

FAYETTE COUNTY COMMISSION

May 27, 2015

REGULAR SESSION

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 27<sup>th</sup> day of May, 2015.

President Denise Scalph called the meeting to order at 9:04 a.m.

Zach Beard appeared to be introduced as the Resource Coordinator intern for this summer.

Eddie Young, Assessor, appeared to present an exoneration for real property for Katherine & Albert Seitzinger \$126.06. Commissioner Wender motioned to approve the exoneration for real property.

Commissioner Lopez seconded. Unanimous decision.

President Scalph motioned to approve the minutes of March 25<sup>th</sup> and May 15<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Commissioner Lopez motioned to approve voucher and invoice and release checks today and approve 2<sup>nd</sup> half payroll, release check on May 29<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Normal Williams, Delores Nelson, Bobby Taylor and Bruce Williams appeared to present the keys for the Early Voting sites.

Debbie Berry, County Administrator, presented a letter from Judge Hatcher requesting laminate wood flooring to be installed in his office. Commissioner Lopez motioned to approve up to \$2,000.00. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a letter to Natalie Tennett, Secretary of State, with the current PSD list and contacts.

Commissioner Wender motioned to sign and send the letter and list. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter and order for the Commissioners to sign appointing George Tabit to the Fayette County Planning Commission. Mr. Tabit will replace Jennifer Salvatore who resigned. Commissioner Lopez motioned to approve the appointment . Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented support letters for the Commission to sign approving grant applications for the Fayette Raleigh Metropolitan Planning Organization that will request funds through the TIGER2015 program for (1) New River Parkway - 564 Falls Branch (2) Z-Way Section 1 Segment 1-Proposed Improvements to US 19 from Shady Springs, east of Beckley to 1-64 West of Beckley. Commissioner Wender motioned to sign the support letters. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented 3 Hazard Mitigation Lease Agreements for approval and signature.

**Cassandra Davis (Tenant)** Surface Lot 150 Kilsyth SD -  
property formerly owned by Edward Boyd, and  
Surface Lot 151 Kislyth SD - property formerly owned  
by Betty Moroney, and  
Lot 103 Kilsyth SD property formerly owned by Tony &  
Jayne Ann Smith.

**Mark Romage (Tenant)** 53D/26/PR 53D/27VL - property formerly  
owned by Emerson Mollohan

**Kevin Walker (Tenant)** Map 53k Parcel 59 - property formerly owned by Cody Burdette

Commissioner Wender motioned to approve the leases from the Dunloup Creek buyout program. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Sheriff Steve Kessler for a Live Scan Fingerprinting System (\$1,289.95.) The Sheriff requested this to be an immediate urgent request and informed that if the Commission did not approve, he would pay for it with his Concealed Weapon Fund. Commissioner Lopez motioned to approve Sheriff Kessler's request. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a request from Courtney Forbes with Crete WV to use the Courthouse Lawn for 400-500 conference guests to sit on for an outdoor concert on Friday September 25, 2015. They will request the use of the stage on Court Street from the Town of Fayetteville at their town meeting June 4, 2015. Commissioner Wender motioned to approve the use of the courthouse lawn for Create WV as long as they provide \$1 million dollar insurance liability coverage. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender request that Create WV be placed on the agenda to give an update for the event.

Ms. Berry presented a cost of cove base and installation for Magistrate Court floor for approval. The estimate is:

\$1,090.00	Materials Only
\$1,734.00	Labor and Materials

Commissioner Lopez motioned to approve the materials only and maintenance can do this work after hours. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a drawdown request from Community Corrections April 2015 for President Scalph to sign.

Commissioner Wender requests that air quality testing be performed at the Courthouse Annex periodically.

Commissioner Wender mentioned the issue of Scarbro/Whipple dilapidated properties and asked that Angela Gerald come once a month with updates on houses they've approved to be torn down.

Ms. Berry tells the Commission she and President Scalph are resubmitting the request to assist with the cost of the Fayette County Pool water to West Virginia American Water.

President Scalph signed an addendum for the pool grant.

Discussion was then held regarding the property at 206 Church Street, behind the Fayetteville Police Department. Commissioner Wender suggested that MS. Berry or Larry Harrah inquire about this property.

The Commission recessed at 9:35 a.m. and until the 10:00 a.m. appointment.

Bill Hannabass, Oak Hill City Manager, appeared to present an annexation by petition for David & Lynn Pollard. It was considered by Oak Hill City Council by ordinance.

Commissioner Wender motioned to authorize and approve the annexation requested by the City of Oak Hill. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender requested that the Fayette County Commission add to the agenda for June 8<sup>th</sup> that they will consider a resolution for the School Bond issue that is up for election on June 13<sup>th</sup>.

Tim Richardson, Zoning, appeared to present an amendment to the Unified Development Code (UDC).

President Scalph thanked Mr. Richardson, the Fayette County Planning Commission and the Prosecuting Attorney's Office for their hard work on this amendment to the UDC on behalf of the Fayette County Commission.

President Scalph stated that the Commission is working on a future ordinance regarding this issue.

Mr. Richardson read the public notice. The Planning Commission recommended by way of a vote of 9-0 in favor of the amendment, that the Fayette County Commission adopt the amendment to the UDC. Mr. Richardson gave a background of the amendment and read the Purpose and Intent:

#### Purpose and Intent

H-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit industries and commercial uses that have public nuisance potential and will therefore be subject to intensive review for location impact on surrounding land uses and environment. It is intended that H-I districts may be established in areas having all of the following characteristics:

- A. Areas served by a major highway, rail or air service, or secondary road improved to standards approved by the WVDOH;
- B. Areas either served by public water and sewer or adhering to the requirements of the County Health Department; and

C. Areas having clearly demonstrated suitability for intended uses with regard to physical characteristics and relationship to surrounding development.

Commissioner Wender motioned to adopt the amendment for injection well permits. Commissioner Lopez seconded. Unanimous decision.

Trish Kicklighter with the National Parks Service sent a a letter addressed to the Department of the Interior for the Commission to read.

The floor was opened to comments.

Tom Rhule appeared to ask what the Commission is doing above and beyond this amendment. Mr. Rhule states that he believes the DEP will cut off the County whenever they want. Mr. Rhule is against the amendment and he thinks it is redundant. Mr. Rhule feels that the Commission already has an ordinance in place (dilapidated ordinance) that can take care of injection wells.

Larry Harrah, Prosecuting Attorney, stated his office is working on an ordinance that will ban injection wells out right.

It is suggested that this ordinance include banning any drilling on injection ponds.

Several times it is restated that this is the first step in a long process.

Unanimous decision

Ms. Berry presented the order authorizing the amendment to the UDC for the Commission to sign.

Commissioner Wender requested that Mr. Richardson research dumping into abandoned mine and also dumping into holding ponds. Mr.

Richardson will defer this to the committee that is researching the next step in the process.

Ms. Berry presented Fayette County Planning Commission meeting minutes for the Commission to approve and sign.

Mary Rahall stated if there is a problem with the water, that the Fayette County Health Department will notify citizens.

Gary Hartley appeared to give an update on the Summit Bechtel Reserve (Boy Scouts of America) for 2015. He handed out brochures of what Summit will be offering this summer and reiterated all of the activities that will take place this summer.

The facility will be open to the public on Saturdays from 10 a.m. to 5 p.m., with an estimated 5,000 participants.

The Girl Scout Jamboree will be held July 22<sup>nd</sup>-26<sup>th</sup> with about 700 to 1,000 participants, with the expectation of growth.

The Summit is working with 4-H.

The International Student Ambassador program will be held July 26<sup>th</sup> to August 6<sup>th</sup>, with 500 children from China

WVU and the State of West Virginia Nonprofit Youth Group Programs have partnered with the BSA for this program.

Future Events include but are not limited to: the National Boy Scout Jamboree July 19<sup>th</sup> to 28<sup>th</sup> in 2017, The World Jamboree July of 2019, (No more than 20% of hosting country), and National Boy Scout Jamboree 2021.

A Public Hearing was held third reading of the ordinance authorizing the advance refunding of the Fayette County Building

Commission Lease Revenue Bond. The Commission opened the floor for comments. No comments were made. The Public Hearing was closed. The Commission held the third reading of the ordinance.

Commissioner Wender motioned to approve ordinance. President Scalph seconded. Unanimous decision.

Rob Steptoe appeared to give an update on the bonds. He stated that the interest rates are unfavorable at this time.

The meeting was adjourned at 12:04 p.m.

---