Inc.

The Commissioners received and reviewed a letter from Debbie Tate, 4-H Agent requesting that the \$2,600.00 written in the Fayette County Board of Education Levy be disbursed equally between the Fayette County Energy Express sites. The City of Mount Hope in the amount of \$1,300.00 to support the Mount Hope Energy Express site and to Southern Appalachian Labor School (SALS) in the amount of \$1,300.000 to support the SALS/Beards Fork Energy Express site.

The Commissioners received and reviewed a letter from the West Virginia Department of Health and Human Resources requiring all employers to report all new and rehired employees to the State Directory.

The Commissioners received and reviewed a letter from Ricwel of West Virginia, LLC informing on behalf of BrickStreet Mutual Insurance Company an Independent Medical Examination has been scheduled in conjunction with claim number 2009020324 (Deborah Aliff).

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of June 30, 2010 the securities were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank informing of the securities pledged as of June 30, 2010.

The Commissioners received and reviewed from Bank of New York Melon Account Statement for the Period April 1, 2010 through June 30, 2010.

The Commissioners received and reviewed letters from the Office of the State Treasurer Office informing that the funds due for the June 2010, Table Games will be directly deposited on July 16, 2010, amount \$3,510.62; the funds due for the 75% of the coal severance tax will be directly deposited on July 12, 2010, amount \$149,107.83; the funds due for the 25% of the coal severance tax will be directly deposited on July 12, 2010, amount \$41,527.16; the funds due for the wine, liquor and private club taxes will be directly deposited on July 13, 2010, amount \$400.29; the funds due for the June 2010 Fayette Table Games Tax will be directly deposited on July 16, 2010, amount \$39.42; and the funds due for the Regional Jail Operations Partial Reimbursement Fund Tax will be directly deposited on July 13, 2010, amount \$81,252.99.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 2, 2010 to July 8, 2010, amount \$1,196.00.

The Commissioners received and reviewed checks for 911 Fees from Frontier Communications, amount \$48.98, Mountain Communications, LLC, amount \$64.93, and Vonage Tax Account, amount \$262.00; check from the City of Beckley for DUI Patrols, amount \$1,438.86; check from the

Supreme Court for FLM Rent, amount \$2,362.50 and check from the Division of Justice and Community Services for Community Corrections Grant, amount \$22,154.45.

The Commissioners received and reviewed an e-mail from David Pollard, County Resource Coordinator to Commissioner Wender informing his mother board on his computer blew due to frequent power outages.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Debbie Berry asking her to forward information onto Judson Wallace regarding the Fayette County Weatherization Program.

The meeting was adjourned at 2:50 p.m. The next scheduled meeting is August 6, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 6, 2010

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 6th day of August 2010.

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

The Commissioners informed Earl Pauley, Park Superintendent will be conducting the auction today on County-owned vehicles and other office supplies.

The Commissioners informed that any equipment that was not sold at the auction is taken to the landfill.

Greg Ingram with the City of Montgomery appeared before the Commission to thank the Commission for their help with the city pool.

Mary Weatherford 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 (See attached). Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets (See attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve 1st half payrolls, checks to be released August 13, 2010, approve vouchers and invoices, checks to be released today. Commissioner Wender seconded. Unanimous.

Amy Shumate, Program Manager for the Fayette County Farmland Protection Board appeared before the Commission to ask if they would sign a letter to our Senators John Rockefeller and Carte Goodwin and Congressman Nick Rahall to inform them of the unnecessary difficulty and delay in being granted 501(c)(3) (Non-Profit status) by the Internal Revenue Service (IRS).

Ms. Shumate told the Commissioners the application process has spanned four years and four months to date.

Ms. Shumate told the Commissioners after corresponding with other County Farmland Protection Boards in the state, it was determined that their applications for 501(c)(3) status was processed and finalized in an average of six months.

Ms. Shumate told the Commissioners they are unsure of the reason for the delay in the finalization of the application for Fayette County, but they are sure that it should not have taken this long.

Commissioner Wender told Ms. Shumate the Commission would sign the letter, but she is to get backing from Paul Clay their Attorney.

The Commissioners asked Ms. Shumate to return on August 19th with the letter and they would sign.

Kelvin Holliday, County Clerk gave an update to the Commissioners regarding the upcoming election. He reported everything is running smoothly.

Dave Pollard, David Neal and Stephanie Sears appeared before the Commission to discuss the financial aspects of the new 911 Center.

The Commission asked that they meet again on August 25th to discuss further.

Senator William Laird presents the Commissioners with money for the Sportsman Recreation Center.

Greg Stone with the Natural Resources Conservation Service appeared before the Commission to present Project Agreement for the Dunloup Creek Real Property.

Mr. Stone told the Commissioners that NRCS will furnish federal assistance for 100 percent of the cost of acquiring certain real property rights and interests. The estimated cost to NRCS is \$9,323,600.00. Funds available in Fiscal Year 2010 are \$2,323,657.00.

Commissioner Wender offered a motion that Fayette County Commission authorizes Commissioner Eskew to sign the Grant Agreement

for Real Property Appraisals and Acquisition for the Dunloup Creek Project. Commissioner Lopez seconded. Agreement signed.

Theresa White, OES Director gave an update on the Dunloup Creek Project.

Ms. White told the Commissioners that \$122,440.07 has been spent from the American Recovery Reinvestment Act (ARRA), \$155,655.95 total expenditures. All title searches are done for the first 40 homes, only one title issue on their part, but they can move on because it is on their side, all surveys done, 17 appraisals completed and reviewed, 10 offers sent out and 3 signed and returned, one closing on August 29th, 6 more in the next 30 days.

Ms. White told the Commissioners she received two (2) bids for the Demolition Project--Empire Salvage and Recycling of Princeton and Affordable Buildings of Minden.

The Commissioners approved the lower bid, Empire Salvage and Recycling of Princeton.

Commissioner Wender offered a motion to accept bid per demo and removal from Empire Salvage and Recycling of Princeton for the Dunloup Creek Project.

Pat Ford appeared before the Commission to discuss marketing plans for the Hawks Nest Golf Course.

Mr. Ford told the Commissioners he would try to get access to Class VI or Ace marketing databases.

Mr. Ford told the Commissioners November 1, 2010 the State to close the golf course for good.

The Commissioners suggested having a meeting with the stakeholders to generate interest.

Senator William Laird informed he would get a list of the stakeholders from Mr. Beanbottom. Once the list is received, he would schedule a meeting in the next 30-days.

Pat Ford to send a memo out after he meets with everybody.

The Commission recessed the Commission meeting at 12:25 p.m.

The Commission reconvened the Commission meeting at 1:10 p.m.

Kelvin Holliday, County Clerk, Linda Johnson appeared before the Commission to give an update on the upcoming special primary election.

Ms. Johnson asked the Commissioners if they would consider changing their August 23, 2010 Commission meeting to test voting equipment to August 25, 2010. The Commissioners approved.

Mr. Holliday told the Commissioners he received approval from the Secretary of State Office that for the August 19, 2010 Early Voting tests of the equipment to permit one Commissioner present for the test.

Commissioner Wender informed he will call Commissioner Lopez once the test has been completed.

The Commissioners signed a letter to Senators John Rockefeller and Carte Goodwin and Congressman Nick Rahall informing of the difficulty the Fayette County Farmland Protection Board has been experiencing the delay in being granted 501(c)(3) (Non-Profit status) by the Internal Revenue Service.

Ms. Berry presented to the Commissioners an Order designating that for the General Election the total number and type of election boards for the various precincts and notifying the executive committees of the democrat and republican parties that the list for those persons nominated and the positions for which they are designated shall be filed in writing with the County Commission by the county executive committees no later than August 24, 2010.

Commissioner Wender offered a motion that the Fayette County Commission request that the executive committees of the democrat and republican parties submit their names for the upcoming General Election being held November 2, 2010. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners approved request from the Town of Pax for their contribution of \$1,000.00 for the Town of Pax flood control.

The Commissioners signed an Order setting aside final settlement and reopening of the Estate of Ben Willard Olds, Sr.

Ms. Berry informed the Commissioners she received an e-mail from the West Virginia Development Office informing her that the Commission needed to sign another Resolution for the Paint Creek Watershed (\$3,000.00).

Commissioner Lopez offered a motion that Fayette County Commissions approves and authorize the adoption of the Resolution for the Paint Creek Watershed. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners signed a letter to the Economic Development Administration notifying that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council. Therefore, the Commission feels that the Regional Development Plan/Overall Economic Development Plan that was renamed Comprehensive Economic Development Strategy (CEDS), adequately serves the requirements of the continuous planning process and the document has been transformed into an acceptable Comprehensive Economic Development Strategy.

The Commissioners received and reviewed minutes from Region 4 Planning and Development Council of the Quarterly Dinner Meeting held April 21, 2010.

Commissioner Lopez offered a motion to purchase a copier for the Sheriff Department from Ricoh, amount \$6,879.00. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to the Upper Kanawha Valley Little League enclosing a check in the amount of \$2,500.00 that was approved in this Fiscal Year 2010-2011 Budget at the request of Commissioner John H. Lopez.

The Commissioners approved to pay the invoice from the Upper Kanawha Valley Economic Development Corporation for membership fee, amount \$4,000.00 and Octoberfest, amount \$500.00.

The Commissioners received and reviewed a request from SS Peter and Paul Catholic School requesting use of the Memorial Building for their upcoming basketball games and practice.

Commissioner Wender offered a motion to approve the request of SS Peter and Paul Catholic School to use the Memorial Building for their upcoming basketball games and practice pending no conflict of schedule. The \$1,000.00 rental fee will be waived; however, the custodial and trash service fees will not be waived on game days. All other rules are applicable including insurance. Commissioner Lopez seconded.

The Commissioners received and reviewed a request from the Fayette County AAU/WV Boys and Girls Hoopsters requesting use of the Memorial Building for AAU practice and instructional sessions for the coming year (September 1 through March 31, 2011).

Commissioner Wender offered a motion to approve the request of the Fayette County AAU/WV Boys and Girls Hoopsters to use the Memorial Building for AAU practice and instructional sessions for the coming year (September 1 through March 31, 2011) pending no conflict of schedule. The \$1,000.00 rental fee will be waived. Further the requirements of the garbage and the custodian fees are also waived with the understanding that Philip Samples, Coach/Organizer of the Fayette County AAU/WV Boys and Girls Hoopsters shall be responsible for the clean-up and security of the building and grounds after each practice. All other rules are applicable including insurance. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a request from the Fayetteville Fairs and Festivals Committee requesting use of the

Memorial Building for their Craft Show and Santa and Mrs. Claus Visit as part of their 7th Annual Christmas Parade and Festival.

Commissioner Lopez offered a motion to approve the request of Fayetteville Fairs and Festivals Committee to use the Memorial Building for their Craft Show and Santa and Mrs. Claus Visit as part of their 7th Annual Christmas Parade and Festival. The \$1,000.00 rental fee and the custodial and trash services fees will be waived. All other rules are applicable, including the insurance requirement. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting use of the Memorial Building to host the 2nd Annual Bridge Day Chili Cook-off and Quilt Show and use of the Courthouse lawn and parking lot for the Oktoberfest.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Convention and Visitors Bureau to use the Memorial Building for their 2nd Annual Bridge Day Chili Cook-off and Quilt Show and the use of the Courthouse lawn and parking lot for the Oktoberfest. The \$1,000.00 rental fee and the custodial and trash service fees will be waived. All other rules are applicable including the insurance requirement. Commissioner Wender seconded. Unanimous.

The Commissioners signed request for Reimbursement to the West Virginia Division of Criminal Justice Service for the Strategic Prevention Framework State Incentive Grant (SPF-SIG), amount \$4,108.94.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School requesting the Commission to sign a letter of support for their Housing Counseling Assistance Grant.

The Commissioners signed a letter expressing their support of the proposal for Housing Counseling Assistance submitted by the Southern Appalachian Labor School (SALS).

Discussion was held regarding the Oak Hill Fire Department and the Fayetteville Fire Department Levy Contracts.

Commissioner Wender suggested inviting the Oak Hill Fire Department, Fayetteville Fire Department, Mount Hope Fire Department and someone from the Fire Fighters Association to attend their August 19th County Commission meeting to discuss further.

Commissioner Wender offered a motion to approve 2nd half August payroll, checks to be released August 30, 2010. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Debbie Berry to check with Judy Radford and asks her to find out what the position of Georgia-Pacific.

The Commissioners approve for Debbie Berry, Debbie Aliff and Stephanie Sears to attend the Payroll Law 2010 seminar being held August 16, 2010 at the Holiday Inn Charleston House.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing a copy of the November 2009 Consolidated Project Priority List for review in making any deletions and or additions for consideration to the CEDS (Comprehensive Economic Development Strategy) Plan.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent regarding Ron Neely, Camp Director of Camp Kismet destroying property.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing that Thomas J. Steele last day of employment will be August 14, 2010 due to medical reasons.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that effective August 1, 2010 the hourly rate of pay for Curtis Dotson will be \$10.55 per hour.

The Commissioners received and reviewed an invitation inviting the Commission to attend a retirement get-together for Thomas Steele on Friday, August 6, 2010 from 11:00 a.m. to 1:00 p.m. at the Prosecuting Attorney's Office.

The Commissioners received and reviewed a letter from the Fayette County React #2599 thanking the Commission for their dedication to their organization and requesting their \$1,000.00 contribution for Fiscal Year 2010-2011.

The Commissioners approved purchase of rugs for the Probation Office, amount \$658.00.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that a Premium Audit will be conducted on August 9, 2010 between 10:45 a.m. and 11:45 a.m.

The Commissioners received and reviewed Official Oath of Office from Greg O'Neal, member of the Arbuckle Public Service District and Debby Sizemore, member of the Fayette County Planning Commission.

The Commissioners received and reviewed from the Bank of New York Melon Account Statement for the period June 23, 2010 through July 22, 2010 and for the period July 1, 2010 through July 23, 210.

The Commissioners received and reviewed Audit Report from the Danese Volunteer Fire Department for the years ending December 31, 2008.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the June Limited Video Lottery will be directly deposited on July 26, 2010, amount \$6,860.35.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 16 to July 22, 2010, amount \$311.00, the week of July 23 to July 29, 2010, amount \$112.00, and the week of July 30 to July 31, 2010, amount \$40.00 New River Humane Society allotment \$17,438.85 for the month of July.

The Commissioners received and reviewed checks for 911 Fees from 8x8, Inc., amount \$52.00, One Communications, amount \$2,360.98, Cequel Communications Holdings, ME, amount \$7,562.00, Level 3 Communications, LLC, amount \$106.00, Granite Telecommunications, LLC, amount \$240.00; Franchise Fees from Suddenlink Communication, amount \$46,954.58; Division of Justice and Community Services-Communication Correction, amount \$20,451.37; Supreme Court-FLM Rent, amount \$2,362.50; Office Max reimbursement, amount \$15.00, FCSWA-Fayette County Commission

reimbursement, amount \$798.15, Fayette Emergency Services Disaster Relief Account-Closing for Sears, amount \$94,000.00.

The Commissioners received and reviewed an e-mail from the Kanawha Valley Chapter of Trout Unlimited regarding a release from the Frasure Creek Mine into the unnamed tributary (in what is locally referred to as Harmon Hollow) of Loop Creek on June 12 across from the upper end of Meadow haven Memorial Park.

The Commissioners received and reviewed an e-mail from the West Virginia Public Service Commission regarding Arbuckle Public Service District.

The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia regarding the special primary election to take place on August 28, 2010.

Commissioner Lopez offered a motion to adjourn the County Commission meeting. Commissioner Wender seconded.

The meeting was adjourned 1:55 p.m. The next scheduled meeting is August 19, 2010.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
AUGUST 19, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew Wender

The Fayette County Commission met in a special session on this 19th day of August 2010.

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

The Commissioners recessed the County Commission to test election equipment for early voting for the Special Primary Election being held August 28, 2010.

Present for the test were John Lopez, Matthew Wender, Carl Harris, Kelvin Holliday, Debbie Berry, Lisa Redden, Debbie Aliff, Linda Johnson and Carol Smith.

Commissioner Lopez reconvened the Commission meeting at 10:30 a.m.

Carl Harris, Prosecuting Attorney and Allen Ballard, Building Inspector appeared before the Commission to present a corrected Resolution for the Unified Development Code Amendment to the Floodplan.

The Commissioners received and reviewed, Commissioner Wender offered a motion to accept the corrected Resolution for the Unified Development Code Amendment for the Floodplan. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to advertise for an Architect to oversee and compose a plan for the new 911 Center. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign minutes of June 11, 2010. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commission that the City of Oak Hill has not heard anything from Arbuckle Public Service District regarding the OMO Agreement for the operation of the facility.

Commissioner Wender offered a motion to write Arbuckle Public Service District and their Attorney asking why they have not been informed of any actions taken since our meeting on June 25, 2010. Commissioner Lopez seconded. Unanimous.

The Commissioners signed final settlements from the County Clerk's Office.

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

Commissioner Wender offered a motion to sign Resolution that Commissioner Lopez be duly and legally authorized to act on and sign on behalf of Commissioner Eskew, President of the Fayette County Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign drawdown request for the Community Development Block Grant for the New Haven Public Service District-Stringtown Road Water Extension, amount \$57,416.99. Commissioner Lopez seconded. Resolution signed.

Commissioner Wender offered a motion to approve and sign drawdown request for the Community Development Block Grant for Capital Resource Agency, amount \$2,667.50. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign drawdown request for the Community Development Block Grant for the Community Corrections/Education Media and Equipment, amount \$1,019.29

The Commissioners signed Orders and appointment to serve letters reappointing Allen Ballard, Aletha Stolar, Joseph D. Carelli, Tim

Richardson, Phil Perone, and Tommy Harris members of the Fayette County Beautification Committee.

Sharon Cruikshank, Calentha Quesenberry, Betty Carver and Congressman Nick Rahall appeared before the Commission for the Fayette County Civil War Trails Dedication Ceremony.

Commissioner Lopez offered a motion to approve purchase of a vacuum cleaner for the maintenance department, amount \$429.00.

Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve purchase of a lawn mower for the maintenance department not to exceed \$250.00.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve purchase of an air conditioner for the election room on the 3rd Floor, amount \$329.00.

Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed quote from Lee's Carpet and Floor Covering for carpet for Judge Paul Blake on the 2nd Floor of the Courthouse Annex.

The Commissioners asked Ms. Berry to have Dickie Smith, Maintenance Supervisor to get 3 other quotes.

The Commissioners received and reviewed a letter from the Fayette County Health Department informing the Fayette County Health Building is in need of plumbing repairs in three (3) restroom. The Fayette County Board of Health will reimburse the Fayette County Commission for all materials needed to complete the repairs. The Commission approved to make repairs.

The Commissioners received and reviewed a letter from the New Haven Public Service District regarding the next non-AML project (Saturday Road/Confluence and Arrowwood Road)

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing that Gary W. Reed, Jr. has resigned as transportation officer effective immediately.

The Commissioners received and reviewed a letter from the West Virginia State Tax Department enclosing our Business Registration Certificate for the Fayette County Park.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Contract No. 16A-Stringtown Road Substantial Completion Inspection.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds due for the July 2010 Fayette Table Games Tax was directly deposited on August 16, 2010, amount \$65.45.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges regarding Judy L. Treadway claim.

The Commissioners received and reviewed a letter from the Town of Pax requesting the \$1,000.00 contribution for their Flood Control.

The Commissioners received and reviewed a letter from the Kanawha Falls Public Service District requesting that Roger Wagner, II be reappointed for another term as commissioner of their district.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing securities pledged as of July 30, 2010.

The Commissioners received and reviewed a letter from Branch Banking and Trust listing the securities pledged as collateral to secure the deposits of Fayette County Commission as of July 31, 2010.

The Commissioners received and reviewed an Account Statement from Branch Banking and Trust Company for the period February 1 to July 31, 2010.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period July 1 to July 31, 2010.

The Commissioners received and reviewed a copy of the Request for Reimbursement sent to the WV Department of Military Affairs and Public Safety Homeland Security State Administrative Agency (SSA).

The Commissioners received and reviewed an Application for Employment from Milton Lee Staunton.

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

The Commissioners received and reviewed from the Fayette County Animal Control/NRHS Weekly Fees Collected for the week of August 1 to August 5, 2010, amount 699.00 and the week of August 6 to August 13, 2010, amount \$334.00.

The Commissioners received and reviewed checks for 911 Fees from Frontier Communications, amount 447.04, Vonage Tax Account, amount \$264.00; Fayette County Board of Education contribution from other

entities, amount \$24,237.00, Daniel Wright, Circuit Clerk, Restitution for Nicole Kessler, amount \$25.00.

The Commissioners received and reviewed some e-mails from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Patti Hamilton, West Virginia Association of Counties regarding Constitution Day, September 17, 2010.

Commissioner Wender offered a motion to adjourn meeting. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 11:15 a.m. The next scheduled meeting is August 25, 2010.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
AUGUST 25, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 25th day of August 2010.

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

The Commissioners recessed the County Commission meeting to test voting equipment for the early voting Special Primary Election.

The Commission reconvened the Commission meeting at 9:45 a.m.

Commissioner Lopez suggested releasing the payroll on Friday, August 27, 2010.

Commissioner Wender offered a motion to rescind the motion to release August 2nd half payrolls from August 30th to Friday, August 27, 2010. Commissioner Lopez seconded. Unanimous.

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

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,362.50 for the month of September.

The Commissioners signed a letter to Arbuckle Public Service District informing they have not been informed of any action taken since their meeting on June 25, 2010 regarding a commitment to move forward with the Arbuckle Public Service District project.

Commissioner Wender asked that a copy of the letter be sent to Bill Hannabass, City Manager Oak Hill and William Wooton, attorney.

The Commissioners received and reviewed a quote from Priddy's Lumber and Building Supply for a storage building for the WVU Extension Office, cost \$7,500.00.

Commissioner Wender offered a motion that Fayette County Commission approves purchase of a storage building for the WVU Extension Office cost not to exceed \$7,500.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission approves purchase of a new buffer for the Maintenance

Department not to exceed \$1,200.00. Commissioner Lopez seconded.

Unanimous.

The Commissioners asked Dickie Smith, Maintenance Supervisor to get two (2) additional quotes for carpet for Judge Blake's offices on the 2nd floor of the Courthouse Annex.

Ms. Berry informed the Commissioners she received an estimate from Jim Berry, Owner, A All Animal Control for the bat exclusion and clean-up of the Courthouse attic, cost \$21,900.00.

Ms. Berry told the Commissioners that Jim Berry recommends that the project be scheduled after the bats have hibernated later this year. They will be gone sometime in November.

Commissioner Wender suggested tabling the quote from A All Animal Control.

Commissioner Lopez suggested advertising for other quotes.

Commissioner Wender offered a motion that Fayette County Commission advertises for the bat exclusion and clean-up.

Commissioner Lopez seconded. Unanimous.

Ms. Berry presented from Region 4 Planning and Development Council a drawdown for the Danese Public Service District Water Extension, Project #07ARCP15639, amount \$44,426.83.

Commissioner Wender offered a motion that Fayette County Commission approves drawdown request for Danese Public Service District Water Extension in the amount of \$44,426.83. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and authorize the adoption of a Resolution that Commissioner John H. Lopez, member of the County Commission, Fayette County be duly and legally authorized to act on and sign on behalf of Kenneth L. Eskew, President Fayette County Commission. Commissioner Lopez seconded. Unanimous. Resolution signed.

Steve Cruikshank, OES Deputy, Tim Richardson, Bill Hannabass, City Manager Oak Hill, David Keffer, Danita Johnson and Pete Hobbs appeared before the Commission to discuss the Oak Hill Volunteer Fire Department and the Fayetteville Volunteer Fire Department Levy Contracts.

Commissioner Wender informed he assumed that the Fire Levy Funds were distributed the same.

Steve Cruikshank proposed to the Commissioners that Oak Hill Volunteer Fire Department and Fayetteville Volunteer Fire Department funding be identical to the other Fire Departments.

Mr. Cruikshank gave a brief background on how all this came about.

Commissioner Wender asked for comments from the representatives for the Oak Hill Volunteer Fire Department and the City of Oak Hill.

After a brief discussion and comments made, Commissioner Wender offered a motion that Oak Hill Volunteer Fire Department method of payment stays the same. That Fayette County Commission will make quarterly payments to the Oak Hill Volunteer Fire Department, the City of Oak Hill would be responsible for paying all legitimate invoices.

The City of Oak Hill will submit their Audits. To delay any change to the Town of Fayetteville Fire Levy Contract until they are here to discuss. There is no valid reason to make a change for the Oak Hill Volunteer Fire Department Fire Levy Contract. Commissioner Lopez and Commissioner Eskew seconded. Unanimous. Vote passed 3-0.

Stephanie Sears, David Neal, David Pollard appeared before the Commission to discuss the final cost of a new 911 Center.

Ms. Sears told the Commissioners she has not been given the figures from David Neal for the capital outlay cost.

Ms. Sears told the Commissioners that there is \$1.2 million in the account, \$250,000 to be used as a down payment, and a payment of \$100,000 annually.

David Neal told the Commissioners the total cost for capital outlays would be \$850,000.

Commissioner Lopez asked when do the Fayette County Commission plan to raise the 911 Fees, we need to have a public hearing, a letter to the telephone company informing them of the increase, it has to go to the Public Service Commission after we have the Public Hearing.

Commissioner Wender asked Ms. Sears if she would redo the spreadsheet and asked David Neal to give Ms. Sears a list and cost of all the equipment. Commissioner Wender asked Mr. Neal to do a projection on all the expenditures for the building.

The Commissioners signed an Order approving the list of Poll Workers received from the Chairman of the Democratic Executive

Committee and the Chairman of the Republican Executive Committee to work the November 2, 2010 General Election.

The Commissioners signed a letter to Skydad's Corporation approving their request to hold a concert event at the Fayette County Memorial Building on September 18, 2010, the rental fee for the event is \$1,000.00. The custodial and trash service fees and insurance requirements will not be waived, all other rules are applicable. Alcoholic beverages are prohibited and adequate security is required for the event and for parking. All security plan and services and traffic control and parking plans are to be submitted for review and approved by Okey Skidmore at least fourteen (14) days prior to the exercise of any rights under the rental.

The Commissioners signed invoices to the Fayette County Board of Education for the Board of Education-Fayette County Commission contracted services at Oak Hill High School Prevention Resource Office for Fiscal Year 2010-2011 School Year.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the security pledged to the Fayette County Commission will not be available for pledge as of August 28, 2010. They will substitute this security.

Commissioner Wender offered a motion that having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank, the Fayette County Commission 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 Senator John Rockefeller thanking the Commission for contacting him about the problems the Fayette County Farmland Protection Board is having with its 501(c)(3) application.

The Commissioners received and reviewed a copy of a letter to Vivian Parsons of the West Virginia County Commissioners Association from Danny Scalise, II ARRA Coordinator informing that some counties may have trouble implementing the newer, more stringent requirements of the ARRA. If any County Commission in West Virginia has an issue with the new requirements outlined in the ARRA, they are welcome to contact him and use his office as a technical resource.

The Commissioners received and reviewed a letter from Eddie Young, Assessor asking that Robin Brown's payroll check be released early.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing that he has appointed Curtis "Stub" Dotson, Democrat and David Bennett, Republican as emergency ballot commissioners for the upcoming Special Primary Election being held August 28, 2010.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting payment to Larry Dotson and Richard Meadows, Ballot Commissioners.

The Commissioners received and reviewed a copy of a letter to Danny Wright, Circuit Clerk from the Consolidated Public Retirement board enclosing a check in the amount of \$35,219.03 which reflects Tom Woodrum's retirement contribution plus interest to be applied as restitution for the loss incurred by the Fayette County Commission.

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, 2010, amount \$6,859.19.

The Commissioners received and reviewed from the Bank of New York Melon an Account Statement for the period July 23 through August 20, 2010.

The Commissioners received and reviewed an Accident Report on Deputy Patrick "Jeb" McCutcheon vehicle.

The Commissioners received and reviewed a letter from the Unemployment Compensation Division regarding a claim for Jamie D. Neff.

The Commissioners received and reviewed a copy of a letter to Ron Watson, President County Commissioners' Association of West Virginia from Kent Carper President Kanawha County Commission regarding the Regional Jail Partial Reimbursement Fund.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of August 13 to August 19, 2010, amount \$70.00.

The Commissioners received and reviewed checks for 911 Fees from Frontier Communications, amount \$22,079.99, Granite Telecommunications, LLC, amount \$240.00, AT&T Communications of WV, amount \$378.00, Cebridge Telecom, WV d/b/a Suddenlink, amount \$7,640.00, IDT Corporation, amount \$12.00; Division of Human Services-FRN, amount \$10,000.00; Clerk of the Circuit Court (Restitution Tom Woodrum) amount \$35,219.03.

The meeting was adjourned at 11:31 a.m. The next scheduled meeting is August 31, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 31, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 31st day of August 2010 to canvass the votes cast in the Special Primary Election held on August 28, 2010.

Commissioner Lopez called the canvass to order at 9:00 a.m.

The canvass was adjourned at 12:00 p.m.

The Commission reconvened the County Commission meeting at 1:00 p.m.

Amy Shumate, Program Manager Fayette County Farmland Protection Program reported to the Commission that everything is ready on the Curtis Farm, closing will be Friday in Attorney Paul Clay's office.

Commissioner Wender offered a motion to approve the Fayette County Farmland Conservation Easement Agreement of \$114,000 on the Curtis Farm. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve and sign real property tickets (See attached). Commissioner Wender seconded. Unanimous.

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

Commissioner Wender offered a motion to approve and sign refunds for Richard H. Coleman, amount \$124.90, Ollie K. Smailes and Brenda Clark, amount \$184.04, Joseph D. and Bonnie Carelli, amount \$222.58, Flounoy N. and Joan Gilbert, amount \$58.45. Commissioner Lopez seconded. Unanimous.

Earl Pauley, Park Superintendent appeared before the Commission to inform them that the Dead Prophet Society of Fort Wayne, Indiana is requesting permission to place a double wide modular home on the park property.

Discussion was held, the Commission asked Mr. Pauley to have the Dead Prophet Society write a letter giving full details of what the home would be used for. Once the letter is received Carl Harris, Prosecuting Attorney will review and prepare a contract agreement for the Commission to review.

Mr. Pauley told the Commissioners Jim Hall would like to sell seven (7) race cars to the Fayette County Park.

Discussion was held, the Commission told Mr. Pauley they would have to check with Jim Lively Insurance to see what the insurance premium would be.

The Commissioners told Mr. Pauley they would get back with him once they receive the information from Jim Lively Insurance.

Laura Sevy, President of the High Country Garden Club appeared before the Commission to request funding of \$1,000.00 to assist in repairing the roof at their Community Center.

Ms. Sevy told the Commissioners that Modern Woodsmen of America said they would match what they have raised for the project.

Commissioner Wender offered a motion to approve the \$1,000.00 allocation to the High Country Garden Club for improvements for their Community Center. The \$1,000.00 would be made available once they have the match from Modern Woodsmen of America. Commissioner Lopez seconded. Unanimous.

David Neal, 911 Coordinator, Fred Williams of Steptoe and Johnson appeared before the Commission to discuss and sign Resolution approving the application for Recovery Zone Economic Development Bond Volume Cap with the West Virginia Economic Development Authority.

Mr. Williams discussed and reviewed the Resolution with the Commission. Mr. Williams told the Commissioners they need to activate their Building Commission.

Commissioner Wender offered a motion to approve Resolution and authorize the President of the County Commission or his designee to execute any and all documents for the application for Recovery Zone Economic Development Bond Volume Cap with the West Virginia Economic Development Authority. Commissioner Lopez seconded. Unanimous. Resolution signed.

Mr. Williams presented the Reimbursement Resolution to the Commissioners to review and sign.

Discussion was held, Commissioner Wender offered a motion that Fayette County Commission approves Resolution to reimburse the County for capital expenditures in connection with the planning, design, acquisition, construction and equipping of a new 911 Center and related facilities made prior to the issuance of tax exempt or taxable Revenue bonds. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Wender offered a motion to approve Resolution that Commissioner Lopez be duly and legally authorized to be the Acting President of the Fayette County Commission in the absence of Commissioner Kenneth Eskew, President in all matters coming before the Fayette County Commission on this 31st day of August 2010. Commissioner Lopez seconded. Unanimous.

Mr. Williams told the Commissioners he had a Resolution for the Boy Scouts of America that needed to be signed, but its not on the Agenda.

Mr. Williams suggested to the Commissioner to reschedule for their September 10, 2010 County Commission meeting.

Commissioner Wender offered a motion to schedule the Resolution for the Boy Scouts of America on their September 10, 2010 County Commission meeting at 10:00 a.m. Commissioner Lopez seconded. Unanimous.

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

David Neal, E911 Coordinator and Stephanie Sears appeared before the Commission to discuss the operational expenditures for the new 911 Center.

Commissioner Wender asked Mr. Neal if he had a complete breakdown of the expenditures.

Commissioner Wender asked Mr. Neal to get a complete breakdown of expenditures and give to Stephanie Sears.

Commissioner Wender asked Ms. Sears to prepare another spreadsheet one to increase the 911 Fees to \$1.00 and another one to increase the 911 Fees to \$1.50 once she receives the information from Mr. Neal.

Discussion was held regarding a salary of \$18,500 for a maintenance employee at the new 911 Center.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate land for Matilda and Jerry Webb, Garfield and Helen Bohanna, Daniel H. and Janetta M.

Settle, Vernon and Cynthia N. Smith, Soloman J. and Elana J. Hudson, Gilbert Raney, Ethel P. Simley, Scot Wilson Long, James Randolph Ramsey and Genny Ferry, Shirley Stump and Cynthia Jayne Abbot and Michael Wayne Day. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from James G. Goard regarding an overpayment of taxes on his property. A copy of the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners there was a clerical error made on James G. Goard real property assessment.

Mr. Young asked that the Commission approve a tax refund for tax year 2009 in the total amount of \$1,433.94 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 Wender offered a motion to approve and sign an Order subject to the approval of the Assessor, James G. Goard be afforded tax relief for tax year 2009 in the total amount of \$1,433.94 in the form of a credit 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. Order signed.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Center, amount \$34,641.12.

Commissioner Wender offered a motion to sign and approve Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Center, amount \$34,641.12. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Fire Levy Protection Agreements for Ansted Certified VFD (\$46,857), Armstrong Creek VFD (\$35,734), Boomer VFD (\$35,522), Danese VFD (\$36,674), Gauley River VFD (\$33,808), Loup Creek VFD (\$34,709), Meadow Bridge VFD (\$34,940), Montgomery VFD (\$46,512), Mount Hope VFD (\$38,842), Nuttall VFD (\$36,575), Pax VFD, Incorporated (\$36,572) and Smithers VFD (\$36,064).

The Commissioners received and reviewed minutes from Region 4 Planning and Development Council of the CEDS Committee Meeting held August 20, 2010.

The Commissioners received and reviewed Request for Separation Information from the Unemployment Compensation Division for Jamie D. Neff.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. informing he reviewed several issues at the Fayette County Judicial Annex and offered his thoughts on remedial procedures.

The Commissioners received and reviewed a notice that the Boy Scouts of America and the State of West Virginia will host a Groundbreaking Ceremony on Friday, October 22, 2010 to celebrate their joint endeavor-the construction of the Summit Bechtel Family National Scout Reserve.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS weekly Fees Collected for the week of August 20 to August 26, 2010, amount \$211.00.

The Commissioners received and reviewed a letter from Bowles, Rice regarding Judy Treadway claim.

The Commissioners received and reviewed a letter from Tom Thornburgh regarding the speeding ticket he received in Gauley Bridge.

The Commissioners received and reviewed checks from the Division of Justice and Criminal Services for the SPF-SIG Grant, amount \$4,918.96; Reimbursement from Fayette County Solid Waste Authority, amount \$798.15.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is September 2, 2010.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
SEPTEMBER 2, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 2nd day of September 2010.

Commissioner Lopez called the meeting to order at 4:00 p.m.

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

Commissioner Wender offered a motion to approve and sign refund for Tommy McCallister, amount \$57.95. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez announced that the Commissioners are here today to certify the canvass of the Special Primary Election held on August 28, 2010.

Ms. Berry presented the Abstracts by Voting Precincts and an Order to be signed by the Commissioners.

The Commissioners reviewed the Abstracts and Order. Commissioner Wender offered a motion that the 2010 Special Primary Election be certified and all documents are signed. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Order certifying the results of the canvass for the 2010 Special Primary Election. A letter and certificates were forwarded to the Secretary of State and the County Clerk's Office giving the results of the canvass.

The Commissioners signed a letter to the High Country Garden Club informing they approved the \$1,000.00 allocation requested on August 31, 2010 to assist in repairing the roof at their Community Center contingent upon confirmation that the Modern Woodsmen of America matches what they have raised for the project.

Ms. Berry told the Commissioners she received a quote from Tri-State Roofing and Sheet Metal Company to repair the wind damage to the Bell Tower, cost \$9,620.00.

The Commissioners asked Ms. Berry to write a letter to Tri-State and inform them that this was not a hurricane forced winds and the Commission feels that the repair should have been made to withstand any similar incidence. The Commission requests to treat this work as warranty work or as a latent defect.

The Commissioners received and reviewed a letter from Nathan A. Rowe, National Director of the YouthNation4Christ.com requesting use of the Fayette County Memorial Building to host a Kenneth Bickford Benefit Show on October 9, 2010.

The Commission approved use of the Fayette County Memorial Building for a Kenneth Bickford Benefit Show, the \$1,000.00 rental fee, and the custodial and trash service fees will be waived. All other rules are applicable including the insurance requirement.

The meeting was adjourned at 4:15 p.m. The next scheduled meeting is September 10, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 10, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John H. Lopez, Matthew D. Wender

Commissioner Kenneth L. Eskew, present via the telephone

The Fayette County Commission met in a regular session on this 10th day of September 2010.

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

Discussion was held regarding exoneration ticket for Meadow Creek Coal Corporation.

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

Commissioner Wender offered a motion to approve and sign real property tickets as presented by the Assessor with the exception of Account #8159226-Meadow Creek Coal Corporation asked that the Commission table. (See Attached) Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tickets as presented by the Assessor (See attached). Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refunds for Howard Facemire (\$90.68), Good News Outreach (\$322.64), Donna McDonald (\$50.08), James and Brenda Goad (\$1,433.02), James A. Hall and Paul Holland (\$251.05) and Angie and Roger Jeffries (\$32.47). Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed he had no minutes to be approved.

Commissioner Lopez offered a motion to approve 1st half payrolls, payrolls to be released September 15, 2010. Commissioner Wender seconded. Unanimous.

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

Discussion was held regarding establishing a Fayette County Building Commission.

Commissioner Wender informed he had three (3) people in mind but have not talked with them about being appointed.

Carl Harris, Prosecuting Attorney presented to the Commissioners an Order Establishing the Fayette County Building Commission.

Commissioner Wender offered a motion that Fayette County Commission approves Resolution Establishing a Fayette County Building Commission pending the acceptance of the three (3) appointees. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission appoints William Thornton who shall serve for a term of five (5) years, Morgan Bracken who shall serve for a term of four (4) years and Russell Bennett who shall serve for a term of three (3) years subject to their approval to serve as members of the Fayette County Building Commission. Commissioner Eskew seconded. Unanimous.

Stephanie Sears reported her projection of the expenditures for the new 911 Center to the Commissioners.

Ms. Sears told the Commissioners she included the \$18,500.00 for the maintenance worker, increased everything by 3%.

Discussion was held the Commission informed that David Neal, E911 Coordinator needs to be here.

Commissioner Lopez offered a motion for further discussion and table for September 24, 2010 at 9:30 a.m. Commissioner Wender seconded. Unanimous.

John Stump with Steptoe and Johnson appeared before the Commission to present an Inducement Resolution for the Boy Scouts of America.

Mr. Stump told the Commissioners that this Resolution is for a public hearing on October 6, 2010

Commissioner Wender offered a motion to accept the Resolution as presented by Mr. Stump. Commissioner Lopez seconded. Unanimous.

Judy Gunsaulis, Becky Shuff, Tammy Locker, Ann Skaggs, Dale Payne, Daniel Wright, Okey Skidmore was present for the Fayette Raleigh Genealogical Society discussion of space for their collection.

Commissioner Wender asked Judy Gunsaulis to give a brief summary.

Ms. Gunsaulis told the Commissioners that the FRGS approached the Library Board and stated they were going to have to move the collection because the Fayetteville Library did not have enough room to house it.

At that time the Library Board discussed the issue and agreed with the FRGS that the Fayetteville Library could not spare any more room for the FRGS Collection.

The FRGS informed them that they were looking for a new location for their material.

Ms. Gunsaulis told the Commissioners that they gave them over a year to find a new location.

Ms. Gunsaulis told the Commissioners she contacted Becky Shuff in July 2010 and asked her to have all the items removed by September 1, 2010.

Becky Shuff and two other members came to their August Board meeting and asked for additional time. The Board agreed to extend the time to October 1, 2010.

Ms. Gunsaulis told the Commissioners that the library needs the space.

Daniel Wright, Circuit Clerk told the Commissioners he had three suggestions: 1-The Lewis House in Oak Hill they are willing to offer space, 2-Fayetteville Historical Visitors Bureau and 3-Microfilming.

Becky Shuff told the Commissioners they would like to stay located in Fayetteville.

Commissioner Wender told the group that this is a Fayette County Library Board decision.

Commissioner Lopez told the group to consider some of the options suggested.

Commissioner Wender suggested to Ms. Shuff to figure out and they would help.

Carri Strunk appeared before the Commission to inform them that the SPF-SIG Grant will end September 30, 2010.

Ms. Strunk asked the Commission if they would consider keeping her on until the end of December.

Commissioner Wender asked Ms. Strunk to write them a letter explaining why they should hire her and what she would accomplish by the end of December.

The Commissioners asked Ms. Strunk to check with the Fayette County Board of Education to see if they would assist.

Commissioner Wender offered a motion that Fayette County Commission hire Carri Strunk, SPF-SIG Director from October 1, 2010 to December 31, 2010 with a reduction of salary from \$25,000.00 to \$20,000.00. Ms. Strunk agreed to withdraw from PEIA coverage. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to sign a letter to the Supreme Court of Appeals enclosing a copy of a letter from C. J. Development Corporation requesting an increase in the amount of \$675.00 per month for lease of space for the Fayette County Family Law Judge. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission formally requests that Hawks Nest State Park (49 Hawks Nest State Park Road, Ansted vicinity) be considered by the West Virginia Archives and History Commission for nomination to the National Register of Historic Places. Commissioner Eskew seconded. Unanimous.

The Commissioners informed they approves the request if the Supreme Court is willing to reimburse the County for the cost.

The Commissioners received and reviewed a letter from Cybil Neal Delaney regarding an overpayment of taxes on her property. A copy of the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners there was a clerical error made on Cybil Neal Delaney real property assessment.

Mr. Young asked that the Commission approve a tax refund for tax years 2006 and 2007 in the total amount of \$1,266.46 in the form 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 Wender offered a motion to approve and sign an Order subject to the approval of the Assessor, Cybil Neal Delaney be afforded tax relief for tax years 2006 and 2007 in the total amount of \$1,266.46 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 Eskew seconded. Unanimous. Order signed.

The Commissioners signed a letter to Tri-State Roofing and Sheet Metal Company enclosing a copy of an invoice that was paid in December 2008 for costs related to wind damage to the bell tower.

The wind damaged the bell tower again and the Commission asked Tri-State to give a quote for repairing the damages to the bell tower.

Tri-state gave a quote of \$9,620.00 to repair damages.

The Commission believes the repair should have been made to withstand any similar incidents.

The Commissioners asked Tri-State to respond to their request to treat this work as warranty work or as a latent defect.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,362.50 for the month of October.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Corina L. Callahan and George M. Edwards, Charles H. and Joanna C. Lavender,

Anthony and Sandra Underwood, and Frank S. Leilich, Sr. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Annual County financial Statement for Fiscal Year July 1, 2009.

The Commissioners approved for Debbie Berry to attend the Criticism and Discipline Seminar being held at the Tamarack Conference Center on Monday, September 27, 2010.

The Commissioners received and reviewed letters from Kelvin Holliday, County Clerk regarding Unsigned Ballots in Precinct 67 and Precinct 74. Mr. Holliday asked that the letters to be filed with the election results.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$4,108.94.

The Commissioners received and reviewed a letter from the West Virginia Culture and History informing the Commission they have been awarded a grant to assist in the rehabilitation or restoration of the Fayette County Courthouse Jail Museum.

The Commissioners received and reviewed a copy of a letter from Eddie Young, Assessor to Debbie Aliff, Payroll Clerk informing that effective September 1, 2010 Ryan Payne will be employed in his office as a temporary, part time worker. He will be paid at a rate of \$7.50 per hour from his Regular County Budget.

The Commissioners received and reviewed a copy of a letter from Steve Kessler, Sheriff, to Debbie Aliff, Payroll Clerk advising of his

decision to promote Captain James K. Sizemore, Lieutenants Michael A. Fridley and James W. Fitzwater, Sergeants Steve M. Gray, Shawn L. Campbell and Glenn A. Chapman, Corporals James E. Dempsey, James M. Pack and Steven L. Yarber effective September 16, 2010.

Sheriff Kessler is requesting that an increase in their monthly salary of \$125.00 per month.

The Commissioners received and reviewed a copy of a letter from Corporal S. L. Campbell notifying Sheriff Steve Kessler and Chief H. M. Canterbury that Deputy Steve K. Neal "AKA Chuck Norris" has completed his first full year of employment. Mr. Campbell is requesting that he be removed from probationary status and that he receives the associated pay increase.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk informing that Deputy P. J. McCutcheon has tendered his resignation from the Fayette County Sheriff's Office. His last day of employment will be Wednesday, September 15, 2010.

The Commissioners received and reviewed a letter from Cindy Renick, Chief Tax Deputy to Debbie Aliff, Payroll Clerk informing Loretta Blackburn will be working part time in the Tax Office during the month of September and October 2010. Her hourly rate will be \$10.00 per hour.

The Commissioners received and reviewed an invoice from BrickStreet Insurance for Audited premium for coverage period July 1, 2009 to July 1, 2010, amount \$5,915.00.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing the securities pledged as of August 31, 2010.

The Commissioners received and reviewed from the Bank of New York Melon Account Statement for the period July 24, 2010 to August 23, 2010 and Account Statement for the period August 1, 2010 to August 31, 2010.

The Commissioners received and reviewed letters from WorkForce West Virginia regarding Jamie D. Neff claim and Bonnie L. Spadaro claim.

The Commissioners received and reviewed an Official Oath of Office from W. R. Wagner, II member of the Kanawha Falls Public Service District.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of August 27 to August 31, 2010, amount \$90.00 and the week of September 1 to September 2, 2010, amount \$164.00.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$62.48, CityNet Holdings, LLC, amount \$75.66, CityNet, LLC, amount \$238.62; Supreme Court-FLM rent, amount \$2,362.50; WV Division of Health & Human Services-Community Corrections reimbursement, amount \$2,483.00, Southern Soil Conservation-Whipple Project, amount \$2,210.26; Reimbursement checks for the December Snow Storm, amount \$29,714.36.

The Commissioners received and reviewed from the West Virginia Association of Counties copy of articles regarding the Special Senate Election and Business Tax.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding an update on the Weatherization Program.

The meeting was adjourned at 12:15 p.m. The next schedule meeting is September 24, 2010.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 24, 2010

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John H. Lopez, Matthew Wender

Commissioner Kenneth L. Eskew, present via the telephone

The Fayette County Commission met in a regular session on this 24th day of September 2010.

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

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

Commissioner Wender offered a motion to approve and sign real property tickets as presented by the Assessor with the exception of Account #6165339-Brian Russell Meredith the Commission asked not to exonerate (See attached). Commissioner Eskew seconded.

Commissioner Wender informed there were no exonerations for personal property.

Commissioner Wender offered a motion to approve refunds for Phillip and Stacy Peelish (\$215.08), Tjuana Michelle Nicholes (\$407.84), Michael Richards Rodgers (\$223.90) and Michael Richard Rodgers (\$103.23). Commissioner Eskew seconded. Unanimous.

Ms. Berry informed the Commissioners she received a letter from the Good News Outreach, Inc. informing they had been paying property taxes when they should have been tax exempt. The Good News Outreach, Inc. has been a 501C tax exempt status since the year 2000.

The Good News Outreach, Inc. is requesting that the Commission consider reimbursing them the back taxes they paid.

Eddie Young, Assessor informed the Commission that his office became aware of this in August 2010 and they corrected the 2010 and 2009 tax tickets and refunded the monies paid.

Mr. Young told the Commissioners usually if there is an overpayment the Commission will go back five years and give a credit on future taxes. Mr. Young told the Commissioners the problem is that they are non-taxable and there will be no more tax tickets issued.

Mr. Young told the Commissioners the overpayment is for \$1,178.46 for tax years 2005-\$294.14, 2006-\$307.26, 2007-4286.28 and 2008-\$290.78. Mr. Young told the Commissioners it's up to them how they want to handle the overpayment.

Commissioner Wender offered a motion that Fayette County Commission will appropriate additional funding to the Good News Outreach, Inc. per year to cover the overpayment. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve 2nd half payrolls, checks to be released September 30, 2010. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed he had no minutes to be approved.

Ms. Berry presented to the Commissioners a drawdown request from the Danese Public Service District, amount \$77,462.14.

Commissioner Wender offered a motion that Fayette County Commission approves drawdown request for Danese Public Service District, amount \$77,462.14. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that Commissioner John H. Lopez, Member of the County Commission be duly and legally authorized to be the Acting President of the Fayette County Commission in the absence of Kenneth L. Eskew, President in all matters coming before the Fayette County Commission on this 24th day of September 2010. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners received bids from Architectural/Engineering firms for professional services to provide design, specifications, and bid package and construction administration for a new OES/E-911 Center.

The Commissioners suggested appointing Tim Richardson, Allen Ballard and Dave Pollard to review proposals and make recommendations to the Commissioners.

The Commissioners received and reviewed a letter for Arbuckle Public Service District asking that Earl Woodson be reappointed as a board member on the Arbuckle Public Service District.

Commissioner Wender offered a motion that Fayette County Commission reappoints Earl Woodson a member of the Arbuckle Public Service District, term to expire September 1, 2016. Commissioner Eskew seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Grant, amount \$14,083.35.

Commissioner Wender offered a motion that Fayette County Commission approves and signs the Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Grant, amount \$14,083.35. Commissioner Eskew seconded. Unanimous.

Ms. Berry informed the Commissioners that Sheriff Steve Kessler has received a Fiscal Year 2010 Purdue Pharma Asset Forfeiture Funds: Community Corrections Grant Program for \$45,000.00.

Commissioner Wender offered a motion that Fayette County Commission be the authorized representative to sign for the Purdue Pharma Asset Forfeiture Funds: Community Corrections Grant Program application. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding the Special Election that was held on

August 28, 2010. According to West Virginia Code 2-2-1, it has come to our attention that any regular courthouse employees that worked on Election Day should have been paid Holiday pay, (which is double), instead of just time and a half.

Mr. Holliday also told the Commissioners he received grant information and application for the Year 2011-2012 in regard to the Record Management Preservation Grant.

Mr. Holliday told the Commissioners he plans to fill out the application and request funds to have his marriage, birth and death records scanned to their computer system.

Ms. Berry told the Commissioners she received a letter from Governor Joe Manchin congratulating the Commission on receiving grants totaling \$105,192.00 through the Energy Efficiency and Conservation Block Grant funded by the American Recovery and Reinvestment Act.

Ms. Berry told the Commissioners that these EECBG funds will be used to replace the boiler in the Fayette County Courthouse.

Ms. Berry informed the Commissioners she received a visit from Jim Rinehart with the Kanawha Institute for Social Research and Action, Inc. (KISRA) inquiring about space for their Program. The Program is for non-violent and non-sexual previously incarcerated individuals.

Commissioner Wender suggested asking Carl Harris, Prosecuting Attorney, Sheriff Steve Kessler, Renee Harper to schedule a time that's convenient for them to discuss and invite Senator William Laird.

The Commissioners signed letters to Morgan Bracken (term to expire September 10, 2014) and William Thornton (term to expire September 10, 2015), members of the Fayette County Building Commission thanking them for accepting the appointment to serve as members of the Fayette County Building Commission.

Ms. Berry informed the Commissioner's she received a notice from the Fayette County Health Department informing Flu Shots will be given every Tuesday starting September 28, 2010.

The Commissioners asked Ms. Berry to find out if the Fayette County Health Department has scheduled Flu Shots in other municipalities other than Fayetteville.

Discussion was held regarding increasing the 911 Fee to \$3.50 per month per local exchange service line.

Commissioner Wender offered a motion that Fayette County Commission starts the process to advertise and notify the Public Service Commission of their intent to raise the 911 Fee to \$1.50 per user. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission authorizes Debbie Berry to open bids from Architectural/Engineering firms (J. Dan Snead and Associates, WYK and Associates, McKinley and Associates, Mills Group, LLC, ET Boggess Architect, Inc., and L. R. Kimball) for professional services to provide design, specifications, and bid package and construction administration for a new OES/E-911 Center and would like to appoint Allen Ballard, Dave Pollard, and Tim Richardson to review, set up

interview and make recommendations to the Commissioners. The Commission is asking the Committee to invite William Laird to be a part of the process. Commissioner Eskew seconded. Unanimous.

Allen Ballard, Aletha Stolar and Angela Gerald appeared before the Commission to give an update on the U. S. Environmental Protection Agency-Brownfield Assessment Grant.

Aletha Stolar told the Commissioners the Grant is for \$200,000.00. The next step would be the Commission would have to sign an Agreement.

Angela Gerald presented to the Commissioners the Cooperative Agreement the Commission has to approve and sign.

Commissioner Wender asked Ms. Gerald to put together a time line.

Commissioner Wender asked Ms. Gerald to get a work plan in a couple of weeks.

The Application Cooperative Agreement for the Brownfield Grant was signed by the Commissioners.

Aletha Stolar told the Commissioners the Agreement for the West Virginia Housing and Development Fund has to be written up between the Fayette County Commission and the Fayette County Urban Renewal Authority.

The Commissioners approved to amend the motion made on June 25, 2010 to the Fayette County Commission will do a Budget Revision out of the Coal Severance Fund in the amount of \$25,000.00 for the debt services loan.

Discussion was held regarding the Fayette Raleigh Genealogical Society. Commissioner Wender informed the Commissioners he had talked with Judy Gunsaulis and was told that the Fayette County Library Board has extended them another month.

Kenneth Hayes, Chairman of the New Haven Public Service District and Delegate Margaret Staggers appeared before the Commission to request matching funds for a waterline extension for the Edmond Road and Spy Rock Project.

Mr. Hayes and Delegate Stagges told the Commissioners that the Community Participation Program Fund has approved \$399,000.00 and West Virginia America has approved \$11,000.00.

Mr. Hayes is asking that the Commission approve a matching fund of \$28,400.00.

Commissioner Lopez told Mr. Hayes the Commission cannot commitment to the entire \$28,400.00 but they would write a letter to confirm that the members of the Fayette County Commission have approved \$10,000.00 as matching funds for the waterline extension for the Edmond Road and Spy Rock Project in Fayette County contingent upon the balance of the project being funded in full from other sources.

Commissioner Wender offered a motion that Fayette County Commission will allocate up to \$10,000.00 as matching funds for the Edmond Road and Spy Rock Project contingent upon the balance of the project being funded in full from other sources. Commissioner Eskew seconded. Unanimous.

Greg Stone, Pam Yost representatives from the U. S. Department of Agriculture Natural Resources Conservation Services and Theresa White, OES Director appeared before the Commission to present an additional Agreement for the Commissioners to sign for the Dunloup Creek Buyout Project.

Mr. Stone told the Commissioners this Agreement is for an additional \$8.6 million for the Dunloup Creek Buyout Project.

Mr. Stone gave an explanation of the funding. Mr. Stone told the Commissioners this is a Floodplain Easement Program.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission enters into a grant Agreement with the USDA Natural Resources Conservation Services for additional American Recovery and Reinvestment Act Funding (ARRA). Commissioner Eskew seconded. Unanimous. Agreement signed.

Theresa White presented a Dunloup Creek Progress Report to the Commissioners.

Beth Metzger, Health Promoter Consultant for PEIA Pathway Wellness Program appeared before the Commission to introduce them to the West Virginia Public Employees Insurance Agency's Improve Your Score Program (IYS).

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission will participate in the West Virginia Public Employees Insurance Agency Wellness Program and in addition the Fayette County Commission will offer the same test to include those

non-employees that are not under PEIA. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Rebecca J. Hart, Frank Edward Hicks, Jr., John Fitzgerald Kincaid, Darrell Alan and Telisa D. Redden, and Michael E. Martin, II. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Frontier Communications giving an update on the status of Frontier's efforts to make High Speed Internet ("HSI") available to the public served by Hico and Lookout remote terminals.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the August Limited Video Lottery will be directly deposited on September 27, 2010, amount \$6,112.67 and funds due for the August 2010 Fayette Table Games Tax will be directly deposited on September 16, 2010, amount \$136.96.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources Bureau for Child Support Enforcement regarding James McRay Pack.

The Commissioners received and reviewed a letter from the law firm of Kelley, Drye and Warren, LLP regarding the matter of FiberNet of Virginia, Inc., FiberNet, LLC, FiberNet Telecommunications of Pennsylvania, LLC, and FiberNet of Ohio, LLC application for Consent to Transfer Control of Companies that Provide International Services Pursuant to Section 63.21 (h) of the FCC Rules and Hold Blanket

Domestic Section 214 Authority, Pursuant to Section 214 of the Communications Act of 1934, as Amended.

The Commissioners received and reviewed a letter from Travelers Insurance acknowledging the claim of the Fayette County Commission for the wind damage to the Bell Tower.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 10, to September 16, 2010, amount \$127.00.

The Commissioners received and reviewed a letter from WorkForce West Virginia regarding the claim filed by Gale W. Reed, Jr. to the Unemployment Compensation Division.

The Commissioners received and reviewed checks for 911 Fees from Frontier Communications, amount \$47.04, and IDT Corporation, amount \$12.00; checks for Franchise Fees from Shentel Cable Company, amount \$869.85; check from the Tax Division for 2009 Excise Gas Tax Refund, amount \$30,059.99; IRS reimbursement, amount \$299.16 and check from Travelers for vehicle accident, amount \$2,300.29.

The meeting was adjourned at 11:55 a.m. The next scheduled meeting is October 6, 2010.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 6, 2010

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 6th day of October 2010.

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

The Commissioners recessed the Commission meeting to test voting equipment for Early Voting for the General Election being held November 2, 2010.

Kelvin E. Holliday, County Clerk, Norma Williams, Carol Smith and William O'Dell presented keys to the Commissioners for the ballot cans used for Early Voting.

The Commissioners reconvened the Commission meeting at 9:45 a. m.

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

Commissioner Wender offered a motion to approve and sign real property tickets for Leonard W. and Mary M. Parker, Cybil A. Delaney, Hilltop Union Cemetery, Johnny D. and Judith A. Critchley, Sandra Critchley, Johnnie W. Kincaid and Citi Financial Mortgage, Inc. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tickets for Briarwood Place Mobile Home Park, Robert M. and Terri L. Harvey, Marilyn Querry, Juanita R. Mitchell, Jared S. and April Morris, Laura Gardner, James D. and Janet Lynn Myal, Terrence E. Thompson, Paralegal Services, John D. Miller, Brittany M. and Stephanie Dickens, Three J's, Inc., John D. and Lisa A. Miller and Michael or Traci Flint. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refunds for Walter E. and Lena J. Fox (\$277.33) and John W. Overton (\$155.07). Commissioner Lopez seconded. Unanimous.

Dave Pollard, County Resource Coordinator informed the Commissioners that he Tim Richardson, Zoning Officer and Allen Ballard, Building Inspector discussed and interviewed five of the six Architectural/Engineering Services who sent in bids for the new 911 Center.

Mr. Pollard told the Commissioners they narrowed the proposals down to two. They are planning on visiting both of the facilities.

Mr. Pollard told the Commissioners after visiting the two facilities the Committee decided on selecting J. Dan Snead and Associates.

Commissioner Wender offered a motion that Fayette County Commission accept the recommendation of the Committee that J. Dan Snead and Associates Architectural/Engineering Services proposal for the 911 Center be approved out of the six (6) bids received. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 1st half payrolls, checks to be released October 15, 2010. Commissioner Wender seconded. Unanimous.

John Stump a representative of Steptoe and Johnson appeared before the Commission to have a public hearing for a bond inducement Resolution for the Boy Scouts of America.

Commissioner Lopez opened the public hearing for the bond hearing for the Boy Scouts of America (BSA). There was no one present to oppose the hearing.

John Stump told the Commissioners there was no obligation or liability on the part of the Fayette County Commission.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission approves the Resolution authorizing and directing the issuance of not more than \$100,000,000 aggregate principal amount of Commercial Development Revenue Bonds, (Arrow WV Project) series 2010A and 2010B, of the County Commission of Fayette County, West Virginia for the purpose of financing the design, acquisition, construction and equipping of the Summit Bechtel Family National Scout Reserve. Commissioner Lopez seconded. Unanimous. (See attached copy of the Resolution)

Angela Gerald and Allen Ballard members of the Fayette County Beautification Committee appeared to present seven (7) complaints for abandoned and dilapidated property before the Commissioners.

Ms. Gerald told the Commissioners once the property owners receive their complaints they have ten (10) days to file a written request for a hearing with the Commission. If the owner fails to do so, the Complainant requests the Commission issue an Order implementing the recommendations of the Fayette County Beautification Committee.

Ms. Gerald told the Commissioners in the event the owner of the property requests a hearing, the Complainant requests the Commission

set this matter for a hearing within twenty (20) days of the receipt of the request for a hearing.

Ms. Gerald asked the Commission if they would consider and accept these complaints.

Commissioner Wender offered a motion that Fayette County Commission accept a complaint on behalf of the Fayette County Beautification Committee on property of Smith and Eula Young. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission accept a complaint on behalf of the Fayette County Beautification Committee on property of Richard and Kimberly Canterbury. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission accept a complaint on behalf of the Fayette County Beautification Committee on property of Kelley and Eric Carpenter. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission accept a complaint on behalf of the Fayette County Beautification Committee on property of Neal William and Ruth Ann Bias. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission accept a complaint on behalf of the Fayette County Beautification Committee on property of Madelyn Mitchell. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission accept a complaint on behalf of the Fayette County Beautification Committee on property of Elizabeth Sumpster-Reese. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission accept a complaint on behalf of the Fayette County Beautification Committee on property of Ambers Lee Ransom c/o Beulah Houck. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to sign Resolution that Commissioner Lopez be duly and legally authorized to act on and sign on behalf of Commissioner Eskew, President of the Fayette County Commission. Commissioner Lopez seconded. Resolution signed.

Commissioner Wender offered a motion that Fayette County Commission goes into an Executive Session at 10:10 a.m. to discuss a personal matter. Commissioner Lopez seconded. Unanimous.

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

The Commissioners signed a letter to Good News Outreach, Inc. informing they received their letter dated September 6, 2010 requesting the Commission to consider reimbursing them for an overpayment of taxes in the amount of \$1,178.43.

The Commissioners informed if funds are available in their yearly allocation budgeted to the Good News Outreach, Inc. (\$2,000.00) they will allow an addition \$400.00 per year to cover this overpayment of taxes for a period of three years.

Commissioner Wender informed the Commission he received a call from Greg Stone, Project Manager, informing he has received an additional \$45,708.23 to the ARRA FPE Agreement for the Dunloup Creek Watershed Project that the Commission signed Friday, September 24, 2010.

Commissioner Wender told the Commissioners that Mr. Stone asked that he sign the amended Agreement and fax it back to his office due to their deadline today, September 28, 2010.

Commissioner Wender informed the Commissioners he signed the amended Agreement and faxed it back to Mr. Stone.

Commissioner Lopez offered a motion to acknowledge the request for the \$45,708.23 authorizing Commissioner Wender to sign the Amendment adding the funds to the ARRA FPE Agreement so Greg Stone can pursue the additional \$45,708.23 for the Grant. Commissioner Wender seconded. Unanimous.

Ms. Berry presented to the Commissioners a drawdown request for Region 4 Planning and Development Council for the New Haven Public Service District-Stringtown Road Water Extension, amount \$16,830.43.

Commissioner Wender offered a motion to approve the drawdown request for the New Haven Public Service District-Stringtown Road Water Extension, amount \$16,830.43. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners she received a letter from Region 4 Planning and Development Council enclosing photos of the

finished Fayette County Commission Project #03SCBG0102-Elevator/SALS Dormitory Project.

Commissioner Wender asked Ms. Berry to ask W. D. Smith, Executive Director if Fayette County Commission would be able to make SCBG applications in 2011.

The Commissioners signed letters to Detective Captain James K. Sizemore, Lieutenants Michael A. Fridley and James W. Fitzwater, Sergeants Steve M. Gray, Shawn L. Campbell, and Glenn A. Chapman, Corporals James E. Dempsey, Steven L. Yarber and James M. Pack congratulating them on their recent promotions in the Fayette County Sheriff's Department.

The Commissioners signed an Addendum to the Rental and Lease Agreement between C and J Development Corporation for the rental of the Family Law Judge building effective October 6, 2010.

The Commissioners signed the Reimbursement Agreement with the West Virginia Supreme Court of Appeals Administrative Office effective October 6, 2010.

The Commissioners signed a letter to the Supreme Court regarding reimbursement to Fayette County Commission for Office Space for the Family Law Judge.

Commissioner Wender offered a motion to approve minutes of July 9th, July 23rd, August 25th, August 31st, September 2nd, September 10th, and September 24th, 2010. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding Tri-State Roofing and Metal fixing the wind damage to the bell tower.

Commissioner Wender informed, he wants the roof fixed at no charge to the County.

Commissioner Wender informed the Commissioners they had filed a complaint with the Public Service Commission regarding Verizon's promise to provide DSL Service to the Hico/Lookout communities.

Commissioner Wender informed the Commissioners that the project has been completed. The Commission needs to send a letter to the Public Service Commission to withdraw complaint.

Judy Gunsaulis, Director Fayette County Public Libraries, Anita McClung with the Fayette Raleigh Genealogical Society appeared before the Commission to give an update on their office space location.

Ms. Gunsaulis told the Commissioners that the Fayette Raleigh Genealogical Society has moved all of their material out of the Fayetteville Library.

Discussion was held, Commissioner Wender offered a motion that Fayette County Commission will offer space to the Fayette Raleigh Genealogical Society in the basement of the Memorial Building after the 911 Center vacates building contingent upon ADA issues and other issues that become apparent. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to amend the motion made that no amplification is allowed to amplification is allowed for the Fayetteville Convention and Visitors Bureau Oktoberfest being held October 16, 2010. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners that the Fayetteville High School is having their Homecoming parade and would like for the Commission to participate.

Ms. Berry asked the Commission if she and Stephanie Sears can attend the IRS Form 1099 Reporting Seminar being held November 16, 2010 at the Holiday Inn Express Civic Center in Charleston.

Commissioner Wender offered a motion to approve Debbie Berry and Stephanie Sears to attend the IRS Form 1099 Reporting Seminar. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Billy and April Moses. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the New River Community and Technical College inviting the Commission to attend the grand opening and dedication ceremony of the New river Community and Technical College's Technical training Center at 527 Odd Road in Ghent, West Virginia on Friday, October 29, 2010 at 1:00 p.m.

The Commissioners received and reviewed a letter from Senator Carte Goodwin thanking the Commission for contacting his office regarding the Fayette County Farmland Protection Board's difficulty being granted 501(c)(3) status by the U. S. Department of the Treasury.

The Commissioners received and reviewed a notice from the Fayette County Health Department informing of the sites, dates and time where they will be giving the Flu Shots.

The Commissioners received and reviewed a Statement of Actual and Estimated Revenues for the Hotel Occupancy Tax as of July 2010. The 50% allocation for July, August, September for the New River Convention and Visitors Bureau is \$69,677.37. The 7.5% allocation for July, August, September for the Southern West Virginia Convention and Visitors Bureau is \$10,451.60.

The Commissioners received and reviewed an Official Oath of Office for Morgan Bracken, member of the Fayette County Building Commission and Earl Woodson, member of the Arbuckle Public Service District.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Contract 16B, Definitive Certificate of Substantial Completion.

The Commissioners received and reviewed an Order from the Public Service Commission informing that Case #10-1332-PWD-C, Elliott Todd Hall, complainant v. Armstrong Public Service District, defendant informing the matter is dismissed and removed from the Commission docket of active cases.

The Commissioners received and reviewed account Statements from the Bank of New York Mellon for the period August 21, 2010 to September 22, 2010 and for the period September 1, 2010 to September 23, 2010.

The Commissioners received and reviewed a notice inviting the Commission to attend a valve-turning ceremony to celebrate the completion of the Stringtown Road project, Monday, October 4, 2010.

The Commissioners received and reviewed a notice from WorkForce West Virginia informing that Bonnie L. Spadaro is disqualified beginning July 25, 2010 and until she returns to covered employment.

The Commissioners received and reviewed a notice from WorkForce West Virginia regarding Gale W. Reed, Jr. discharge.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 17 to September 23, 2010, amount \$265.00 and the week of September 23 to September 30, 2010, amount \$450.00.

The Commissioners received and reviewed checks for 911 Fees from Frontier, amount \$21,722.43, AT&T Communications of WV, amount \$216.00, Cequel Communications Holdings, ME, amount \$7,922.00, Granite Telecommunication, LLC, amount \$240.00, One Communications, amount \$2,370.68; check from the Division of Justice for Community Corrections Grant, amount \$34,368.11; Reimbursement Fayette County Solid Waste Authority salaries, amount \$798.15; and Trash Fee for the Memorial Building, amount \$25.00.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Rachel Davis working two-days a week out of Dave Pollard's office on the third floor.

Commissioner Lopez suggested discussing at the October 6, 2010 County Commission meeting.

The meeting was adjourned at 11:40 a.m. The next scheduled meeting is October 26, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 26, 2010
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John H. Lopez, Matthew D. Wender and Kenneth L. Eskew via the telephone

The Fayette County Commission met in a regular session on this 26th day of October 2010.

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

The Commissioners informed that Earl Pauley, Park Superintendent will be conducting the auction today for County equipment and other office supplies.

The Commission informed that any equipment and office supplies not sold at the auction will be taken to the Landfill.

The Commission recessed the County Commission meeting at 9:10 a.m. to test voting equipment for the General Election.

The Commissioners reconvened the Commission meeting at 10:00 a.m.

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

Commissioner Wender offered a motion to approve and sign real property tickets (See Attached). Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tickets for Lesley (Savin) Martin, Leaf Financial Corp., Elmo Marcus Clonch, Kristin R. Perry, William C. Ortiz and Charles R. Stevenson. Commissioner Eskew seconded. Unanimous.

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

Commissioner Wender offered a motion to approve 2nd half payrolls, checks to be released October 29, 2010. Commissioner Eskew seconded. Unanimous.

Joe Richards, Executive Director Capital Resource Agency appeared before the Commission to give an update on their program.

Mr. Richards told the Commissioners he is here today to request a letter of support and a match of \$543.00 for the Capital Resource Agency grant.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission contributes the required match share of \$543.00 to the Capital Resources Agency Program. Commissioner Eskew seconded. Unanimous.

Jim Rinehart, Carl Chadband representatives of the Kanawha Institute for Social Research and Action, Inc. (KISRA), and Janette Woodrum appeared before the Commission.

Mr. Chadband told the Commissioners the Program offers a Responsible Fatherhood Program, this Program has two goals, to help non-custodial fathers becomes more involved in their children's lives and to help unemployed and underemployed fathers achieve economic self-sufficiency by providing them with occupational and life skills training and supportive services, so that they can support and reconnect with their children.

The Program also offers an Offender Re-Entry Program this program is to assist previously incarcerated adults in becoming economically stable and thereby reduce the likelihood that they will return to prison. The Program targets non-violent, non-sexual offenders.

Mr. Chadband told the Commissioners this Program is funded by the U. S. Department of Justice and a Justice Assistance Grant from the West Virginia Division of Criminal Justice Services.

Mr. Chadband told the Commissioners the Offender Re-Entry Program serves' ex-offenders in Kanawha, Cabell and Raleigh Counties they have expanded services to Fayette, Mercer and Putnam Counties.

Mr. Chadband told the Commissioners they are operating out of the Lewis House in Oak Hill.

Mr. Chadband told the Commissioners they are here today to make them aware of the services that they have in the area and asking for the Fayette County Commission support.

Stacy Blackburn appeared before the Commission to question why Fayette County Commission can't lower their second inspection fee.

Discussion was held, Commissioner Lopez suggested tabling, they will take Ms. Blackburn's request under advisement and would discuss further with the Building Inspector.

Earl Pauley, Park Superintendent appeared before the Commission to present a model of the mobile home that the Dead Prophet Society of Fort Wayne, Indiana plans to place at the Fayette County Park.

Discussion was held, the Commission asked that Carl Harris, Prosecuting Attorney and Larry Harrah, Assistant Prosecuting Attorney prepare the Agreement.

Mr. Pauley informed the Commissioners that the Boomer Ballfield and Harlem Heights Park shingles needs to be replaced.

Mr. Pauley told the Commissioners that the City of Smithers had made a request for a vehicle. Mr. Pauley asked if the title had been signed. The Commissioners replied yes.

Allen Ballard appeared before the Commission to discuss salary of Angela Gerald.

After a brief discussion, the Commission decided to adjust Ms. Gerald salary from \$18,500.00 a year to \$19,000.00 effective November 1, 2010.

Theresa White, OES Director appeared before the Commissioners to give them an update on the Dunloup Creek Watershed demolition.

The Commissioners asked if contractors contacted the people in Fayette County regarding the demolition.

Discussion was held regarding reopening bids. The Commissioners asked Ms. White to have them put demolition bid on their agenda for November 4, 2010.

Tom Rist appeared before the Commissioners to offer parking space for county employees by the Prosecuting Attorney's Office.

Discussion was held, Mr. Rist told the Commissioners they were here today to inform them of their plans for parking and office space that could be available to the county employees.

Bill Baker with the Boy Scout America Steering Committee for Fayette Raleigh Summers and Nicholas County appeared before the Commission to inform them that they want to hire four (4) VISTA Workers plus two (2) additional workers totaling six (6).

Mr. Baker told the Commissioners he is here today to ask that the Commission make a commitment to fund the position for 3-years at a salary of \$10,770.00 a year.

Commissioner Wender offered a motion that Fayette County Commission support the request of the Boys Scout of America Steering Committee to partially fund the position of a VISTA worker for 3-years at a salary of \$10,770.00. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners he received a Purchase Sale Agreement from CSX Transportation, Inc. for the purchase of the Meadow River Rail Trail that needs to be signed.

Discussion was held, after the discussion, Commissioner Wender offered a motion that Fayette County Commission enters into a purchase contract for the property owned by CSX Transportation Greenbrier River Rail Trail. Commissioner Eskew seconded. Unanimous. Purchase Sale Agreement signed.

Ms. Berry told the Commissioners she received a contract from J. Dan Snead and Associates for the new 9-1-1 Center.

Commissioner Wender suggested tabling until November 12, 2010.

Ms. Berry informed the Commissioners she received an Agreement for the boiler. Mary Bailey, Region 4 Planning and Development Council informed her that the West Virginia Division of Energy, Energy

Efficiency and Conservation Block Grant Program has awarded the grant.
The contract is okay.

Commissioner Wender offered a motion that Fayette County Commission agrees to enter into an Agreement with the West Virginia Division of Energy, Energy Efficiency and Conservation Block Grant Program for a new boiler at the Fayette County Courthouse.
Commissioner Eskew seconded. Unanimous.

The Commissioners signed drawdown request to the West Virginia Development Office for the Sportsman Recreation Center, amount \$2,599.98.

The Commissioners approved and signed Application for Eligibility to the West Virginia State Agency for Surplus Property.

The Commissioners received and reviewed a drawdown request from Region 4 Planning and Development Council for the Danese Public Service District Water Extension, Project #07ARCP15639 in the amount of \$8,897.34.

Commissioner Wender offered a motion to approve and sign drawdown request for the Danese Public Service District Water Extension, amount \$8,897.34. Commissioner Eskew seconded. Unanimous.

The Commissioners received/reviewed and signed contract agreements for the Fayetteville Fire Department and the Oak Hill Fire Departments.

Ms. Berry presented another quote she received from Tri-State Roofing regarding the repairs to the bell tower to the Commission.

Discussion was held regarding the warranty of the repairs that was done the first time.

The Commissioners asked Ms. Berry to hold until Larry Harrah, Assistant Prosecuting Attorney can review the warranty of the first repair to the bell tower.

The Commissioners signed a letter to Janice Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$3,375.00 for the month of September 2010 (\$337.50), the month of October 2010 (\$337.50) and November 2010 (\$2,700.00).

The Commissioners received and reviewed a letter from the Town of Fayetteville, Fayetteville Fairs and Festivals Committee requesting the use of the Memorial Building for Saturday, December 11, 2010 and Sunday, December 12, 2010 for their Craft Show and Santa and Mrs. Clause visit as part of their 7th Annual Christmas Parade and Festival.

Commissioner Wender offered a motion to allow the Town of Fayetteville to use the Memorial Building for their Craft Show and Santa and Mrs. Clause visit, the \$1,000.00 rental fee and the custodial and trash service fees will be waived. All other rules are applicable, including the insurance requirement. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed an invoice from the Town of Fayetteville for the cost of materials used to replace/repair the sidewalk, amount \$1,203.30.

Commissioner Wender offered a motion that Fayette County Commission approves the cost of materials used to replace/repair

sidewalks from the Town of Fayetteville, amount \$1,203.30.

Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the Armstrong Creek Public Service District enclosing a Community Participation Program Application for Fiscal Year 2010 for their project, amount \$20,000.00.

The Commissioners received and reviewed Petitions to Combine or Divide and Segregate Land for Greg Coleman and Donna Newhouse and Tabit Enterprises.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Greg Coleman and Donna Newhouse and Tabit Enterprises. Commissioner Eskew seconded. Unanimous.

Ms. Berry informed the Commissioners that Dave Pollard, County Resource Coordinator has helped Daniel Wright, Circuit Clerk and Kelvin Holliday, County Clerk prepare the West Virginia County Records Management and Preservation Grant application for Fiscal Year 2011-12.

Commissioner Wender offered a motion that Fayette County Commission approves the County Records Management and Preservation Grant application to be used for the Circuit Clerk and County Clerk offices and recognize that there is a match of \$1,000 each for the projects. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from John L. Smith, Jr. regarding an overpayment of taxes on his property. A copy of the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners Mr. Smith was incorrectly charged for Class 3 taxes for 2009.

Mr. Young asked that the Commission approve a tax refund for tax year 2009 in the total amount of \$447.32 in the form 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 Wender offered a motion to approve and sign an Order subject to the approval of the Assessor, John L. Smith, Jr. be afforded tax relief for tax year 2009 in the total amount of \$442.32 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 Eskew seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from Joyce A. Floyd regarding an overpayment of taxes on his property. A copy of the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners Mr. Smith was incorrectly charged for Class 3 taxes for 2009.

Mr. Young asked that the Commission approve a tax refund for tax year 2009 in the total amount of \$247.40 in the form 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 Wender offered a motion to approve and sign an Order subject to the approval of the Assessor, Joyce A. Floyd be afforded

tax relief for tax year 2009 in the total amount of \$442.32 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 Eskew seconded. Unanimous. Order signed.

Ms. Berry presented a drawdown request to the West Virginia Development Office for the Honor Guards, amount \$3,000.00 to the Commissioners.

Commissioner Wender offered a motion to approve and sign drawdown request to the West Virginia Development Office for the Honor Guards, amount \$3,000.00. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commission that Russell Bennett declined appointment to the Fayette County Building Commission.

Commissioner Wender asked the Commission for permission to ask Steve Pridemore if he would like to be appointed to the Fayette County Building Commission. The Commission approved.

Ms. Berry informed the Commissioners she did advertise again for the bat problem. Ms. Berry told the Commissioners she received no bids.

Ms. Berry reminded the Commission they are to be here Tuesday, November 2, 2010 at 5:00 p.m. to do the Election test.

Dickie Smith, Maintenance Supervisor reported an update on the suggestions that Pettit and Pettit Plumbing and Heating regarding the sewer problem in the men's bathroom to the Commissioners.

The Commissioners received and reviewed from J. Dan Snead and Associates, Inc. the final Application and Certificate for Payment

received from Flat Top Construction, Inc. in the amount of \$49,006.22 for the Fayette County Courthouse Walks and Rails.

Ms. Berry asked the Commissioners if they would be attending the Fayetteville Fairs and Festival parade. The Commissioners replied no.

The Commissioners received and reviewed a letter from the Historic Fayette Theatre requesting their contribution of \$10,000.00 for the purchase of the Historic Fayette Theatre.

Commissioner Wender offered a motion to approve and release the contribution of \$10,000.00 toward the purchase and preservation of the Historic Fayette Theatre. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed minutes from the Fayette Family Resource Network for August 26, 2010.

The Commissioners received and reviewed a notice from the American Red Cross informing that their 17th Annual Christmas Festival Arts and Crafts Show will be held Saturday, November 6, 2010 at the Lewis Community Center.

The Commissioners received and reviewed a notice from Pat Coley representative of AFLAC informing he would be outside the Payroll Office to answer questions regarding the benefits they have to offer.

The Commissioners received and reviewed a notice from the West Virginia Division of Justice and Community Services (DJCS) announcing a solicitation for grant proposals for the Fiscal Year 2011 Victims of Crime Act (VOCA) Grant Program.

The Commissioners received and reviewed a copy of a letter from the Family Protection Services Board to Renee Harper, Director Fayette

County Day Report Center informing the Board approved the granting of a full license for the period July 1, 2010 through June 30, 2011 for the Oak Hill site of the Batterer Intervention and Prevention Program (BIPP) sponsored by the Fayette County Day Report Center.

The Commissioners received and reviewed letters from Judge John W. Hatcher, Jr. and Paul M. Blake, Jr. endorsing Sheriff Steve Kessler's proposal to augment the nearly nonexistent security program for the Courthouse and the Annex Building.

The Commissioners received and reviewed a memo from Steve Everett giving his resignation as of October 6, 2010. His last day will be October 14, 2010.

The Commissioners received and reviewed a notice from the Buckskin Council Boy Scouts of America informing of their 2010 White Oak Sporting Clays Classic being held Saturday, November 6, 2010.

The Commissioners received and reviewed a copy of a letter from the New Haven Public Service District to West Virginia American Water requesting a written explanation of why the WVAW contribution has been reduced from \$4,266 to \$2,300 and specifically all the factors used to arrive at the \$2,300 per customer.

The Commissioners received and reviewed a copy of a letter to Governor Joe Manchin from the West Virginia Legislatures regarding requesting for an Extension of the Closure of Hawks Nest Golf Course.

The Commissioners received and reviewed a note informing that Donald Masken from Precinct #68-Meadow Bridge is handicapped and was not able to vote in the Special Primary Election, needs assistance.

Ms. Berry informed the Commissioners that she sent a copy of the note to Alicia Treadway and Kelvin Holliday.

The Commissioners received and reviewed an invitation from Jim and Loretta Lively inviting the Commission to a casual get together of all the contributors to the amphitheater, to be held at the Lewis House on October 30, 2010 at 3:00 p.m.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing copy of the minutes of their meetings for August and September.

The Commissioners received and reviewed an invitation from the Buckskin Council Boy Scouts of American inviting the Commission to attend a reception celebrating a historic event for West Virginia with Robert Mazzuca, Chief Scout Executive, Boy Scouts of America be held at the Clay Center Founders' Lounge, Thursday, October 21, 2010 at 5:30 p.m.

The Commissioners received and reviewed an invitation from the Lewis County Commission inviting the Commission to attend the 2010-11 County Commissioners Association of WV Regional Roundtable being held Wednesday, October 27, 2010 at 2:00 p.m. at the Lewis County EMS Building.

The Commissioners received and reviewed a letter from Branch Banking and Trust informing that as of September 30, 2010 of the securities 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 September 30, 2010.

The Commissioners received and reviewed Account Statements from the Bank of New York Mellon for the periods July 1, 2010 to December 30, 2010.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing the 2011 HMEP Planning Grant application has been approved in the amount of \$4,800.00.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$64.50 for the month of September.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the September Limited Video Lottery will be directly deposited on October 26, 2010, amount \$6,908.38, the funds for the 75% of the coal severance tax will be directly deposited on October 12, 2010, amount \$193,455.42, the funds for the September 2010 Table Games will be directly deposited on October 15, 2010, amount \$6,140.33, and the September 2010 Greenbrier Table Games Tax will be directly deposited on October 15, 2010, amount \$100.64.

The Commissioners received and reviewed a letter from the County Commissioners' Association of West Virginia informing of the 2010 CCAWV Legislative Roundtable Meeting Schedule.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County animal Control Center/NRHS for the week of October 1 to October 7, 2010, amount \$839.39.

The Commissioners received and reviewed checks for 911 Fees from Vonage Tax Account, amount \$256.00, Frontier Communications, amount \$21,555.83, Mountain Communications, LLC, amount \$58.80, Compliance Solutions, Inc., amount \$392.00, Granite Telecommunications, LLC, amount \$238.00, AT&T Communications of WV, amount \$284.00, IDT Corporation, amount \$12.00 and Cequel Communications Holdings ME, amount \$8,160.00; Alarm Fees, amount \$345.00; Jail Fees from the Town of Fayetteville, amount \$355.50; Division of Criminal Justice and Community Services (SPF-SIG grant, amount \$8,357.73 and Community Correction, amount \$14,083.35); Division of Human Services-FRN Grant, amount \$10,000.00; Sheriff of Nicholas County-Community Corrections, amount \$12,688.26; Supreme Court FLM rent, amount \$2,362.50; Homeland Security (December storms, amount \$296.40); Department of Health and Human Resources reimbursement Community Corrections, amount \$46.00 and Travelers Refund, amount \$2,017.82.

The Commissioners received and reviewed e-mails from Vivian Parsons, County Commissioners' Association of WV regarding an update on OPEB and an Update from Property Tax Sub-Committee, Tax Modernization Project.

The Commissioners received and reviewed an e-mail from Michele Burnside informing the Governor has presented grant funds to 53 projects throughout the State.

The meeting was adjourned at 2:00 p.m. The next scheduled meeting is November 8, 2010

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 8, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 8th day of November 2010 to canvass the votes cast in the General Election held on November 2, 2010.

Commissioner Lopez called the canvass to order at 8:30 a.m.

The Commissioners pulled Precincts #31 and #65 to be hand counted.

Kelvin Holliday, County Clerk gave Oath to all the canvass workers.

Commissioner Wender made motion to acknowledge receipt of 19 Ballots sent to military citizens that have been relocated or redeployed and did not receive their ballots. Commissioner Lopez seconded. Unanimous.

The Commissioners adjourned the canvass at 10:30 a.m. to attend the funeral of Commissioner Kenneth L. Eskew.

The Commissioners reconvened the canvass at 12:52 p.m.

The canvass was adjourned at 3:12 p. m.

The Commission reconvened for a County Commission meeting at 3:12 p. m.

Ms. Berry presented an Amendment to the Dunloup Creek Watershed Project.

Commissioner Wender offered a motion that Fayette County Commission approves Amendment No. 3 for the Dunloup Creek Watershed Project except as proposed to the minutes of September 24, 2010. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a drawdown to the West Virginia Division of Justice and Community Services for the Community Correction Grants, amount \$15,787.91 to the Commissioners.

Ms. Berry asked the Commissioners if they were going to discuss the Agreement that Dan Snead proposed for the new 911 Center.

The Commissioners asked Ms. Berry to hold until Friday, November 12, 2010 to discuss.

The Commissioners received and reviewed a letter from the Ben Argento Basketball League requesting the use of the Memorial Building for practices and game playing on Saturday's for their 2010-2011 Basketball Season.

Commissioner Wender offered a motion that Fayette County Commission approves the use of the Memorial Building for the Ben Argento Basketball League upcoming basketball season pending no conflict of schedule. The \$1,000.00 rental fee will be waived; however, the custodial and trash service fee requirement will not be waived on game days. All other rules are applicable including

insurance, and responsible adult supervision is required at all times.

Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 3:45 p.m. The next scheduled meeting is November 12, 2010.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 12, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 12th day of November 2010.

Commissioner Lopez called the meeting to order at 9:30 a. m.

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

Commissioner Wender offered a motion to approve and sign refund for Jim D'Angelo (\$16.34). Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tickets for Cornelius C. and Emily M. Hicks, Jr., Gary D. and Brenda Morris, Joshua or Beverly Evans, Harry L. and Tammy L. Moul, Tom Carpenter and Michael Crist. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for Simon and Smith Cole, Carla Watson, Dallas Moffett Est., Stephen and Lynn Saunders, RDS Co., Carol Lively Ward, James A. and Stacy Gill, Mary P. Rhodes, John David and Carol Jean

Kees, John L. Smith, Jr. and W. T. Floyd. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, and 1st half payrolls, checks to be released today. Commissioner Wender seconded. Unanimous.

Angela Gerald, Dilapidated Program Manager appeared before the Commission to inform them that they have chosen Triad Engineering to provide technical assistance in implementing a Countywide Brownfield Assessment Grant to study the community's industrial and residential sites for identification of existing or possible hazardous materials.

Ms. Gerald told the Commissioners the budget for environmental contractor services under the Request for Statement of Qualifications is approximately \$170,000.

The Commission questioned why they didn't advertise for bids.

Ms. Gerald informed the Commission that it wasn't required.

Discussion was held the Commission suggested holding for further discussion.

The Commissioners signed Resolution legally authorizing Commissioner John H. Lopez to be the Acting President of the Fayette County Commission.

John Fisher, Phyllis White and Larry Dotson appeared before the Commission to discuss the 457 Deferred Retirement Plan.

Discussion was held, Commissioner Lopez suggested setting up a meeting with the Elected Officials and Department Heads after the first of the year.

The Commissioners signed a letter to the Supreme Court of Appeals designating Chief Howard M. Canterbury to serve as our county's Chief Emergency Preparedness Officer and designating Lieutenant Michael A. Fridley should the Chief Emergency Preparedness Officer be either unable or unwilling to serve in that capacity in the event of a natural or manmade emergency.

The Commissioners called the Public Hearing to order for the amendment to the Enhanced 911 County Ordinance at 10:30 a.m.

Commissioner Lopez read the 911 County Ordinance to increase the 911 Fee to \$3.50 per month. There was no opposition from the public to protest the increase. The increase has been advertised.

Commissioner Wender offered a motion that Fayette County Commission authorizes the 911 Center to increase the 911 Fee effective January 1, 2011 be increased from \$2.00 to \$3.50. Commissioner Lopez seconded. Unanimous.

Allen Ballard, Chairman of the Fayette County Beautification Committee appeared before the Commission to give an explanation why they did not have to send out bids for the Fayette Countywide Brownfield Assessment Project.

Commissioner Wender offered a motion that Fayette County Commission accept the recommendation of the Fayette County Beautification Committee to approve Triad Engineering Company as the engineering servicing firm for the Fayette Countywide Brownsfield Assessment Project subject to the negotiations. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Ernest D. Crawford and Sherry E. Adkins, Norma L. Tichenor, Victoria Norosky Burns, Victoria Ann Harrah, Shannon Wade and Angela Dawn Hudson, and Dale M. and Brenda S. Warrick. Commissioner Lopez seconded. Unanimous.

The Commissioners signed an Order appointing Stephen Pridemore, a member of the Fayette County Building Commission.

The Commissioners signed a support letter for Southern Appalachian Labor School (SALS) for their plans to develop a low-income housing project as part of a YouthBuild project.

The Commissioners signed Contract with the State of West Virginia for Community Participation Program Grant Funds for the Fayette-Nicholas Chapter American Red Cross, amount \$16,568.00. Resolution signed.

The Commissioners signed the list of legal Holidays observed for the year 2011.

The Commissioners signed letters for a Community Participation Program application for Fiscal Year 2011 for Fayetteville Convention and Visitors Bureau (\$3,000), Fayette-Nicholas American Red Cross (\$2,500), Upper Kanawha Valley Economic Development Corporation (\$2,000), Fayette County Historical Society/Contentment Museum (\$3,500), Friends of the Lewis House (\$3,000), Gauneka Ruritan Club (\$8,000), New River Humane Society (\$5,000), New River Youth Smyphony

(\$3,000), Retired and Senior Volunteer Program (\$3,000), and Fayette County Park Sportsman Recreation Center (\$2,000).

Ms. Berry informed the Commissioners she received a request from Kelvin Holliday, County Clerk asking that Steven Cummins be paid for attending the class for the special primary election. Mr. Cummins got sick and did not work the polls.

Commissioner Wender offered a motion to approve payment to Steven Cummins for attending the class for the special primary election. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding parking space for employees. The Commission received an offer from Endless Wall Properties LLC. Endless Wall Properties LLC offered to make twenty (20) parking spaces available for a monthly cost of \$300.00. This is a twenty-five (25) percent discount from their usual rate of twenty dollars (\$20.00) per space.

W. D. Smith, Executive Director and Alice King Region 4 Planning and Development Council, and Richard Kinder, Chairman Danese Public Service District appeared before the Commission to inform them of what is going on with Danese Public Service District.

Mr. Kinder informed the Commission that on August 3, 2010 Mountaineer Grading Company executed a letter to them expressing its default on the Project and voluntarily terminated Contract.

Mr. Kinder told the Commissioners that the Danese Public Service District and the Safeco Insurance Company of America have agreed to a takeover agreement.

Ms. King told the Commissioners that they are here today to make them aware of the situation. Ms. King told the Commission that the Surety Company has agreed to pay Danese Public Service District \$25,000.00 to cover the loss of revenue for the Project.

Ms. King presented a copy of the Takeover Agreement Resolution to the Commissioners.

Commissioner Wender offered a motion that Fayette County Commission acknowledges receipt and update of the status of Danese Public Service District and the Commission have no objection to the settlement plan. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a drawdown request from Region 4 Planning and Development Council for the New Haven Public Service District, amount \$19,017.92.

Commissioner Wender offered a motion to approve and sign drawdown request for the New Haven Public Service District, amount \$19,017.92. Commissioner Lopez seconded. Unanimous.

Earl Young, Allen Ballard, Vicki Hylton, Assistant Prosecuting Attorney appeared before the Commission to discuss Mr. Young's property.

Mr. Young told the Commissioners the house is down except for the chimney, but the debris has not been removed.

Ms. Hylton told the Commissioners that the Fayette County Beautification Committee has given Mr. Young ample time to clean-up the property.

Discussion was held the Commission suggested giving Mr. Young 90-days to clean up property by the end of February 2011.

Commissioner Wender offered a motion that Fayette County Commission has listened to the concerns of Earl Young, recognize the County is agreeable into Mr. Young getting a roll off dumpster, the County will give an additional 90-days without another hearing for Mr. Young to clean up property. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a Resolution the Kanawha County Commission adopted in Commissioner's Eskew honor.

The Commissioners presented the Resolution to the Family of Commissioner Eskew (Lita Eskew, wife, Denise Scalph, daughter and Kenny Eskew, Jr., son).

The Commissioners appointed Denise Scalph as County Commissioner to fill the unexpired term of Commissioner Kenneth L. Eskew.

The Commissioners received and reviewed a letter from Bryan Parsons, Principal of the Fayetteville High School proposing they lease the Memorial Building for twenty(20) evening activities for a flat rate of \$5,000.00.

The Commissioners approved request to lease the use of the Memorial Building for twenty (20) evening activities for Fayetteville High School as follows: the rental fee will be \$350 per each evening activity. This fee includes trash fee and custodial fees. All other rules are applicable, including the insurance requirement.

The Commissioners received and reviewed the Contract Agreement from J. Dan Snead and Associates, Inc. for the new Fayette County OES/E-911 Center.

Carl Harris, Prosecuting Attorney informed the Commissioners that this is a standard contract.

Commissioner Wender offered a motion that Fayette County Commission approves Contract Agreement with J. Dan Snead and Associates, Inc. Architectural Service for the proposed new Fayette County OES/E-911 Center. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to pay invoices for the last half of the November.

Commissioner Wender offered a motion to approve 2nd half payrolls, payrolls to be released November 30, 2010. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the West Virginia Development Office Community Participation Grant for Armstrong Creek Public Service District.

The Commissioners sign Request for Reimbursement to the West Virginia Division of Justice and Community Service for the Community Corrections Grant, amount \$15,787.91.

Commissioner Wender offered a motion to hire Lee Smith as a custodian in the Maintenance Department at \$1,400.00 a month plus benefits contingent upon Carl Harris, Prosecuting Attorney getting opinion from the Ethic Committee. Commissioner Lopez seconded. Unanimous.

The Commission recessed the Commission for lunch at 1:21 p.m.

The Commission reconvened the Commission meeting at 3:05 p. m.

Commissioner Lopez announced that the Commission is here this afternoon (3:05 p.m.) to certify the canvass of the General Election.

Ms. Berry presented the Abstracts by Voting Precincts and an Order to be signed by the Commission.

The Commissioners reviewed the Abstracts and Order. Commissioner Wender offered a motion that the 2010 General Election be certified and all documents are signed. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the order certifying the results of the canvass for the 2010 General Election. A letter and certificates were forwarded to the Secretary of State and the County Clerk Offices giving the results of the canvass.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing the minutes of October.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Carl Harris, Prosecuting Attorney informing he has hired Roger Lambert as an Assistant Prosecuting Attorney effective November 1, 2010. His starting salary is \$50,000.00 with benefits.

The meeting was adjourned at 3:15 p.m. The next scheduled meeting is December 3, 2010.

FAYETTE COUNTY COMMISSION
DECEMBER 3, 2010
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 3rd day of December 2010.

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

Honorable Paul M. Blake, Jr. was present to swear in the new Commissioner Denise A. Scalph. Also, present were Ms. Scalph family and friends.

The Commission called for an Executive Session at 9:20 a.m.

The Commission reconvened the Commission meeting at 9:28 a.m.

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

Commissioner Wender offered a motion to approve and sign real property tax tickets for Jeff Achey, Carol Lewis, Randall E. and Myrtle Barb, Vernon and Lois Spivey, Darrell Sharp, Gregory M. and Ava R. Nuckols, and Russell K. Taylor and Julie Nichols. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refunds for Mildred A. Ellison (\$91.19) and Darrell Sharp (\$1,079.97). Commissioner Scalph seconded. Unanimous.

Mr. Young informed the Commissioners that they might be okay on values this year but not sure about next year.

There were no personal property tax tickets.

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

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Benjamin R. and Grace Workman, James L. and Linda G. Webb and Phillip and Kelly E. Butcher. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today, approved 1st half payrolls, checks to be released December 15, 2010. Commissioner Scalph seconded. Unanimous.

Judy Radford, Executive Director New River Gorge Regional Development Authority and Rachel Davis appeared before the Commission to request that the Commission sign an Irrevocable Letter of Credit and a Memorandum of Understanding Agreement.

Ms. Radford told the Commissioners the West Virginia Division of Highways has a road access grant program where they will provide up to \$400,000 per county per year to help with road access construction costs. They require a qualified investment of ten times the amount of the grant or an investment of \$4 million for a \$400,000 grant.

Ms. Radford told the Commissioners under this program they have applied and been approved for \$400,000 in new grant funding for Wolf Creek Park.

Ms. Radford told the Commissioners that Fayette County National Bank issued an irrevocable letter of credit in 2005 to secure grant funds of \$462,465. They have secured investments to reduce this

surety need to \$176,622 and West Virginia Division of Highways has requested that they maintain two separate letters of credit because of different timelines.

Carl Harris, Prosecuting Attorney reviewed the Memorandum of Understanding and the Resolution for the Letter of Credit.

Mr. Harris told Ms. Radford that in the Resolution it states James E. Lively, Sr. is authorized to execute a binding letter of credit with Fayette County National Bank per the terms in the attached letter.

Mr. Harris asked Ms. Radford where is the attached letter.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission enters into agreement with the New River Gorge Regional Development Authority and the Fayette County Urban Renewal Authority whereby the Fayette County Commission and the Fayette County Urban Renewal Authority agree to assume all of the obligations imposed on the New River Gorge Regional Development Authority under the terms of that certain agreement between New River Gorge Regional Development Authority and the West Virginia Department of Transportation for the Industrial Road Access Grant in the amount of \$4,000,000.00, for the extension of the paved road into the Wolf Creek Park and the Fayette County Commission together with the Fayette County Urban Renewal Authority agree to hold harmless the New River Gorge Regional Development Authority from any liability with may accrue to New River Gorge Regional Development Authority as a result of the aforesaid agreement. Further the Fayette County Commission

agrees to provide surety for the project as required by the West Virginia Department of Transportation and for John H. Lopez to execute said Memorandum of Understanding as Acting President on behalf of the Commission. Commissioner Scalp seconded. Unanimous. Memorandum of Understanding signed.

Commissioner Wender offered a motion that Fayette County Commission sign Resolution for Letter of Credit. Be it hereby RESOLVED that the Fayette County Commission enters into an Agreement of the Fayette County National Bank, Fayetteville, West Virginia, for the issuance of a Letter of Credit by said Bank as surety for the obligation with the West Virginia Department of Transportation, Division of Highways, in the amount of \$400,000.00 new surety and for \$176,622.00 continuation of the previous surety and that James E. Lively, Sr., be authorized to execute such agreement.

Be it further RESOLVED that John H. Lopez be authorized to execute this resolution as Acting President of the Fayette County Commission.

Martha at FCNB - Terms and Conditions: If the Letters of Credit were drawn upon they would be payable in 5 years with interest at the rate of 5% with an origination fee of .1% and the fee will be \$400.00 for the \$400,000.00 letter of credit and \$176.62 for the \$176,622.00 letter of credit. Commissioner Scalp seconded. Unanimous. Resolution signed.

Commissioner Wender offered a motion that Commissioner John H. Lopez be duly and legally authorized to be the President of the

Fayette County Commission from November 2, 2010 to December 31, 2010. Commissioner Scalp seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from Cindy Dragan, Chairman of the New River Gorge Bridge Day Commission asking that Loren Cox, representative from the Department of Transportation, Lieutenant Michael Fridley, representative from the Fayette County Sheriff's Department, and Sergeant Kenneth E. Tawes, representative of the Secretary of the Department of Public Safety be reappointed members of the New River Gorge Bridge Day Commission.

Commissioner Wender offered a motion that Sergeant Kenneth E. Tawes be reappointed a member of the New River Gorge Bridge Day Commission. Commissioner Scalp seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Wender offered a motion that Lieutenant Michael Fridley be reappointed a member of the New River Gorge Bridge Day Commission. Commissioner Scalp seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Wender offered a motion that Loren Cox be reappointed a member of the New River Gorge Bridge Day Commission. Commissioner Scalp seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Wender offered a motion that Denise Scalp be appointed to fill the vacancy as the County Commission representative as a member of the New River Gorge Bridge Day Commission. Commissioner Scalp seconded. Unanimous.

Commissioner Wender offered a motion that Denise Scalp replaces Matthew Wender on the Local Emergency Planning Committee (Commissioner Wender to resign), appoint Denise Scalp to replace Matthew Wender on the Fayette County Farmland Protection Board (Commissioner Wender to resign) and appoint Matthew Wender to fill the vacancy on the Fayette County Urban Renewal Authority. Commissioner Scalp seconded. Unanimous.

Commissioner asked Commissioner Scalp if she would like to be appointed to Region 4 and the CAEZ Boards. Ms. Scalp informed she would let them know something by December 17, 2010.

Phyllis White, Marketing Specialist Office of the State Treasurer and Steve Kerns, ING Financial Adviser appeared before the Commission to give a presentation of the West Virginia Retirement Plus Deferred Compensation Plan.

Also, present for the presentation was the Elected Officials and the Department Heads.

Steve Kerns gave a brief summary of the plan and answered questions that the Elected Officials and Department Heads asked.

Commissioner Wender offered a motion that Fayette County Commission on behalf of the employees that we enter into a Retirement Plus Employer Adoption Agreement, enrollment effective January 1, 2011. Commissioner Scalp seconded. Unanimous.

Commissioner Wender asked to amend the motion: Commissioner Wender offered a motion that Fayette County Commission sign Resolution

authorizing our signatures to enroll into the WV Section 457 Deferred Retirement Plan. Commissioner Scalph seconded. Unanimous.

The point of contact will be Phyllis White.

The Commissioners recessed the Commission meeting at 11:10 a.m.

The Commissioners reconvened the Commission meeting at 11:20 a.m.

Bill Hannabass, City Manager and Tom Oxley with the City of Oak Hill appeared before the Commission to give an update regarding the Arbuckle Public Service District project.

Mr. Hannabass told the Commissioners that Arbuckle PSD told them they had no problem with items number one, two, four and five of the Commission motion.

Mr. Hannabass told the Commissioners that Arbuckle PSD would not like to be held to item number three regarding an MOU Agreement for the operation of the facility.

Mr. Hannabass told the Commissioners the \$27 million project funding did not come through for the acquisition of Arbuckle PSD.

Commissioner Wender offered a motion that Fayette County Commission will honor its original commitment to pay \$5,000.00 to Smith, Cochran and Hicks, prior to issuing the check be certain that the audit has been completed, be advised by the Arbuckle PSD to verify the date of item number four (that the project is shared with the City of Oak Hill, Oak Hill Sanitation Board, Fayette County Commission and the Region 4 Planning and Development Council office). Commissioner Scalph seconded. Unanimous.

Discussion was held regarding the use of the Memorial Building for the Fayette County Board of Education.

Ms. Berry informed the Commissioners she has prepared the letter for Bryan Parsons, Principal at the Fayetteville High School regarding the use of the Memorial Building for twenty (20) evening activities for Fayetteville High School.

The Commissioners asked Ms. Berry to hold until December 17, 2010.

Discussion was held regarding Direct Deposit for the County Employees.

Debbie Aliff, Payroll Clerk informed the Commissioners that 82 employees were for Direct Deposit and 32 was against Direct Deposit.

Ms. Aliff told the Commissioners she checked with Fayette County National Bank, Denise Light informed her there would be no charge for the County and it would be an interest-bearing account

Ms. Aliff told the Commissioners the other banks she checked wants to charge for processing and other bank charge for everything.

Debbie Aliff and Stephanie Sears informed the Commissioners they are satisfied with Fayette County National Bank.

Commissioner Wender offered a motion that Fayette County Commission does Direct Deposit for the benefit of their employees through Fayette County National Bank. Commissioner Scalph seconded. Unanimous.

Ms. Aliff asked the Commissioners if they would approve the purchase of a log-me-in program for her Stephanie Sears, and Debbie

Berry so they would have access to their computer from their home in case something happens.

Commissioner Wender offered a motion to approve the purchase of a log-me-in program with the understanding that Debbie Aliff, Stephanie Sears and Debbie Berry will have access to their work computers at home. Cost no more than \$400.00. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she applied for A \$96,000.00 Courthouse Facilities Grant for the purpose of an electrical upgrade at the Fayette County Courthouse.

Discussion was held regarding the cost of Bob Blackburn's insurance. The Commission decided to research and address on December 17, 2010.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Grant for the month of October, amount \$16,222.95.

The Commissioners signed the Federal Excess Tax form for Exxon.

The Commissioners signed application for the West Virginia State Agency for Surplus Property.

The Commissioners received and approved Requisition from Sheriff Steve Kessler requesting purchase of five (5) chairs for the Tax Department.

Ms. Berry informed the Commissioners she received a message from Amy Shumate that Aletha Stolar has given her permission to use the

desk in her office for the Farmland Protection Program. The Commission approved.

Discussion was held regarding a tentative County Commission schedule for next year. Commissioner Wender suggested January 7, 2011 for their first meeting. The Commission decided to discuss further on December 17, 2010.

Discussion was held regarding parking spaces for county employees.

Commissioner Lopez suggested holding for further discussion on December 17, 2010.

The Commissioners received and reviewed a quote from AAA Glass and Awning Company, Inc. for the windows at the Courthouse Annex. The Commissioners asked that Dickie Smith, Maintenance Supervisor go over the quote with Jeff Atha and report back to them on December 17, 2010.

Dickie Smith appeared before the Commission to discuss the different repairs needed around the Courthouse.

The Commissioners received and reviewed a quote from Camco Heating and Cooling for heat pump outside the County Clerk's Office.

The Commissioners suggested holding will look at in the future.

The Commissioners received and reviewed quote from Lee's Carpet and Floor Covering for tile for the Prosecuting Attorney's Office.

Carl Harris, Prosecuting Attorney informed the Commissioners he would review the quote and get back with them.

Commissioner Lopez suggested holding Courthouse bat problems until spring.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the deteriorating cement joints of the ornamental bannisters around the roof over the front door of the Courthouse.

The Commissioners asked Dickie Smith to review with Dan Snead and report back to them on December 17, 2010.

The Commissioners received and reviewed from Attorney Paul Clay, Jr. a Motion for Removal of Administrator regarding the Estate of Geneva Mae Welch.

Carl Harris, Prosecuting Attorney suggested having Paul Clay prepare an Order.

The Commissioners received and reviewed a letter from Maple Coal Company informing of the proposed blasting area of Permit #S-3007-95 located on the waters of Paint Creek, Sycamore Branch and Toms Branch of Paint Creek and Armstrong Creek of the Kanawha River in the Cabin Creek District of Kanawha County and Valley District of Fayette County.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing October 2010, Table Games will be directly deposited on November 16, 2010, amount \$6,227.30 and the October Limited Video Lottery proceeds will be directly deposited on November 29, 2010, amount \$7,281.76.

The Commissioners received and reviewed a letter from The Hawks Nest Restaurant informing the staff at Hawks Nest Restaurant would take great pleasure in working with your group to insure a hassle-free reception or party.

The Commissioners received and reviewed from the Natural Resources Conservation Service copies of Request for Reimbursement #1, Request for Reimbursement #3 and Request for Reimbursement #19 regarding the Property Agreement-Dunloup Creek Real Property Agreement-Agreement #69-3D47-10-4.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School thanking the Commission for their letter of support for their YouthBuild proposal and an invitation inviting the Commission to attend their Annual SALS Building Holiday Festival on Thursday, December 23, 2010 at 1:00 P. M. at the SALS Community Center in Beards Fork.

The Commissioners received and reviewed Audit Report from Gauley River Public Service District for the Fiscal Years ended June 30, 2010 and June 30, 2009.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing the securities pledged as of October 29, 2010.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period October 23, 2010 through November 23, 2010.

The Commissioners received and reviewed 2010 E-911 Survey from the West Virginia Association of Counties.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 19 to November 25, 2010, amount \$127.00.

The Commissioners received and reviewed checks for 911 Fees from Frontier, amount \$36,990.16, Suddenlink, amount \$8,164.00, One Communications, amount \$2,308.60, AT&T Communications of WV, amount \$278.00, IDT Corporation, amount \$12.00, Granite Telecommunications LLC, amount \$234.00; Soldiers and Sailors Fund, amount \$50.00; Reimbursement from the City of Beckley, amount \$87.48; Reimbursement from RSC Equipment Rental, Inc., amount \$53.00; WV Development Office for the Sportsman Recreation Center, amount \$2,599.98 and check from Jackie and Verlana Atha for lease, amount \$1.00.

FAYETTE COUNTY COMMISSION

DECEMBER 17, 2010

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 17th day of December 2010.

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

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

Commissioner Wender offered a motion to approve and sign real property tickets for W. T. and Joyce Floyd. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to approve vouchers and invoices, checks to be released today, approved 2nd half payrolls,

checks to be released December 30, 2010. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of October 26, November 8, and November 12, 2010. Commissioner Lopez seconded. Unanimous.

Alice King, Region 4 Planning and Development Council appeared before the Commission to present a drawdown for the Danese Public Service District Water Extension and a drawdown and the Final Performance Report for the Page-Kincaid Public Service District-Ingram Branch Wastewater Project.

Ms. King told the Commissioners the total amount for Requisition #29 of the Page-Kincaid Public Service District-Ingram Branch Wastewater Project was \$225,657.55. The amount of the drawdown is \$5,023.06.

Commissioner Wender offered a motion that Fayette County Commission approve final drawdown Requisition #29 for the Page-Kincaid Public Service District-Ingram Branch Wastewater Project, amount \$5,023.06. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission approves drawdown for Danese Public Service District Water Extension, amount \$41,060.33. Commissioner Scalph seconded. Unanimous.

Ms. King told the Commissioners Region 4 will mail a complete copy of the Final Performance Report for the Page-Kincaid Public Service District-Ingram Branch Wastewater Project.

Commissioner Wender offered a motion that Fayette County Commission approves release of the Resolution for Letter of Credit, the document that was approved by the Fayette County National Bank. The cost has increased that seems to appear reasonable, the prior Resolution to be released for the issuance of a Letter of Credit by the Fayette County National Bank. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding the \$50,000.00 payment from the Coal Severance Fund to the West Virginia Housing Development Fund for the \$400,000.00 loan.

Carl Harris, Prosecuting Attorney suggested to the Commission to hold off on the discussion until January 7, 2011. Mr. Harris told the Commissioners he would like to review further with the West Virginia Housing Development Fund.

Bill Hannabass, City Manager of the City of Oak Hill appeared before the Commission to present an Application for Annexation for Minor Boundary Adjustment for 5.62 acres, more or less. The property is Parcel 7 and 8 recorded in Deed Book 0510 and Deed Page 0067 conveyance to Earnest K. Lester.

Commissioner Lopez offered a motion that Fayette County Commission accept Application for Annexation from the City of Oak Hill for Minor Boundary Adjustment for 5.62 acres, more or less. The city of Oak Hill would be responsible for running two (2) notices in the paper. The Commission would act on the Annexation on Friday, January 7, 2011 at 10:00 a.m. Commissioner Wender seconded. Unanimous.

Ron Cantley, Director of Operations with the Fayette County Board of Education appeared before the Commission to discuss use of the Fayette County Soldiers and Sailors Memorial Building for evening activities for Fayetteville High School, Fayetteville Middle School basketball games and Fayetteville High School Graduation.

Discussion was held, the Commission asked Mr. Cantley if they would consider a flat fee of \$12,000.00, the County would be responsible for maintenance and repairs, janitorial services, the Fayette County Board of Education shall provide liability insurance coverage in the amount of One Million Dollars (\$1,000,000.00) for the use of the Memorial Building.

Mr. Cantley informed the Commissioners he would take this back to the Superintendent and would let them know something this afternoon.

The Commissioners asked Carl Harris, Prosecuting Attorney to prepare the Lease Agreement.

Mr. Harris told the Commissioners he would try to have the Lease Agreement prepared today.

The Commissioners received and reviewed from Attorney Pat C. Fragile an "Order Relinquishing Duties of Executor and Removing Executor" informing that James W. Keenan, Executor of the Estate of Cecil W. Compton wishes to be removed and released as the Executor of the Estate and that Connie S. Mitchell be appointed in his stead.

Carl Harris, Prosecuting Attorney informed the Commissioners that he sees no problem with this order, the Commissioner can sign.

Commissioner Wender offered a motion that the Fayette County Commission approves the Order Relinquishing Duties of Executor and Removing Executor James W. Keenan as Executor of the Estate of Cecil W. Compton and that Connie S. Mitchell be appointed in his stead. Commissioner Scalph seconded. Unanimous. Order signed.

The Commissioners signed Orders appointing Commissioner Matthew D. Wender a member of the Fayette County Urban Renewal Authority and appointing Commissioner Denise A. Scalph a member of the Fayette County Farmland Protection Board, the Local Emergency Planning Committee and the Fayette County New River Gorge Bridge Day Commission.

The Commissioners received and reviewed a letter from the City of Smithers requesting \$1,000.00 for a salt spreader for their street department.

Commissioner Lopez suggested to the Commissioners to deduct the \$1,000.00 from the City of Smithers Budget allocation for Fiscal Year 2011.

Commissioner Wender offered a motion that Fayette County Commission will contribute \$1,000.00 for the cost of a salt spreader for the City of Smithers, this to be paid out of the Coal Severance Fund. Commissioner Scalph seconded. Unanimous.

Ron Cantley, Director of Operations for the Fayette County Board of Education appeared before the Commission to inform them that he had discussed the \$12,000.00 fee with Superintendent Dwight Dials

regarding the use of the Fayette County Memorial Building for basketball games, practices and graduation.

Mr. Cantley told the Commissioners they had a counter offer of \$10,000.00.

Discussion was held. Commissioner Lopez reminded Mr. Cantley that they have to provide liability insurance coverage in the amount of One Million Dollars (\$1,000,000.00) for the use of the building. The Commissioners suggested that the Lease Agreement be for one year.

Commissioner Scalph offered a motion that Carl Harris, Prosecuting Attorney draft a one (1) year Lease Agreement for the Fayette County Memorial Building to the Fayette County Board of Education for rental of the Building for basketball games, practices and graduation for a flat fee of \$10,000.00. The Commission will review utilities later. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Board of Zoning Appeals informing the terms of John Hoffman and Gary Davis will expire on January 1, 2011. The Board of Zoning Appeals is requesting they be reappointed to serve for a term of 3 years.

Commissioner Wender offered a motion that the Fayette County Commission reappoints John Hoffman and Gary Davis to the Fayette County Board of Zoning Appeals for a term of 3 years. Commission Scalph seconded. Unanimous. Orders and appointment to serve letters signed.

Theresa White, OES Director presented application to be signed for the Homeland Security and Emergency Management Grant to the Commissioners.

The Commissioners signed application from the Fayette County National Bank for Direct Deposit for Payroll Accounts.

The Commissioners received and reviewed a letter from Judge John Hatcher requesting that an electronic apparatus (a buzzer-intercom system) on one of the two doors of the Probation Department be installed. The quote he received from Advanced Alarm Technologies is \$1,050.00.

Ms. Berry told the Commissioners she received several grant applications and has prepared Resolutions that needs to be signed (Fayette-Nicholas Chapter American Red Cross, \$2,500, Gauneka Ruritan Community Center/Gymnasium Floor, \$8,000, New River Humane Society/Cages, Kennels, Equipment, and Improvements, \$5,000, Upper Kanawha Valley EDC/Okttoberfest, \$2,000 and Retired and Senior Volunteer Program, \$3,000).

Commissioner Wender offered a motion that Fayette County Commission participates in the Fiscal Year 2011 Community Participation Grant Program, for the Retired and Senior Volunteer Program, \$3,000. Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Wender offered a motion that Fayette County Commissions participate in the Fiscal Year 2011 Community Participation Grant Program for the Upper Kanawha Valley

EDC/Okttoberfest, amount \$2,000. Commissioner Scalph seconded.

Unanimous. Resolution signed.

Commissioner Wender offered a motion that Fayette County Commissions participate in the Fiscal Year 2011 Community Participation Grant Program for the Fayette-Nicholas Chapter American Red Cross, amount \$2,5000. Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Wender offered a motion that Fayette County Commission participates in the Fiscal Year 2011 Community Participation Grant Program for the Gaunekaa Ruritan Community Center/Gymnasium Floor, amount \$8,000. Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Wender offered a motion that Fayette County Commission participates in the Fiscal Year 2011 Community Participation Grant Program for the New River Humane Society/Cages, Kennels, Equipment and Improvements, amount \$5,000. Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Wender offered a motion that Fayette County Commission participates in the Fiscal Year 2011 Community Participation Grant Program for the Fayette County Historical Society/Contentment Museum, amount \$3,500. Commissioner Scalph seconded. Unanimous. Resolution signed.

The Commissioners signed letters to Janis Kitzmiller, Family Law Judge requesting reimbursements for rent in the amount of \$5,400.00 for the months of December 2010 and January 2011.

The Commissioners received and reviewed Reimbursement Request to the West Virginia Division of Criminal Justice Services for the Community Corrections Center Grant, amount \$16,105.60.

The Commissioners signed an Order, ordering the balance of the Fayette County General School Fund in the amount of \$140,593.98 for the calendar year 2010 to be transferred to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates.

The Commissioners signed an Application for a Permit to Operate the Fayette County Park Pool for the Fayette County Health Department.

Discussion was held regarding the parking spaces that Thomas Rist is offering to the Commission. The Commissioners asked Ms. Berry to check to see how many spaces are available.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting to move Alex Moore from part-time (32 hrs.) to Melissa Richards's position of full-time (40 hrs.). Ms. Richard has been off since August 15, 2010 due to personal injury not job related.

Mr. Pauley told the Commissioners he would like to change Alex Moore wages from \$7.75 to Ms. Richard's current wage of \$8.46. If Ms. Richard's is able to return to work this will change back to their current position.

Carl Harris, Prosecuting Attorney told the Commissioners Mr. Pauley can't demote a person once he hired them.

The Commissioners asked Ms. Berry to inform Mr. Pauley that he needs to wait until Ms. Richards resigns.

Ms. Berry told the Commissioners that the West Virginia State Legislature has approved the Fiscal Year 2010/2011 Local Economic Development (LED) Grant Program for the current fiscal year.

Ms. Berry told the Commissioners that one of the requirements of the program is that we obtain a Resolution.

Commissioner Wender offered a motion to sign Resolution designating the New River Gorge Regional Development Authority as representing Fayette County for the purpose of participating in the West Virginia Certified Development Community (CDC) Program. Commissioner Scalph seconded. Unanimous. Resolution signed.

Ms. Berry informed the Commissioners that the Board of Equalization and Review industrial hearings will be held on February 2, 2011 at 9:00 a.m. and the mineral hearings will be held on February 10, 2011 at 9:00 a.m.

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

January 28, 2011	Friday	1:00 P. M.
February 2, 2011	Wednesday	9:00 A. M.
February 7, 2011	Monday	9:00 A. M.
February 10, 2011	Thursday	9:00 A. M.
February 16, 2011	Wednesday	1:00 P. M.
February 23, 2011	Wednesday	1:00 P. 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.

Commissioner Wender offered a motion that Fayette County Commission appoints Commissioner Denise Scalph to serve as a member of Region 4 Planning and Development Council. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Arbuckle Public Service District informing that Fayette County Commission fully intends to honor their offer to pay Smith Cochran and Hicks up to \$5,000.00 for the projected audit costs after City Manager Bill Hannabass receives and reviews the audit and we have a copy of the completed audit invoice.

The Commissioners received and reviewed a letter from Debbie Tate informing of her resignation from the WVU Extension Service effective January 7, 2011.

The Commissioners received and reviewed a letter from SBA Network Services, Inc. expressing their great appreciation for the extraordinary service provided to them by Tim Richardson our Zoning Officer.

The Commissioners received and reviewed a letter from Sedgwick Claims Management Services, Ins. regarding Becky Toney's claim.

The Commissioners received and reviewed a letter from the Kanawha County Commission regarding their adoption of the Kanawha County Cellular Phone Usage and Driving Policy.

The Kanawha County Commission is urging the Fayette County Commission to place the discussion about the cell phone ban on their agency and requests that they adopt a similar policy.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 26 to November 30, 2010, amount \$105.00, the week of December 1 to December 2, 2010, amount \$102.00, and the week of December 3 to December 9, 2010, amount \$324.00 and the New River Humane Society allotment for the month of December, amount \$13,251.37.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing of the securities that were held as collateral to secure the deposits of Fayette County Commission as of November 30, 2010.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledged as of November 30, 2010.

The Commissioners received and reviewed from the Bank of New York an Account Statement for the period November 1, to November 30, 2010.

The Commissioners received and reviewed a quote of \$1,065.00 from Lee's Carpet and Floor Covering for the Prosecuting Attorney's Office.

The Commissioners received and reviewed a break-down of the Fayette County Memorial Building Utilities from July 2007 to October 2010.

The Commissioners received and reviewed a letter from Department of Revenue State Tax Department complimenting Eddie Young, Assessor on a job well done in complying with standards established by the Property Valuation Training and Procedures Commission (PVC) for Tax Year 2009.

The Commissioners received and reviewed a letter from a letter from Stafford Consultants regarding New Haven Public Service District, Contract #17, Derryhale/Sun Mine Road.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Services enclosing a copy of a Request for Reimbursement #4 for the Property Agreement-Dunloup Creek Real Property Agreement (FPE), Agreement #69-3D47-10-13.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund regarding Fayette County Commission Demolition Loan.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the November 2010 Table Games will be directly deposited on December 16, 2010, amount \$6,531.43.

The Commissioners received and reviewed from the County Commissioners' Association of West Virginia a Working List of Possible OPEB Actions as of August 9, 210 revised September 14, 2010.

The Commissioners received and reviewed Official Oath of Office from Kenneth Tawes a member of the New River Gorge Bridge Day Commission and John Hoffman and Gary D. Davis members of the Fayette County Board of Zoning Appeals.

The Commissioners received and reviewed checks for 911 Fees from Vonage Tax Account, amount \$262.00; WV Development Office-SCBG Fund New Haven PSD, amount \$19,017.92 and State Grant Honor Guard, amount \$2,433.85; Secretary of Military Affairs and Public Safety-911 Fund,

amount \$28,125.00; Dept. of Health and Human Resources-Community Corrections Drug Testing, amount \$2,854.00; City of Beckley-Reimbursement DUI, amount \$87.48; Division of Justice and Community Services-SPF-SIG Grant, amount \$14,466.62 and Community Corrections Grant, amount \$16,734.02; and Secretary of State-Reimbursement Special Election, amount \$93,151.01.

The Commissioners received and reviewed an e-mail from Ray Tilley, P. E. E. L. Robinson to Commissioner Wender regarding Danese Public Service District Project.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Debbie Berry regarding county parking.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Tom Syner regarding Suddenlink getting on the Valley cable.

The Commissioners received and reviewed an e-mail from Lorrie Thomas regarding the Meadow River Rail Trail.

The Commissioners received and reviewed an e-mail from Commissioner Wender informing the Fayette County Farmland Protection Board that the Fayette County Commission has appointed Denise Scalph to fill the Commission's position on the Farmland Protection Board.

The Commissioners received and reviewed an e-mail from Theresa White, OES Director regarding the LEPC meeting.

The Commissioners received and reviewed an e-mail from Vivian Parsons informing that the Governor Earl Ray Tomblin announced today

that he has awarded \$1,865,460 in West Virginia Purdue Pharma Asset Forfeiture Grant Funds to twenty-seven (27) grantees.

The meeting was adjourned at 12:20 p.m. The next scheduled meeting is January 7, 2011.

