

FAYETTE COUNTY COMMISSION

FEBRUARY 10, 2015

SPECIAL SESSION

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special meeting on this 10<sup>th</sup> day of February 2015.

President Scalph called the meeting to order at 9:06 a.m.

Discussion on Oak Hill Annexation of Minden. Larry Harrah opened the meeting by reminding everyone that this is not a comment and question session.

Commissioner Wender spoke about how this annexation discussion cannot take place without mentioning the issues with Arbuckle PSD. Arbuckle PSD has been a discussion before the Commission for years. The financial situation of Arbuckle, the open sewage that flows out and the public water that is just downstream from Arbuckle.

Two things can happen: Oak Hill can acquire Arbuckle or Arbuckle can be left alone to fight for itself. Arbuckle has many deficiencies with no access to capital. Rates would skyrocket if left alone to cover these deficiencies. Commissioner Wender feels this is a finding of fact that receivership is not the answer for Arbuckle PSD.

Finding of Facts:

- Property tax in Minden and Rock Lick will increase
- Rates will not increase as much with Oak Hill than with receivership
- Pollution from Arbuckle
- Comments from DEP

-Oak Hill has received funding to fix these issues

President Scalph stated that facts from letters from the Department of the Interior and the New River Conservancy, who completed water studies both state water quality is poor. Mr. Lopez stated we have eight public service districts in Fayette County. Seven are self supporting. The Commission partnered with the state for \$75,000.00 to fix some minor issues. Mr. Lopez does not feel this is possible without annexation.

Seven items for the Commission to consider - as presented by Larry Harrah and commented on by the Commissioners:

1. Whether territory is contiguous to municipality.

Response: City of Oak Hill submitted maps with plenty of details.

2. Department of Highways is limited to the DOH

Response: Not Applicable

3. Hearing opposition or support for annexation

Response: That was the purpose of the January 30<sup>th</sup> public hearing. Residents from Minden and Rock Lick spoke with their concerns of the annexation.

4. Annexation has street or highway for free holder

Response: It clearly does

5. Annexation had street or highway for emergency services

Response: Annexation will improve these services.

6. Whether another municipality made an application

Response: no other application

7. Whether annexation is best for county as a whole

Response: Reiterating findings and facts that the commission stated earlier.

Commissioner Wender stated that the annexation does not benefit the county as a whole but the acquisition of Arbuckle PSD cannot happen without the annexation.

This acquisition is not a profitable acquisition for the City of Oak but the economic benefits are what everyone is looking towards. Special recognition is made to the Arbuckle PSD commissioners for their hard work over the past few years.

Commissioner Wender feels the Commission has no choice if they are ready to remedy this issue. Commissioner Wender motions to approve the annexation of Arbuckle and they will support the finding of facts to make the annexation happen. Commissioner Lopez seconds. Unanimous decision.

An order will be prepared with the Finding of Facts for the Commission to sign.

Kelly Jo Drey, Resource Coordinator, appeared to discuss Kanawha Falls PSD. The \$36,080.00 will more likely be repaid if the money is not used for extension of water lines but to replace one of the pumps. The Public Service Commission will more than likely approve the issue in the rate increase if money is used for a pump. The Rate increase application takes 4-5 months for approval.

Commissioner Wender motioned to amend a previous motion made during the last meeting on February 3, 2015 to read that the Fayette County Commission is agreeable to enter into a loan with the Kanawha Falls PSD to replace the pump and to be repaid by the Kanawha Falls PSD for \$36,080. Commissioner Lopez seconded. Unanimous decision.

The meeting adjourned at 10:09 a.m.