

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 25, 2016
COURTHOUSE

FAYETTEVILLE, WV 25840
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 25th day of March, 2016.

President Wender called the meeting to order at 9:03 a.m.

James Blankenship, Attorney, appeared to present the Fiduciary Commissioners Report of Claims. Mr. Blankenship presented the order for the estate of Mary L. Gilbert.

Commissioner Scalph motioned to approve the order reporting claims for the Gilbert estate. Commissioner Lopez seconded. Unanimous decision.

Mr. Young presented a real property exoneration for Terry Shawn & Mark K. Wolfe \$972.06. Commissioner Scalph motioned to approve the real property exoneration. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez motioned to approve vouchers and invoices and release checks today. Commissioner Scalph seconded. Unanimous decision.

Mr. Young presented a refund in the amount of \$947.76 to Terry Shawn & Mary K. Wolfe. Commissioner Lopez motioned to approve the refund. Commissioner Scalph seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a letter from John Joines requesting a refund on taxes due to an error in the Assessor's office. Commissioner Scalph motioned to approve a credit for future tax credits and cancellations of tax tickets in 2015-2016. \$6,236.58

will be applied to future tax tickets. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez motioned to approve vouchers and invoices and release checks today and also approve 2nd half payroll to release on the 30th. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve the minutes of March 4th, 11th and 17th. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented grant documents for the Commission to approve and authorize President Wender to sign from WV Division of Justice and Community Service for Courthouse Security in the amount of \$90,370.00. Commissioner Lopez motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a support letter for EDA funding for the Commission to approve and sign. Commissioner Scalph motioned to approve and sign the letter. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Danese PSD to reappoint Robert I. Richards to the PSD board. Commissioner Lopez motioned to reappoint Robert I. Richards to the Danese PSD Board. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a resolution for the Commission to approve and sign declaring April as Fair Housing Month. Commissioner Scalph motioned to approve and sign. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a quote from Pettit and Pettit for cost and installation of a Reduced Pressure Backflow Preventer for the

Prosecuting Attorney's office in the amount of \$2,500.00. President Scalph asked that Ms. Berry contact AWS Plumbing for another quote.

Ms. Berry presented a maintenance contract for the Courthouse boiler. Commissioner Scalph motioned to approve and sign the contract. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented the Monthly Return on Hotel Occupancy Tax from Ronda Falk, Tax Department. She has added a copy of House Bill 4377 which eliminated exemption from the tax if occupying for thirty or more consecutive days. The Commission reviewed.

Ms. Berry informed the Commission about the Legislative Wrap-Up meeting on Thursday, April 14, 2016 at Tamarack Conference Center, 1:00 - 3:00 p.m. The Commission reviewed the information.

Ms. Berry presented insurance renewal information for fiscal year 2016-2017 from WVCRP for the Commission to review.

Ms. Berry presented a Workers Compensation and Employers Liability Insurance Policy from BrickStreet for the Commission to review.

Larry Harrah, Prosecuting Attorney, appeared for an Evidentiary Hearing for the Estate of Lawrence Holt Smailes. Lee Burdette, daughter, appeared to have Thelma Kessler removed from the estate. Ms. Burdette informed the Commission that the family is unaware of where Ms. Kessler is or how much money was in the estate. There are items missing such as guns. Mr. Harrah has reviewed the estate and there is no question as to what Mr. Smailes wanted, however no action has been taken in 2 years. Mr. Harrah feels there is enough evidence to remove Ms. Kessler as executor. The Commission took a break while Ms. Burdette made a call to her brother, Clarence Smailes.

Sheriff Steve Kessler presented information to the Commission regarding 911 employees and longevity for consideration. The Commission will discuss at a later date.

The Commission recessed at 9:50 a.m.

The Commission reconvened at 10:03 a.m. to complete the Evidentiary Hearing. Ms. Burdette reappeared with her sibling; Clarence Smailes on the cell phone and Goldie Craft on the conference phone. Commissioner Lopez motioned to remove Thelma Kessler from the estate. Commissioner Scalph seconded. Unanimous decision.

Commissioner Lopez motioned to appoint Clarence Smailes as executor of the Lawrence Holt Smailes Estate. Commissioner Scalph seconded. Unanimous decision.

Mr. Harrah will prepare the order for the Commission to sign at a future meeting.

Tyler Bragg appeared to discuss the cost for the Pictometry online subscription. Mr. Bragg informed that various offices at the Courthouse use this program.

Pictometry offers 50 users for the \$2,200.00 yearly renewal cost.

Commissioner Wender requested that Mr. Bragg see if having less users would reduce the cost. Mr. Bragg will report back.

Tom Skaggs, Smithers Mayor, appeared to discuss their dilapidated property agreement. There are 4 property owners interested in paying half up front for demolition and will then set up a payment schedule for the remaining demo costs.

Discussion was held on the Larry Brown property. The demolition quote is \$5,000.00 and \$500.00 to test for asbestos.

Commissioner Scalph motioned to move forward with the asbestos testing, and then Angela Gerald will return with a revised quote. Commissioner Lopez seconded. Unanimous decision.

Discussion was then held on the Mike Edelman property. The quote is \$5,500.00. Mr. Harrah will address a promissory note with Mr. Edelman. Commissioner Scalph motioned to move forward with the removal with the understanding that the owner will pay half up front and our Prosecuting Attorney's office will prepare a promissory note to pay the other half. Mr. Harrah and Mr. Edelman will meet to determine a plan to repay the 2nd half. Commissioner Lopez seconded. Unanimous decision.

The Commission held a second reading for the Injection Well Amended Ordinance. Liz Campbell, Assistant Prosecuting Attorney, Tom Rist, Lawyer and Derek Tinney, Appalachian Mountain Advocacy, have worked on the ordinance. The Commission reviewed the changes.

Commissioner Scalph motioned to approve the 2nd reading of the amended ordinance. Commissioner Lopez second. Unanimous decision.

Early Pauley and Peggy Bennett, Park, appeared to discuss the County Pool Operator.

Mr. Pauley informed the Commission about repairs for the pool. Ms. Berry presented photos that were taken by Randy Redden, Park Employee. The interior braces are deteriorating. These need to be fixed before work for the grant is completed.

Ms. Berry emailed Mr. Rollings with East Coast Pools for his review. He has not yet responded due to work at another site.

President Wender requested Allen Ballard and Melvin Withrow to be present for a conversation with East Coast Pools.

Park employees have done as much as they can up to this point. They are now ready for East Coast Pools.

Discussion was then held regarding the County Pool Operator (CPO). Ms. Bennett has asked to not be the CPO. President Wender asked what to do next. Ms. Bennett has advertised on Facebook. President Wender asked how difficult this would be for an existing County Employee. Ms. Bennett stated that there is a 2-day certification class either in Charleston or Morgantown.

President Wender requested that Mr. Pauley and Ms. Bennett be certified and asked Ms. Berry to prepare an advertisement for Susan DuFour's positions (resigned) and make mention of the CPO requirement.

The Commission then reviewed the budget.

President Wender thanked Stephanie Sears, Staff Accountant, Mr. Young and other Elected Officials and Department Heads for their work on this current budget and FY 2017.

President Wender discussed changes to the upcoming budget (sheet attached) as well as a breakdown of each individual office's approved budgets.

Mr. Young commended the Commission for taking the action they have over the last year.

Commissioner Scalph motioned to approve the General County 2016-2017 budget of \$9,131,344.00 and Coal Severance of \$289,192.00. Commissioner Lopez seconded. Unanimous decision.

The Commission signed the Budget Revision sheet and Kelvin Holliday, County Clerk, signed the Certification sheet.

The meeting was adjourned at 12:16 p.m.