

FAYETTE COUNTY COMMISSION
REGULAR SESSION
November 7, 2014
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez
OTHER PRESENT: Bradley Kennan, Tom Omley, Tom Rist, Adam Hodges, Gene Kistler, Jeff Prior, Heidi Prior, John Stewart, Donald Carte, Carolyn J. Amick, Pat McKinney, Joy McKinney, C. George Kenney, Eric Jarrell, Garnet Simms.

The Fayette County Commission met for a regular meeting on this 7th day of November, 2014.

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

Eddie Young, Assessor, appeared before the Commission to present 2 refunds and exonerations for real and personal property.

Mr. Young presented exonerations for personal property for Keith H., Donna K. & Ryan K. Campbell \$826.36; Debra Sue or Clyde Richmond \$453.46; Sara A. Gilkey \$40.80; David W. & Tina Thomas \$6.40; Patricia L. Armstrong \$147.58, \$30.72; Joseph D. Kelly \$342.38. Commissioner Lopez motioned to approve refunds for personal property. Commissioner Wender seconded. Unanimous decision.

Mr. Young presented exonerations for real property for Ira Jess Martin \$34.60; Onnie & Jennifer Morgan \$256.20; Mildred A. Ellison \$3.82. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.

Mr. Young present refunds for William C. Wolfe \$253.96; Elizabeth Carol & Steve Legg \$169.74. Commissioner Wender motioned to approve refunds. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez motioned to approve vouchers and invoice and release checks today and approve 1st half payroll to be released on November 15th. Commissioner Wender seconded. Unanimous decision.

President Scalph returned from the public auction at 9:15 a.m.

There was one bid from the owners of Water Stone Outdoors for \$24,000.00. The bid is under advisement and discussion will be held.

Debbie Berry, County Administrator, presented a list of legal holidays for 2015 for the Commission to sign. Commissioner Wender motioned to approve the 2015 holiday list. Commissioner Lopez seconded. Unanimous decision.

The Commission approved February 3rd, 2015 for the Board of Equalization and Review mineral hearings. The Commission will hold a regular meeting on January 23rd and the first Board of Equalization and Review hearing will be on January 30th.

Ms. Berry presents a grant application and resolution for the Commission to sign for a Community Participation Grant for Page Kincaid PSD to purchase a generator to operate the water plant during power outages. Commissioner Wender motioned to approve the resolution and authorize President Scalph to sign. Commissioner Lopez seconded. Unanimous decision.

Kelly Jo Drey, Resource Coordinator, appeared to discuss the pool grant. The grant was submitted for \$73,000.00 with a match of \$62,500.00 and committed park staff for an additional \$10,500.00 match. This includes an ADA lift, chlorine system and liners. Commissioner Wender suggests hiring a hydrological engineer to review to ensure everything will function correctly.

Carl Harris, Prosecuting Attorney, suggested talking to West Virginia Tech to ask if there would be a class that could accomplish that task.

Ms. Berry will call WV Tech and if that is not possible, will contact other engineering firms for proposals.

According to the West Virginia Development Office, if the grant

is selected, funds will not be available until Labor Day 2015. The Commission requests finding out how many gallons of water are lost while the pool is full and operating.

Tim Richardson, Zoning, appeared to discuss the Fayette County Land Use Master Plan for 2014. A public hearing was held.

There are five (5) coal properties that will be released for commercial use. The Planning Commission recommends that the Commission adopt this plan and attach it to the Unified Development Code. Commissioner Lopez motioned to approve the Planning Commission's recommendation. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order to divide and segregate land for Wilga Stover, Valley district. Commissioner Lopez motioned to approve the order. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a request from Richard A. Smith, Jr., President of the Ben Argento Basketball League to use the Fayette County Soldiers and Sailors Memorial Building for the upcoming basketball season from December, 2014 to March 2015. Commissioner Lopez motioned to approve the used of the Memorial Building. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a request from Suzette Hardy to have a rally in front of the courthouse to object to homosexual marriage. The Commission agreed that she must have proof of liability insurance. President Scalph inquired about the exact time of use. The issue was tabled until Mr. Harris could return to the meeting.

Tom Rist, Attorney, appeared to discuss an update on the fracking injections at a well operated by Danny Webb near Lochgelly and what he is doing on behalf of Fayette County citizens. 1.6 billion barrels

have been injected. Mr. Rist thinks they are leaking. Mr. Webb has the permit from the WVDEP to perform the injections.

Mary Rahall, Fayetteville, appeared to discuss the health matters that come from fracking. Air pollution is a concern along with water contamination. Ms. Rahall tells the Commission that WVDEP finally shut down the Lochgelly injections in June 2014 but for several years we have been drinking and breathing this pollution. Ms. Rahall is making the public aware. She hopes that the Commission will enforce the ordinance: §7-1-3kk Authority to provide for the elimination of hazards to public health and safety; penalty. Mr. Harris informed he has researched and the County has no authority with this matter. The permits and authority lie with the DEP at the state level.

President Scalph states that the Commission is aware of this issue and that no job is worth a person's life. The Commission will take action and make every effort to right this wrong.

Discussion then returns to Ms. Hardy's request to use the courthouse lawn. Mr. Harris stated that she needs to be more specific about what will take place on the property. President Scalph states that it is allowed as long as she provides liability insurance and definitive time. She cannot interfere with courthouse business. Volume must be kept down due to court being held. The Commission limits the time to 30 minutes 12:00 to 12:30 p.m. on November 18th. Commissioner Wender motioned to approve the request with the stated limitations. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry read a letter from Kelvin Holliday, County Clerk, regarding pay for workers who carry out supplies on the Saturday before the election. He requested Saturday workers be paid for a full

day at the rate of \$65.00. The Commission tabled this issue until Mr. Holliday can be present to discuss.

Ms. Berry presented a contract with the State Auditor's office to conduct the 2013-2014 Audit for the Commission to sign. Commissioner Wender motioned to sign the agreement. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order to the County Executive Committees to submit a list of poll clerks, elections committees, alternates and emergency absentee ballot committee for the Special Levy Election in February 2015. Commissioner Wender motioned for the Fayette County Commission to hire thirty-nine teams that will be a standard board and the Commission will notify the Democratic and Republican executive Committee. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order and letter to Sharon Cruikshank appointing her to serve as the Fayette County Chamber representative to the Fayette County Bridge Day Committee. Commissioner Wender motioned to approve and sign the letter. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender requested an accounting of the incoming revenue for all sources to cover Bridge Day.

Kenny Hayes, New Haven PSD (NHPSD) and John Tuggle, Region IV Planning & Development, appeared to discuss water services in Hico. Water sampling has been completed in the Arrowwood Creek Road/Dotson Ridge area.

Not all of the top 4 areas have been sampled. NHPSD is working with Stafford Consultants to update all information. The top 4 areas are ranked by the number of customers and cost per customer. Mr. Hayes is to contact people to take charge in the other three areas

where water was tested. Mr. Hayes will then give a list of these individuals to Patty Giles at the Fayette County Health Department to move this along.

\$4,200.00 per customer approved by West Virginia American Water (WVAW) to be given in grants. Anything above that is probably going to have to be some kind of loan money which will lead to a surcharge to the customers. The lowest cost per customer is \$31,514.00 in the Saturday Road area. Mr. Hayes suggested a Small Cities Block Grant (SCBG).

Donald Carte, Hico, appeared with some results of the water testing for Arrowwood Creek/Dotson Ridge area. Mr. Hayes suggested that the NHPSD pay for the water testing then the Commissioner reimburse the PSD. Bills come from the State Health Department. New income surveys need to be done in the area. NH PSD is waiting on the mapping before an income survey can be completed.

Commissioner Wender suggested Kelly Jo Drey and Mr. Hayes to have Ms. Giles perform the testing. Then have Mr. Tuggle come to the Commission and speak about the SCBG. President Scalph suggested asking Ms. Giles to inform the Commission of the water test results and explain said results.

President Scalph then opened the floor. Joy McKinney said that five people in her area haul water and wondered if that is taken into consideration. Mr. Tuggle stated that it does make the application stronger. Mr. Drey stated that the community representative could tell how many people in each area do not actually have water.

Carolyn Amick stated she hauls water and occasionally has a little water. On the day water testing was done she had a little water but has not had a drop since.

Mr. Harris then reappeared to present the estate of Harry Cleatis Coleman. Commissioner Wender motioned to remove Pamela Coleman as executrix. Ms. Coleman is ordered to file a partial settlement within 30 days. Commissioner Lopez seconded. Unanimous decision.

Mr. Harris then presented the Mark Pino estate. Commissioner Wender moved to adopt the report of the Fiduciary Commissioner and deny the exceptions to the report. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an invoice from Pannell and Sons for \$15,863.28 for payment for the waterline work. Commissioner Wender motioned to approve payment; it was an emergency situation and was not advertised. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to accept Dave Pollard's letter of resignation from his consulting position with the County. Commissioner Lopez seconded. Unanimous decision.

The meeting was adjourned at 12:22 p.m. to hold a County Commissioner's Association of West Virginia Roundtable Session.