

SPECIAL COUNTY COMMISSION MEETING
TUESDAY, JANUARY 1, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

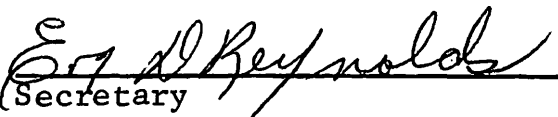
MEMBERS PRESENT: Charles M. Vickers, President
James E. Lively
C. W. Stallard

The Commission meeting in special session this date was called to order by the President, Charles M. Vickers.

Upon unanimous agreement of the Commission an order was entered this date and thereupon James E. Lively was elected President of said Commission for the year 1980 and Charles M. Vickers was elected Purchasing Agent for the year 1980.

Said order also stated that a regular session of the Commission be held on the first Wednesday after the First Monday of each month; the 15th of each month unless such date should be on a Saturday, Sunday or legal holiday, then said Commission meeting will be held on the next preceeding work day; and the last Wednesday of each month during the calendar year of 1980, and that the Clerk of this Commission issue calls for Special Sessions as deemed necessary, or whenever directed by the Commission of this County.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, JANUARY 9, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Richard Flanagan, Manager, Solid Waste Program, Southern W. Va. Regional Health Council, appeared before the Commission presenting them with an update of the Brooklyn Sanitary Landfill. He stated a 50% increase in tonnage this past year. Also a monthly increase. Oak Hill Sanitary has now started using the Brooklyn site instead of going to Beckley as they had in the past. Nicholas County has started using the Brooklyn site, therefore tonnage will definitely increase in the coming year of 1980. The gate never closes at Brooklyn. Mr. Flanagan also presented proposal to Commission to consider purchasing of a larger piece of equipment costing approximately \$90,000, the Commission to pay \$36,000 and the Regional Health Council will bear remainder of cost. The piece of equipment they are now using is smaller and due to increase of tonnage this larger equipment is needed. It will not require hiring another person to operate since they now employ 2 operators at the 2 sites and the equipment will be used at both sites. The Commission advised

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Mr. Flanagan they would consider this purchase and advise him of their decision. The Commission later in the day decided to purchase the heavy equipment requested.

Jane Hughes, Librarian and Lewis Tolliver, Fayetteville, a retired electrician, came before the Commission presenting bid from Mr. Tolliver in the amount of \$3,500.00 for replacing lighting in the Fayetteville Library. Mrs. Hughes stated this was the lowest bid submitted. Mr. Tolliver stated if he can use all circuits there will be no extra cost, however, if he has to run another line to the power supply there is a possibility the price will increase. Commission approved said bid.

Gary Harding, Zoning Commission, appeared before the Commission concerning the following requests:

Request of Larry Swannigan and Terry Wriston, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-3, Residence District, on 9.926 acres, Arbuckle, Route 14, Gatewood Road near Oak Hill, Plateau District. Mr. Swannigan and Mr. Wriston were present and there was no opposition present. The County Commission was informed by the Zoning Officer that the Planning Commission did on January 7th, 1980, by an 8 - 0 vote recommend that this subdivision be approved. After a general discussion a motion was made by Dr. Stallard that this request be granted. Motion was seconded by James Lively and passed by a vote of 2 - 0.

Request of Carl Hudnall, Owner, by Jimmie L. Hudnall, for a change in land classification from LC-1, Land Conservation District, to I-2, Heavy Industrial District, on 27.39 acres, Cane Branch, County Route 60/7, Valley District. Jimmie L. Hudnall was present and there was no opposition. The County Commission was informed by the Zoning Officer that a salvage yard was being proposed for the site and that it was located approximately three miles off of Route 60. The applicant has agreed to screen the property with a fence and with trees if determined that they are needed. The Planning Commission did by an 8 - 0 vote recommend that this application be approved. After a general discussion a motion was made by Dr. Stallard that this be approved as recommended. Motion was seconded by James Lively and passed by a vote of 2 - 0.

Ralph Young, Attorney, in the absence of Pat Hamilton, representing the City of Oak Hill, presented to the Commission an order, on behalf of the City of Oak Hill, that there be a minor boundary adjustment so as to include within the corporate limits of said city an additional area of 1.72 acres situate on Country Club Road adjoining Country Club Estates. Commission approved and signed said order.

Elsie Schott and Kitty Morton, residents of the town of Fayetteville, came before the Commission. Mrs. Schott was requesting the Commission for land to build an animal shelter

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for the Fayette County Humane Society. She stated there will be an organizational meeting on Saturday, January 12, 1980 at 1:00 P.M., at the Fayetteville United Methodist Church, however if the Society does not have the land for shelter it will not be effective. They must have the land first. Mr. Lively informed Mrs. Schott it will be necessary to have the organization formed and chartered first, then the search for land can be started. He assured her as soon as the organization is formed and chartered, the Commission will help in any way they can.

Fred Jesser, Attorney, representing the Town of Fayetteville, appeared before the Commission presenting petition to be filed with the Commission to make a boundary adjustment in its corporate boundary and to annex to the said Town of Fayetteville an additional area consisting of three tracts of real estate, situate on what is known as the Laurel Creek Road, adjacent to said city. Commission approved said petition and final hearing on this petition was set for January 30, 1980 at 9:00 A.M.

Commission approved payment of bills.

An order was entered this date that a sum in the amount of \$6,744.00 be transferred from the Jail Improvement Fund to the Building & Improvement Fund of said county for the reimbursement of certain improvements to the Fayette County Jail.

Upon motion of Mr. Vickers and seconded by Mr. Lively Resolution was entered this date that due to a shortage of safe and/or sanitary dwelling accommodations in said County available

to persons of low income at rentals they can afford, a housing authority be created to address housing needs within said County and be it further resolved that an order be prepared creating said authority pursuant to Chapter 16, Article 15 of the Code of West Virginia as amended.

An order was entered this date that due to a shortage of safe and/or sanitary dwelling accommodations in said County available to persons of low income at rentals they can afford does hereby order that a housing authority, to be entitled Fayette County Housing Authority, be created with all the duties, powers, and privileges as prescribed by Chapter 16, Article 15 of the Code of West Virginia as amended.

Also order was entered this date appointing the following individuals as Commissioners of Fayette County Housing Authority for the respective terms as stated herein and be it further ordered that thereafter Commissioners shall be appointed for a term of five years, except that all vacancies shall be filled for the unexpired term. Ann Covington, Fayetteville, 1 year; John D. Gray, Mt. Hope, 2 years; Thomas L. Carson, Montgomery, 3 years; James W. Mahoney, Oak Hill, 4 years; Eddie E. Whitt, Hico, 5 years.

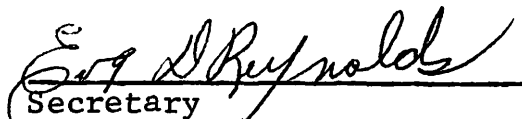
Judge J. Zane Summerfield appointed J. Walter Brown, Frank Blankenship and Enrique Aguilar to make an inspection of the Fayette County Jail, report of which was filed with the

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Commission on this date. The inspection took place on December 21, 1979 at 1:30 p.m.

Randolph Epperly, Sheriff's chief deputy came before the Commission to inform them of the difficult time they are having in finding a service station open to get gasoline when transporting mental patients to Huntington State Hospital or Weston State Hospital at night. He stated the police cruisers cannot make the trip on one tank of gasoline. The Commission informed them they would look into the matter and get back with him.

There being no further business the Commission adjourned.


Secretary

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MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON WEDNESDAY,
JANUARY 9th, 1980.

Present were: James E. Lively, President
Dr. C. W. Stallard, Commissioner

The following cases were presented to the County Commission for its disposition:

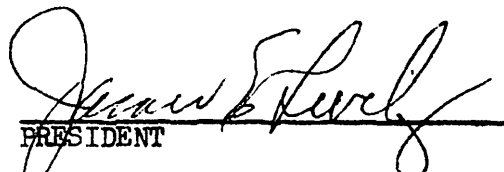
Z-188-80-1: Request of Larry Swannigan and Terry Wriston, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-3, Residence District, on 9.926 acres, Arbuckle, Route 14, Gatewood Road near Oak Hill, Plateau District.


Mr. Swannigan and Mr. Wriston were present and there was no opposition present. The County Commission was informed by the Zoning Officer that the Planning Commission did on January 7th, 1980, by an 8 - 0 vote recommend that this subdivision be approved. After a general discussion a motion was made by Dr. Stallard that this request be granted. Motion was seconded by James Lively and passed by a vote of 2 - 0.

Z-189-80-1: Request of Carl Hudnall, Owner, by Jimmie L. Hudnall, for a change in land classification from LC-1, Land Conservation District, to I-2, Heavy Industrial District, on 27.39 acres, Cane Branch, County Route 60/7, Valley District.

Jimmie L. Hudnall was present and there was no opposition. The County Commission was informed by the Zoning Officer that a salvage yard was being proposed for the site and that it was located approximately three miles off of Route 60. The applicant has agreed to screen the property with a fence and with trees if determined that they are needed. The Planning Commission did by an 8 - 0 vote recommend that this application be approved. After a general discussion a motion was made by Dr. Stallard that this be approved as recommended. Motion was seconded by James Lively and passed by a vote of 2 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER

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Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 7th day of January, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex, thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the following amendments (changes in land classification) to the Zoning Ordinance referred by the County Commission to the Planning Commission for its recommendation.

ALSO, PLEASE TAKE NOTICE that on the 9th day of January, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the following proposed amendments (changes in land classification) to the Zoning Ordinance of Fayette County, West Virginia. Copies of the proposed amendments may be examined in the Zoning Office, Court House Annex, Fayetteville, West Virginia.

Z-188-80-1: Request of Larry Swannigan and Terry Wriston, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-3, Residence District, on 9.926 acres, Arbuckle, Route 14, Gatewood Road near Oak Hill, Plateau District.

Z-189-80-1: Request of Carl Hudnall, Owner, by Jimmie L. Hudnall, for a change in land classification from LC-1, Land Conservation District, to I-2, Heavy Industrial District, on 27.39 acres, Cane Branch, County Route 60/7, Valley District.

Gary E. Harding
Zoning Officer

REGULAR COUNTY COMMISSION MEETING
TUESDAY, JANUARY 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

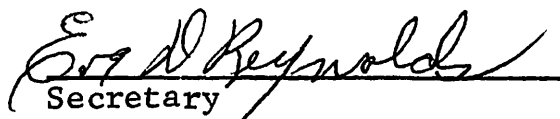
MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Commission approved payroll for pay period January 1, 1980 through January 15, 1980. Also approved payment of bills.

An order was entered this date accepting the resignation of Luster E. Evans as Commissioner of Arbuckle Public Service District and appointing Virgil Burgess of Oak Hill, to fill the unexpired term of Luster E. Evans, said term expiring September 1, 1982.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, JANUARY 30, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Commission approved payroll for pay period January 15, 1980 through January 31, 1980. Also approved payment of bills.

Fred Jesser, Attorney, representing the Town of Fayetteville presented to the Commission an order, on behalf of the Town of Fayetteville, to make a boundary adjustment in its corporate boundary and to annex to the said Town of Fayetteville an additional area consisting of three tracts of real estate, situate on what is known as the Laurel Creek Road adjacent to said city. Mr. Lively made motion in favor of this annexation, seconded by Dr. Stallard. Mr. Vickers voted against annexation, not for personal reasons but due to the procedure of the Town of Fayetteville presenting it to the Commission without having waited a year after the voters of Fayetteville had voted against annexation.

Mrs. Raynelle Dempsey, representing the W. Va. Youth Conservation Program and W. Va. Department of Natural Resources presented the Commission a brochure and information concerning

the program reports. Mrs. Dempsey requested funding for this project and stated the youth are interested in various beautification projects. Mr. Lively complemented Mrs. Dempsey on her program but informed her they could not grant her request since it was not a specific program and also they could not grant, under the statute, funds to a state agency such as DNR. If, in the future she could get a ruling from the Attorney General in Charleston in this matter and present it to them they would reconsider her request. She indicated she would try and comply with this request.

Vivian Wykle, Oak Hill, Director of the Eastern Highlands Nutrition Program Planning, consisting of the counties of Region 4, appeared before the Commission requesting funding for office space for her in the county budget for the upcoming fiscal year. Mrs. Wykle stated she thinks the Nicholas County Nutrition program will come under her direction in the near future and since Region 4 offices are located at Summersville she will be forced to locate her office in Nicholas County. She feels the nutrition program should stay in Fayette County because a majority of the funds for the program go to the county. She also stated the proposed offices in the Senior Citizens Center to be constructed in Oak Hill would not be suitable for her due to the fact the proposed office for the nutrition center would be directly off the dining room and she would be unable to work with senior citizens going back and forth all the time. After some

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discussion Mr. Lively requested her to submit letter stating the specifics for such office space before the budget is prepared in March and they will consider her request.

Susan Adkins and Gloria Friedrichs of Fayetteville, representing the Fayetteville Jr. Woman's Club of Fayetteville, came before the Commission requesting permission for use of the court house side walks and county parking lots as they had in the past for their annual May Fair Arts and Crafts Festival to be held in May, 1980. The Commission granted their request.

Mr. George Siehl, County Extension Agent for Fayette County, appeared before the Commission requesting Commission consider and sign agreement with W. Va. University, Morgantown, for the purpose of providing work for two students eligible to participate in the college Work-Study Program for the summer. The Commission's share will be 30% of the compensation paid to students. Commission granted his request and signed agreement.

✓ Walter Wilson, Prosecuting Attorney, came before the Commission requesting them to inform him as to exactly what the Commission expected him to do regarding industrial bond issues. The Commission informed him they had agreed the Prosecuting Attorney should examine the complicated forms involved in an industrial bond issue to make sure the county is not in any way held liable for commitments bonds are sold to pay for and that the documents are correct as to form.

Anthony Canada, Scarbro, appeared before the Commission concerning the janitorial service at the Court House which he provides. He requested Commission pay his employees out of the county budget. The Commission informed him this they could not do. Mr. Canada then requested an increase for the services he furnishes. The Commission requested him to submit this in writing before the preparation of the budget for the upcoming fiscal year and they will give it consideration.

Walter Wilson, Prosecuting Attorney, and C. D. Epperly, Sheriff, came before the Commission suggesting some sort of time sheet or device be used to show the deputies actual hours worked and overtime and holidays worked. After much discussion the Commission suggested maybe a representative from the Wage and Hour Division in Charleston could meet with them and work out whatever would be best suitable. Mr. Wilson informed the Commission he would get in touch with the representative and arrange the meeting.

Jack Thompson, Attorney, Oak Hill, representative of the Mental Health Commission in Fayette County was requested to appear before the Commission in regard to the deputies problem of getting gasoline late at night when transporting mental patients to Huntington and Weston State Hospitals and determine if the patients could be sent during the day. Mr. Thompson

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informed the Commission that due to security reasons, if the patient is violent and threatening they had no alternative but to send them on to the State Hospital no matter what time, since the jail or hospitals in this vicinity have no security for this type of mental person. He stated a psychological examination is required of a patient before a hearing can be held on whether or not the patient should be involuntarily committed to a state hospital. By the time a complaint is filed, the examination is made and a hearing is held it is often late in the evening when a patient is ready to be transported to a hospital. He also stated he is called out all hours of the night and he and the mental health committee must take action immediately. He understands the problem and will keep it in mind.

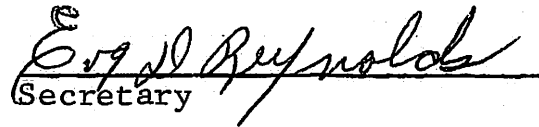
Fred Jesser, Attorney, representing the Town of Fayetteville, presented to the Commission petition on behalf of the Town of Fayetteville to make a minor boundary adjustment of real estate, adjacent to the Town of Fayetteville and in that area known as Laurel Creek. Commission signed said petition and hearing was set for February 27, 1980 at 9:00 A.M.

An order was entered this date accepting the resignation of Mr. John W. Hatcher, Jr., Fayetteville, as a member of the Board of Directors of the Fayette Monroe, Raleigh, Summers (FMRS) Mental Health Council, Inc., and appointing Mr. Ed Boardwine of Fayetteville to fill the unexpired term of Mr. John W. Hatcher, Jr.,

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said term expiring December 31, 1981.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, FEBRUARY 6, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

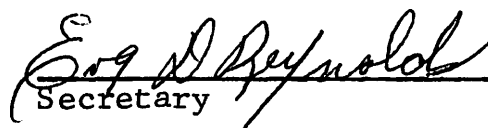
Commission approved payment of bills.

Doug Martin, representative from the C. & P. Telephone Company and Mayors, Raymond Tissue, Mt. Hope; Fred Neudek of Oak Hill; Charles Keenan of Gauley Bridge and Chuck Smith of Montgomery, representing the Fayette County Mayors Association, also Wallace Bennett, Jr., Fayetteville City Manager and Steve Cruikshank representing the Fayetteville Fire Department, appeared before the Commission concerning the possibility of installing a countywide 911 emergency system. Mr. Martin informed the Commission if the system is installed it would allow anyone in the county to contact an operator in case of emergency by dialing 911 and the operator could then contact the ambulance services or police. The Town of Fayetteville presently has the 911 system for persons in the Fayetteville telephone exchange and possibly this would be a good location for the countywide 911 system. The total cost of installation for the countywide system would be \$12,761.30 and a monthly cost of \$1,727.48. After some discussion it was suggested by the Commission a committee consisting

of a representative from the Fayette County Commission, Mr. Steve Cruikshank from the Fayetteville Fire Department and other interested citizens be formed to look into the possibility of installing this 911 system. The Commission informed the group they will meet with the mayors at a later date to form said committee and look into the matter. This was agreed to by all present.

The Commission discussed the possibility of entering into an agreement with the City of Oak Hill to hire a joint administrator to administer HUD Community Development Block grants received by both the County Commission and City of Oak Hill. A representative of the City of Oak Hill has been requested to meet with the Commission about hiring a joint administrator for the projects.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
FRIDAY, FEBRUARY 15, - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved the payroll for pay period February 1, 1980 through February 15, 1980.

Also the Commission approved and signed letter whereby the Commission will match \$175,000 of local funds for \$175,000 federal grant for the construction of a new swimming pool at the Fayette County Park.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, FEBRUARY 27, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Mr. Fred Jesser, Attorney, representing the Town of Fayetteville, presented to the Commission an order on behalf of the Town of Fayetteville, to make a minor boundary adjustment adjacent to the Town of Fayetteville and in that area known as Laurel Creek, Annex A, Annex B and Annex C. Mr. Lively made motion in favor of this annexation, seconded by Dr. Stallard. Mr. Vickers voted against annexation since he thought the town should have some type of plan instead of annexing the land tract by tract.

Mr. Gordon Billheimer, Judy Gunsaulis and Mr. Lewis Rahall, representing the Fayette County Library Board, appeared before the Commission. Mr. Billheimer presented the Commission their library budget for the FY 1980-81 and requested an increase from last year's funding of \$50,000 to \$55,000. He stated they are requesting funds from the Fayette County Board of Education for the book mobile and also considering undertaking some type of fund raising project to raise money. The Commission advised the group they would consider this when making up the new budget.

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Mr. Carl Harris, Attorney, came before the Commission requesting the appointment of Everett Murphy, Jr., as Committee for his mother, Cleo Murphy, who is mentally and physically incompetent to manage her business affairs. Also present was his father, Everett Murphy, Sr. After sworn testimony and there being no objection it was agreed by all concerned to have Everett Murphy, Jr., appointed Committee for his mother, Cleo Murphy.

Mr. Guy Hensley, Administrator of FMRS, Mr. Charles Weatherford and Mr. Sunstrum, representing the FMRS Mental Health Council, came before the Commission. Mr. Hensley presented the Commission their FMRS budget for the FY 1980-81 requesting \$37,450.00 an increase of \$2,450.00 over last year's funding. The Commission advised the group they would take this into consideration when making up the new budget.

Gary Harding, Zoning Commission, appeared before the Commission concerning the following requests:

Request of James E. and Barbara J. O'Dell, Owners, by Ralph C. Young, Attorney, for a change in land classification from R-1, Residence District, to B-2, General Business District, on 2.77 acres near Fayetteville, Fayette Station Road off Corridor "L", New Haven District. There was no opposition present and the applicant was not there. The County Commission was informed by the Zoning Officer that the Planning Commission did

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by a 6 - 0 vote recommend that this request be denied. After a general discussion a motion was made by Charles Vickers that this be denied as recommended. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Request of Billy W. Frye, Owner, for a change in land classification from R-2, Residence District, to R-3, Residence District, on Lot 1 and Tract 1, Cheek Addition, Frye Lane off Terry Avenue near Oak Hill, Plateau District. There was no opposition present and the County Commission was informed that the Planning Commission did by a 7 - 0 vote recommend that this be approved in keeping with the surrounding area. After a general discussion a motion was made by Charles Vickers that this be approved as recommended. Motion was seconded by Dr. Stallard and carried by a vote of 3-0.

Mr. Fred Jesser, Attorney, came before the Commission requesting the committee hearing for Rosella Burgess be continued until the March 5th meeting pending receipt of doctor's statement and service of papers to relatives in Raleigh County.

Mr. Larry Grzyb, Kay Ford and Madeline Wise, representing Realtors from Fayette County, appeared before the Commission requesting the Commission sign the Inducement Resolution which would allow the county to participate in another low housing bond issue and stated they understood the legislation will be revised to allow for further issuance of bonds. Mr. Lively

advised them the only way the Commission would undertake a housing bond issue is if enough banks in the county indicated an interest in the project, however, they were signing this Inducement Resolution this date.

Mr. Vickers then made motion the Commission adopt and sign Inducement Resolution to allow the County to participate in another low interest housing bond issue if federal regulations allow such an issue to become feasible. Dr. Stallard seconded motion and carried by a vote of 3 - 0.

Commission approved payroll for pay period February 15 through February 29, 1980 and also payment of bills.

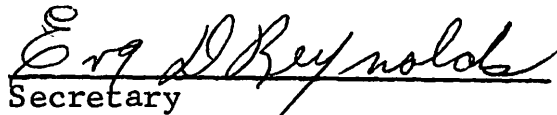
Mr. Rose, representative from the Wage and Hour Division, Charleston, came before the Commission, at the request of the Commission, in regard to some sort of time sheet or device to be used in keeping an accurate account of the actual hours worked by the deputy sheriffs. The Commission requested he meet with Mr. Walter Wilson, Prosecuting Attorney, and work out a system and Mr. Wilson would then inform the Commission of their decision.

Order was entered this date reappointing Mr. Roy D. Withrow, Scarbro, West Virginia, as a Commissioner of the White Oak Public Service District to serve ~~for~~ and during a period of six years.

Also the Commission was meeting as a Board of Review and Equalization. The following applications for Review of Property Assessments were received, reviewed and filed.

1. Martha V. Phillips, Fayetteville, W. Va.
(W & H Contracting Company - Plateau District)
2. Frank Blankenship, Rt. 2, Box 32A, Fayetteville, W. Va.
(C. R. Hill, Jr. Et Al - Intersection Laurel Creek Road and Corridor "L" - Fayetteville)

There being no further business the Commission adjourned.


Secretary

FEB 27 1980

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, FEBRUARY 27th, 1980.

Present were: James E. Lively, President
Charles M. Vickers, Commissioner
Dr. C. W. Stallard, Commissioner

The following cases were presented to the County Commission
for its disposition:

Z-190-80-1: Request of James E. and Barbara J. O'Dell, Owners, by
Ralph C. Young, Attorney, for a change in land classification
from R-1, Residence District, to B-2, General Business District,
on 2.77 acres near Fayetteville, Fayette Station Road off
Corridor "L", New Haven District.

There was no opposition present and the applicant was not
t here. The County Commission was informed by the Zoning Officer
that the Planning Commission did by a 6 - 0 vote recommend that
this request be denied. After a general discussion a motion was
made by Charles Vickers that this be denied as recommended. Motion
was Seconded by Dr. Stallard and passed by a vote of 3 - 0.

Z-191-80-1: Request of Billy W. Frye, Owner, for a change in land
classification from R-2, Residence District, to R-3, Residence
District, on Lot 1 and Tract 1, Cheek Addition, Frye Lane off
Terry Avenue near Oak Hill, Plateau District.

There was no opposition present and the County Commission was
informed that the Planning Commission did by a 7 - 0 vote recommend
that this be approved in keeping with the surrounding area. After
a general discussion a motion was made by Charles Vickers that this
be approved as recommended. Motion was seconded by Dr. Stallard
and carried by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION

PRESIDENT

COMMISSIONER

COMMISSIONER

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, MARCH 5, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Mr. Charles McDaniel, Oak Hill, representing the Fayette County Midget Football League (consisting of Fayetteville, Meadow Bridge and Oak Hill), appeared before the Commission requesting funding. He stated the Oak Hill Civitan Club had previously been donating funds, however due to the club's decline in membership they can no longer contribute. He also stated Raleigh County has a county-wide recreation committee that can make such distribution in Raleigh County and inquired if the Commission could form a Fayette County Recreation Committee. The Commission informed him they are considering forming such a county-wide recreation committee and since the County Commission has not, in the past, funded recreation programs in the county, if Mr. McDaniel will send his request in writing to the County Commission by July 1, 1980 his request will be passed on to this recreation committee.

Billy Blake, Dog Warden, came before the Commission requesting a new dog pound truck. He stated the 1976 truck he

is now using is in need of extensive repair. The Commission informed him they would take this into consideration and to check with Richard Bragg as to their decision.

Mr. Lively announced the proposed hearing for the Federal Revenue Sharing Funds to be held at this time as advertised at 9:30 a.m., on March 5, 1980, to receive written and oral comments from the public regarding usage of Revenue Sharing Funds in Fayette County for FY 1981. No one from the public was present or attended and no written or oral comments received.

Scott McNeil, representing Mountain Transit Transportation, appeared before the Commission concerning letter received from the Commission denying request for funding. He stated he would like to present them some facts and figures concerning transit system and requested them to reconsider this funding request. After some discussion the Commission advised him the letter stands, unless there is a change, however will consider their request in the upcoming budget.

Mr. Steve Vickers, Attorney, came before the Commission requesting the appointment of Mrs. Patricia Christian as committee for her mother, Bessie Smith. Mr. Jim Keenan, Attorney, had previously been appointed guardian ad litem for Mrs. Smith. Also present was Mr. William Smith, husband of Bessie Smith. Mr. Keenan stated he had no objection to this appointment, however he asked leave to file written report. In sworn testimony it was

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brought out that Mr. and Mrs. Smith live in the home of their daughter, Patricia Christian and Mr. Smith is aged. Since Bessie Smith is incompetent and unable to manage her business affairs, and there being no objection it was agreed by all concerned to have Patricia Christian appointed committee for her mother, Bessie Smith.


Mr. E. M. Farivella, representing the Veterans Administration, appeared before the Commission and presented petition whereby Nancy A. McCarthy on March 8, 1978 was appointed committee for Billy James and now wishes to tender her resignation as such committee and asks to be released and discharged as such committee. Also petition was presented by Mr. E. M. Farivella whereby Nancy A. McCarthy on April 27, 1977 was appointed committee for Arthur H. Altice and now wishes to tender her resignation as such committee and asks to be released and discharged as such committee. No objection having been made to the two resignations, the Commissioners accepted the said resignations and she is hereby released and discharged from liability as such committee upon approval of her final accounting by this Commission.

An order was entered this date accepting the resignation of Rondel Hoover as Commissioner of Armstrong Public Service District and appointing Charles Johnson of Powellton as Commissioner of Armstrong Public Service District, to fill the unexpired term of Rondel Hoover.

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Mr. Mike Rutledge and Mr. Steve Cruikshank, representing the Fayette County Firemens Association, came before the Commission and presented their budget for FY 1980-81. Mr. Rutledge stated they are going to contact their Congressmen urging them not to eliminate the federal revenue sharing and ask the Commission to take into consideration their request of an increase of \$20,000 over last year's funding of \$65,000.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
FRIDAY, MARCH 14, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

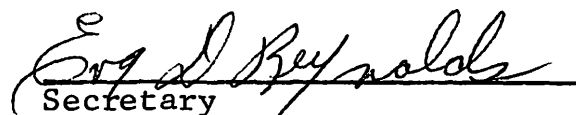
✓ Mr. Vince Collins, Attorney, Steptoe & Johnson, Clarksburg, Charles Wendell and Eddie Callahan with C & W Associates, Erwin Conrad, Attorney, representing C & W Associates and Walter Wilson, Prosecuting Attorney, representing the County Commission, appeared before the Commission. Mr. Vince Collins presented the final papers to be approved and signed by the Commission for the Smith International Bond Issue. Mr. Collins explained this bond issue and stated it was similar to the Jeffrey Mining Issue. In discussion it was brought out that the Bank of Mount Hope; Merchants & Miners Bank of Oak Hill; Montgomery National Bank and New River Banking & Trust of Oak Hill had been offered this bond issue but there had been no favorable response and the banks were not interested. Mr. Collins stated it was thought New River Banking & Trust was interested, however they turned it down since they could not finance this small bond issue and then Georgia and Eugene Wallace, Oak Hill, had agreed to purchase the bond in the full amount of

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\$180,000 since they had previously committed \$80,000. Mr. Vickers asked Mr. Collins why, when the banks were not interested, the Commission had not been contacted and other individuals in the county were not notified so they might have the opportunity of purchasing the bond. Mr. Collins stated since the bond is so small it would be too costly and also not practical to advertise to the general public. The only time public notice is given is when the bond is over four or five million. After much discussion the Commission requested Mr. Wilson to give his opinion and after going over several points with the Commission he stated, according to form and content, the bond issue was all right. Dr. Stallard then made motion bond issue be approved, seconded by Mr. Lively. Mr. Vickers voted against the bond issue.

The Commission approved payroll for pay period March 1, 1980 through March 15, 1980 and also payment of bills.

There being no further business the Commission adjourned.


Secretary

SPECIAL COUNTY COMMISSION MEETING
FRIDAY, MARCH 21, 1980 - 2:00 P.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in Special Session this date was called to order by the President, James E. Lively.

Upon request of the Commission the following Department Heads were present:

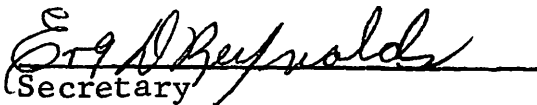
Walter S. Wilson	Prosecuting Attorney
C. D. Epperly	Sheriff
Dan Neely	Assessor
Herb Mann	Circuit Clerk
Howard Janney	County Clerk
Richard Bragg	Administrative Assistant to the Commission

Mr. Lively thanked the gentlemen for coming and told them, as they were probably aware, the Commission was having budget problems at this time. He requested them to look for ways to control spending for the remainder of this fiscal year and also next year and stated the Commission was open for any suggestions the departments heads might have. Mr. Lively advised them Federal Revenue Funding looked doubtful since the state would be cut off and the county's share, under the new formula, would be 50% less this year. Therefore the Commission will not include in the budget any funds for Revenue Sharing Employees. The present revenue funds will be effective until September 31, 1980, however employees will be cut off as of July 1, 1980 unless Congress lets

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the Commission know there is sufficient funding. Mr. Lively advised the Sheriff there would be no federal revenue funds after July 1, 1980 for his nine salaried deputies. As for general funds the county will have an increase of revenue in the net amount of \$22,000 over and above last fiscal year. The Commission will consider the department heads request of paying the employees insurance premium in full in place of giving them an over the board salary increase. The Department Heads thanked the Commission for this presentation concerning the budget.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, MARCH 26, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: Charles M. Vickers
C. W. Stallard

The Commission meeting in Regular Session this date was called to order by Mr. Charles M. Vickers in the absence of the President, James E. Lively.

Fred Jesser, Attorney, appeared before the Commission and presented petition to be approved and signed for the annexation of Toler Lot on Lively Street, Town of Fayetteville. The Commission did approve and sign said petition and final date of hearing was set for April 30, 1980 at 9:00 A.M.

Robert and Mabel Bennett, representatives of Danese Improvement Association, came before the Commission requesting funds in the amount of \$500.00 to build two or three picnic tables and purchase two or three grills to be placed in the park behind the Danese Community Building. After discussion the Commission advised them they would take their request under consideration and advise them by letter of their decision.

Albert Pennington, Danese, appeared before the Commission concerning the Lease Agreement between the County Commission and the Danese Volunteer Fire Department which he stated is worthless as far as they are concerned since they have never been able to receive money or funding and are now selling hot dogs

and coffee to raise money to meet expenses of maintaining the ambulance service in their area. Mr. Pennington requested the Commission to relinquish their top part of the building, which is now the magistrate's office, in order that the Danese Fire Department might rent it for office space in order to obtain funds for the ambulance service. Mr. Vickers advised him Judge J. Zane Summerfield issued the directive the Commission furnish office space for the magistrate in Danese and even though it is not in use at this time, the Commission could not relinquish their part of the building without first consulting with Walter Wilson, Prosecuting Attorney, and also Judge Summerfield. When this is done they will notify Mr. Pennington of their decision.

Gary Harding, Zoning Commission, came before the Commission concerning the following requests:

Request of James E. Whitmore, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on Lots 26, 33 and 34, Summerlee Subdivision, County Route 38, Summerlee Road, Plateau District. The County Commission was informed by the Zoning Officer that the Planning Commission did recommend that this request be denied and that three separate petitions were submitted in opposition to the proposed use of either a beer joint or private bar. There were 11 people present in opposition with several speaking on the matter. After a discussion a motion

was made by Dr. Stallard that this be denied as recommended by the Planning Commission. Motion was seconded by Mr. Vickers and carried by a vote of 2 - 0.

Request (deferred) of Charles E. Dummitt, Eugene R. Wallace and Georgia Wallace, owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to I-1, Light Industrial District, on part of 69.61 acres, near Court House, Route 8, Laurel Creek Road at Corridor "L" for the purpose of operating a private club, New Haven District. Mr. Dummitt was present and there was no opposition present. The County Commission was informed that the Planning Commission did on June 4, 1979, recommend that this be approved for a 40 x 70 block building with textured siding and a stone front to be used as a private club. After a discussion a motion was made by Dr. Stallard that this be approved as recommended. Motion was seconded by Mr. Vickers and passed by a vote of 2 - 0.

Mr. Jim Reuben, Administrative Assistant, Appalachian Regional Hospital, Psycho-Social Services, appeared before the Commission requesting funding in the amount of \$2,000. He is also requesting funding from Raleigh County. This funding will be used in the Psycho department of the Appalachian Regional Hospital to help replace deteriorated furniture, projectors, etc., which is not included in their budget. Since they furnish

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services to people in Fayette County through FMRS, Oak Hill Hospital and others they would appreciate the Commission consider this funding in their budget. Mr. Vickers advised him they would consider his request.

Fred Jesser, Attorney, came before the Commission and presented petition requesting that Adell Newbelle of Boomer be appointed successor Committee for Mary Mitchell, an incompetent person. Adell Newbelle says that on May 11, 1973, Adell Woods was duly appointed and qualified as Committee of Mary Mitchell and states that Adell Woods has become deceased. There being no objection the Commission approved the appointment of Adell Newbelle as Committee for Mary Mitchell.

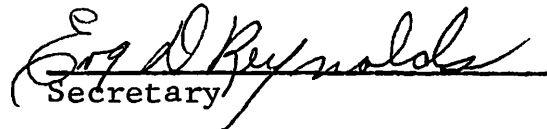
The Commission entered Resolution this date to appropriate a sum in the amount of \$50,000 to the Page-Kincaid Public Service District for the purpose of designing and constructing a water collection, treatment, and delivery system and be it further resolved that said funds will be appropriated from the Fayette County Federal Revenue Sharing Fund for FY 1980-81.

An order was entered this date reappointing the following as members of the Fayette County Commission on Human Rights for a three year term: James E. Brandon, Ansted; Robert Melba, Smithers and Mrs. Alma Craft, Scarbro.

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Commission approved budget for FY 1980-81 pending Budget Hearing scheduled for Thursday, April 3, 1980, then the budget will be submitted to the State Tax Department.

There being no further business the Commission adjourned.


Secretary

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MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, MARCH 26th, 1980.

Present were: Charles M. Vickers, Commissioner
Dr. C. W. Stallard, Commissioner

The following cases were presented to the County Commission
for its disposition:

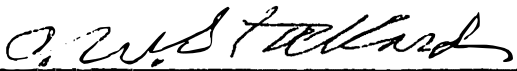
- ✓ Z-192-80-1: Request of James E. Whitmore, Owner, for a change in
land classification from R-R, Agricultural and Rural Residence
District, to B-2, General Business District, on Lots 26, 33,
& 34, Summerlee Subdivision, County Route 38, Summerlee Road,
Plateau District.

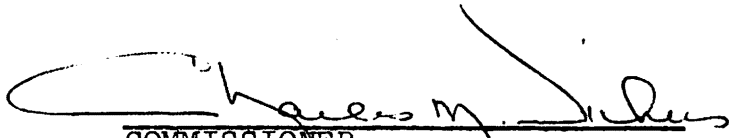
The County Commission was informed by the Zoning Officer that
the Planning Commission did recommend that this request be denied
and that three separate petitions were submitted in opposition to
the proposed use of either a beer joint or private bar. There
were 11 people present in opposition with several speaking on the
matter. After a discussion a motion was made by Dr. Stallard that
this be denied as recommended by the Planning Commission. Motion
was seconded by Mr. Vickers and carried by a vote of 2 - 0.

- Z-144-77-1 (deferred): Request of Charles E. Dummitt, Eugene R.
Wallace, and Georgia Wallace, owners, for a change in land
classification from RR-1, Agricultural and Rural Residence
District, to I-1, Light Industrial District, on part of
69.61 acres, near Court House, Route 8, Laurel Creek Road
at Corridor "L" for the purpose of operating a private club,
New Haven District.

Mr. Dummitt was present and there was no opposition present.
The County Commission was informed that the Planning Commission
did on June 4, 1979, recommend that this be approved for a 40 x
70 block building with textured siding and a stone front to be
used as a private club. After a discussion a motion was made by
Dr. Stallard that this be approved as recommended. Motion was
seconded by Mr. Vickers and passed by a vote of 2 - 0.

THE FAYETTE COUNTY COMMISSION


COMMISSIONER


COMMISSIONER

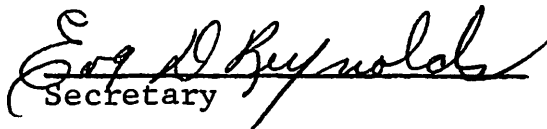
SPECIAL COUNTY COMMISSION MEETING
THURSDAY, APRIL 3, 1980 - 1:30 P.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
C. W. Stallard

The Commission meeting in Special Session this date was called to order by the President, James E. Lively.

Mr. Lively announced the proposed hearing for the budget to be held at this time as advertised at 1:30 P.M., on April 3, 1980, to receive written and oral comments from the public regarding the Revenue Sharing Budget for FY 1980-81. No one from the public was present or attended and no written or oral comments were received.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, APRIL 9, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

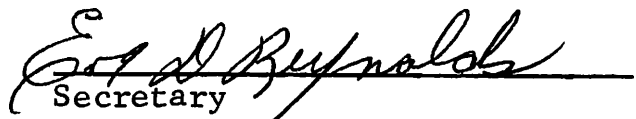
The Commission appointed a committee to study Commissioner of Accounts fee structure. Appointed to serve on this committee were:

Doug Mooney
George Vickers - Chairman Pro-Tem
Howard Janney - County Clerk
Walter Wilson - Prosecuting Attorney
James E. Lively - County Commissioner

The Commission requested Richard Bragg, Administrator, to write members of this committee and also to request Mr. George Vickers to serve as Chairman Pro-Tem and call meeting of this Committee as his pleasure.

Mr. Paul Blake, Attorney, appeared before the Commission and presented petition of Caroline Sue Richardson Carpentier contesting the probate of will of Hattie B. Richardson, deceased. The Commission approved and signed said petition and set date of hearing for May 28, 1980 at 10:00 A.M.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
TUESDAY, APRIL 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved Levy Order for FY 1980-81.

An order was entered this date reappointing Gary Holcomb, Danese, West Virginia, as a Commissioner of the Danese Public Service District to serve for and during a period of six years.

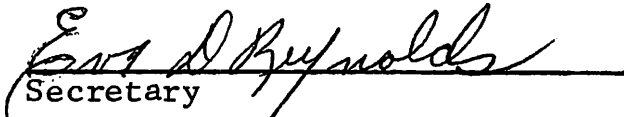
The Commission approved payroll for pay period April 1, 1980 through April 15, 1980 and also approved payment of bills.

Mr. Dan Neely, Assessor, appeared before the Commission and introduced Mr. Robert Hoffman, Mr. Don Hebb and Ms. Darla Spencer, representatives from the State Tax Department. Also in attendance were Gary Lilly and Robert Reynolds from the Assessor's office, Walter Wilson, Prosecuting Attorney and Paul Blake, Assistant Prosecuting Attorney. Ms. Spencer presented maps showing the coal per acreage on properties owned by individuals and company's in Fayette County and also discussed the method of valuation they use for tax purposes. They arrived at a valuation of \$420.00 per acre across the board. Mr. Hoffman stated this coal appraisal is provided by the Tax Department to

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the Assessor to use as a guide line to administer appraisal. Also the Tax Department will work with the Assessor if they choose this method. Mr. Hoffman left an appraisal packet with Mr. Neely, Assessor. He also stated when this appraisal is completed there may be individuals appearing before the Board of Review and Equalization meetings in February and a representative from the State Tax Department will be in attendance at these meetings if requested by the Commission. After some discussion the Commission thanked these individuals for their information.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, APRIL 30, 1980 - 9:00 A.M.
COURTHOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Fred Jesser, Attorney, appeared before the Commission and presented final order to be approved and signed for the annexation of Toler Lot on Lively Street, Town of Fayetteville. The Commission approved and signed said order.

James Blankenship, Attorney, came before the Commission and presented petition of John P. Wilkins, Jr., Shannon C. Wilkins, John P. Wilkins, Sr., C. J. Epperly and Nancy L. Epperly, requesting a 15 foot alley, which runs between lots owned by them in Plateau District, be abandoned and closed. Commission accepted and signed said petition and set date of final hearing for the 28th day of May, 1980 at 9:30 a.m.

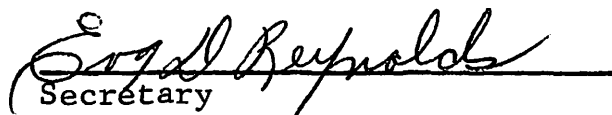
Mrs. Gladys Broadnax, a Senior Advisor to provide elderly and low income persons with legal assistance, along with a group of 13 citizens from the County, appeared before the Commission. Mrs. Broadnax presented a petition signed by citizens requesting the Commission reconsider their decision for funding for the

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Mountain Transit Authority (MTA) bus system. Mr. Ralph Holliday, representing Scott McNeil, Manager of MTA, informed the Commission they would be pleased for a least a \$5,000 commitment. The persons present expressed the desperate need for the bus transportation for the poor and elderly since gasoline is so expensive and taxi service is also costly. The Commission pointed out that last year they were faced with the same decision and they agreed to fund \$10,000 of the requested amount, however they would look into the system's operation during the year to determine if their support is merited. The Commission has observed empty buses and if a workable program is presented to the Commission by MTA they will consider funding. The group was advised by the Commission they would examine the petition and take the request under advisement.

Mr. Danny P. Woofter, representative from the Governor's Highway Safety Program, came before the Commission requesting the Commission's acceptance of two matching grant programs; one for a grant of \$1,500 for a breath testing device in alcohol related traffic problems and the other grant of \$3,000 for purchase of a more up to date radar speed detection device. He stressed the need for this more updated equipment. After some discussion the Commission agreed to participate in the two grants.

There being no further business the Commission adjourned.


Secretary

SPECIAL COUNTY COMMISSION MEETING
TUESDAY, MAY 6, 1980 - 11:30 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in special session this date was called to order by the President, James E. Lively.

An order was entered this date by the Commission after having received of Ray Goforth, Chairman of the Democratic Executive Committee and Robert Wells, Chairman of the Republican Executive Committee, the lists of Election Officials, Democrat and Republican, they desire to have appointed for holding the Primary Election in said County on the 3rd day of June, 1980 and the Commission having inspected said list and ascertained that the appointees are qualified to perform such duties doth hereby approve the said lists as attached hereto and appoint the several persons therein named for the several and respective precincts in said County.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, MAY 7, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Ms. Sandy Riner, representative of the Beckley Vocational Rehabilitation Office, appeared before the Commission and demonstrated a Portable Teletype Communication Device, costing \$645.00 per unit, to be placed in the Sheriff's Office, whereby deaf persons in the county, using a similar device placed in their home, may get emergency help by typing out their message which is relayed to the Sheriff's Office. She stated she had previously contacted the Sheriff for permission to place this equipment in his office, however the Sheriff informed her it would be advisable to see the Commission and get their approval. The device will be placed in the Sheriff's office on Tuesday, May 13, 1980 at 10:00 a.m. The Commission asked of Ms. Riner who would be responsible for the repair of this equipment since it will be owned by the Vocational Rehabilitation Department. Ms. Riner stated she would have to get this information and get back to the Commission. There also will be documents to

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be signed. The Commission granted their permission for this device to be placed in the Sheriff's office.

The Commission was invited by the Meadow Creek Watershed Association to attend a meeting today with Jim Clevenger, Soil Conservation Service, and all Meadow Creek Watershed sponsors at the Agricultural Service Center, Fayetteville, at 1:30 p.m. The purpose of the meeting is to report the update of changes in the Federal Guidelines for watershed projects.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
THURSDAY, MAY 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved payroll for pay period May 1, 1980 through May 15, 1980 and also approved payment of bills.

Ralph Young, Attorney, appeared before the Commission and presented petition of Clyde Gray, Jr., and Mary L. Gray, his wife, requesting the closing and vacating of a certain alley or road in East Kingston, Plateau District. The Commission accepted and signed said petition and set date of final hearing for the 4th day of June, 1980 at 10:00 A.M.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, MAY 28, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved payroll for pay period May 15, 1980 through May 30, 1980 and also approved payment of bills.

Ms. Sandy Riner and Ray Massey, representatives of the Vocational Rehabilitation Office appeared before the Commission and presented them memorandum to be approved and signed whereby a Porta Printer II device will be placed in the Sheriff's Office for the benefit of emergency help for the deaf 24 hours a day. She stated at this time there were 8 to 10 potential users and in the future there would be 12 to 15. There was a line item in the memorandum the Commission wished changed stating the Commission would be responsible for the maintenance of the equipment not to exceed the current price of \$600.00. Mrs. Riner stated she would contact her office in regard to this change and report back to the Commission.

The Commission had previously advertised for bids for breathalyzer equipment for the Sheriff's Department, said bids to be received by the Commission no later than May 23, 1980 at

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9:00 A.M. The bids were received and at this time were opened by the Commission. Said bids received were as follows: Gall's Inc., Charleston, Breathlyzer Equipment \$ 2,775.00 - Markl Supply, Pittsburg, Pa., Breathlyzer Equipment \$ 2,085.00 - Medical Equipment Co., Charleston, Breathlyzer Equipment \$ 2,290.00.

Gary Harding, Zoning Commission, came before the Commission concerning the following requests:

Request of Marlin G. Middleton, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on Lot 21, Section 2, Kimberly Subdivision, Route 61/24, Kimberly, Valley District. Mr. Middleton was present and informed the Commission that a pool hall and restaurant with ABC sales was proposed for the site. Mr. Jerry Spangler, representing the Armstrong Creek Civic Group, submitted a petition with 298 signatures opposing this request. Mr. Dave Sexton spoke in opposition also. The Zoning Officer then informed the Commission that the Planning Commission did by a 9 - 0 vote recommend that this application be denied. After a general discussion a motion was made by Mr. Vickers that this be denied as recommended. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

The Commission was then informed by the Zoning Officer that the Planning Commission did also recommend that Article XIV, Section 1400, Subsection 2, and Article XV, Section 1506 be

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amended as advertised. After a general discussion a motion was made by Mr. Vickers that these amendments be approved as recommended. Motion was seconded by Mr. Lively. Motion passed by a vote of 2 - 0.

Amy Vernon, Mary Abbot and Kathy Brackens, representing the Fayette County Humane Society, consisting of almost 200 members, appeared before the Commission requesting permission to renovate, help clean dog pound and furnish trained volunteers to answer phone calls since their organization felt there should be someone at the pound 8 hours per day. They would do this at their own expense. They also requested current weekly lists be posted in the Court House of the dogs in pound that have not been claimed. The Commission agreed the lists would be posted. Mr. Lively stated when the issue of the dog pound was discussed a number of years ago the Commission would have agreed to let a group operate the pound using funds allocated by the county. Mrs. Abbot said the Humane Society is not in position to take over the pound. Mr. Lively said the Commission could not afford to build a new structure under the existing budget but will be glad to upgrade within their limit. After much discussion both groups agreed that funding a more suitable location would be a better idea. Mrs. Abbot stated she had talked with Dr. Godby and he is willing to help in any way he can. Mr. Lively requested Mrs. Abbot contact Dr. Godby relative to proposed renovation and

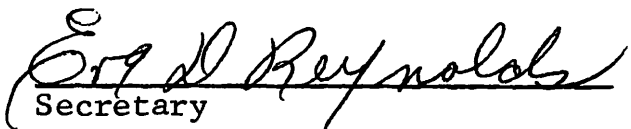
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report back to the Commission.

Ruth Nevo from the Department of Welfare, came before the Commission requesting permission to have free use of shelter at the Fayette County Park for Day Care Children picnic in August. The Commission granted this permission since this has been done in the past.

Resolution was entered this date whereas the County of Fayette, State of West Virginia, (the County acting by and through the County Commission of Fayette County, West Virginia (the Commission) as a governmental body created by the Constitution of the State of West Virginia and empowered and authorized by the Industrial Development and Commercial Development Bond Act, to finance residential real property for family units (Family residences) by making secured or unsecured loans to others to provide funds for the acquisition, by purchase, construction, lease or otherwise of Family Residences, and to issue revenue bonds (Bonds) pursuant to the Act to provide funds to finance such family residences.

There being no further business the Commission adjourned.


Secretary

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Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 26th day of May, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a public hearing on the proposed amendment and re-enactment of Article XIV, Section 1400, Subsection 2, Uses permitted as special exceptions, and to Article XV, Section 1506, Amendments.

ALSO, PLEASE TAKE NOTICE that on the 28th day of May, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a public hearing on the proposed amendment and re-enactment of Article XIV, Section 1400, Subsection 2, Uses permitted as special exceptions, and to Article XV, Section 1506, Amendments.

A copy of the full text of the proposed amendments to the Zoning Ordinance may be examined in the Zoning Office, Court House Annex, Fayetteville, between the hours of 8:00 A.M. and 4:00 P.M., Monday thru Friday.

Gary E. Harding
Zoning Officer

MAY 28 1980

PROPOSED AMENDMENTS FOR THE MAY 26th and 28th MEETINGS OF THE
FAYETTE COUNTY PLANNING COMMISSION AND FAYETTE COUNTY COMMISSION.

ARTICLE XIV. EXCEPTIONS AND SPECIAL PROVISIONS

Section 1400. Uses permitted as special exceptions.

Subsection 2. In Agricultural and Rural Residence Districts R-R,
RR-1 or R-1 Residence Districts.

A Nursing home, medical or dental clinic or hospital
for other than mental diseases.

change to: A nursing home, medical, dental, optometric or other
health care professional services facility, offices
or clinics, and hospitals for other than mental
diseases.

ARTICLE XV. ADMINISTRATION AND ENFORCEMENT

Sections 1506. Amendments.

add 2. No application for any change of zoning of the
same parcel of real estate or portion thereof, shall
be considered by the County Commission within a
period of 365 days from its last consideration by
the County Commission. This provision, however,
shall not impair the right of the County Commission
to propose a change of zoning on its own motion.

MAY 28 1980

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 26th day of May, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex, thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the following amendment (change in land classification) to the Zoning Ordinance referred by the County Commission to the Planning Commission for its recommendation.

ALSO, PLEASE TAKE NOTICE that on the 28th day of May, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the following proposed amendment (change in land classification) to the Zoning Ordinance of Fayette County, West Virginia. Copies of the proposed amendment may be examined in the Zoning Office, Court House Annex, Fayetteville, West Virginia.

Z-194-80-1: Request of Marlin G. Middleton, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on Lot 21, Section 2, Kimberly Subdivision, Route 61/24, Kimberly, Valley District.

Gary E. Harding
Zoning Officer

MAY 28 1980

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, MAY 28th, 1980.

Present were: James E. Lively, President
Charles M. Vickers, Commissioner

The following items were presented to the County Commission
for its disposition:

Z-194-80-1: Request of Marlin G. Middleton, Owner, for a change
in land classification from RR-1, Agricultural and Rural
Residence District, to B-2, General Business District, on
Lot 21, Section 2, Kimberly Subdivision, Route 61/24,
Kimberly, Valley District.

Mr. Middleton was present and informed the Commission that
a pool hall and restaurant with ABC sales was proposed for the
site. Mr. Jerry Spangler representing the Armstrong Creek Civic
Group submitted a petition with 298 signatures opposing this
request. Mr. Dave Sexton spoke in opposition also. The Zoning
Officer then informed the Commission that the Planning Commission
did by a 9 - 0 vote recommend that this application be denied.
After a general discussion a motion was made by Mr. Vickers that
this be denied as recommended. Motion was seconded by Mr. Lively
and passed by a vote of 2 - 0.

The Commission was then informed by the Zoning Officer that
the Planning Commission did also recommend that Article XIV, Section
1400, Subsection 2, and Article XV, Section 1506, be amended as
advertised. After a general discussion a motion was made by Mr.
Vickers that these amendments be approved as recommended. Motion
was seconded by Mr. Lively. Motion passed by a vote of 2 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, JUNE 4, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved payment of bills.

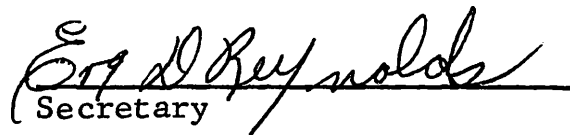
Mrs. Sandy Riner and Ray Massey, representatives of the Vocational Rehabilitation Office, appeared before the Commission with corrected memorandum stating that the recipient organization of the Porta Printer II Device equipment for the benefit of the deaf is responsible for maintaining the machine in good working order and will make all necessary repairs at its own expense not to exceed \$645.00. The Commission approved and signed said memorandum and installation of the device in the Sheriff's Office is tentatively scheduled for Tuesday, June 10, 1980.

James Blankenship, Attorney, came before the Commission and presented final order of Clyde Gray, Jr., and Mary L. Gray, his wife, requesting the closing and vacating of a certain alley or road in East Kingston, Plateau District. After some discussion the Commission requested that a stipulation be added providing a right of way. A portion of the adjourning property owned by

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Park Realty will be dedicated as a throughway to replace the area being abandon. Mr. Blankenship stated he will submit a revised order to the Commission on June 25, 1980.

There being no further business the Commission adjourned.


Secretary

SPECIAL COUNTY COMMISSION MEETING
FRIDAY, JUNE 6, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in special session this date was called to order by the President, James E. Lively.

The Commission sitting as a Board of Canvassers began to canvass the results of the Primary Election held on June 3, 1980 in Fayette County. Not having completed the canvass the Commission adjourned until Monday, June 9, 1980, at which time the canvass will resume.

There being no further business the Commission adjourned.


Secretary

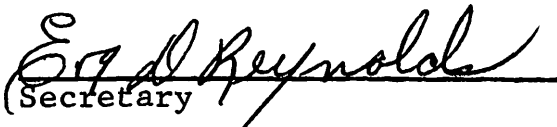
SPECIAL COUNTY COMMISSION MEETING
MONDAY, JUNE 9, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in special session this date was called to order by the President, James E. Lively.

The Commission sitting as a Board of Canvassers did resume the canvass and adjourned until Tuesday, June 10th, 1980 at 9:30 A.M., at which time the official results will be declared.

There being no further business the Commission adjourned.


Secretary

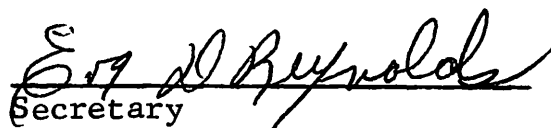
SPECIAL COUNTY COMMISSION MEETING
TUESDAY, JUNE 10, 1980 - 9:30 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in special session this date was called to order by the President, James E. Lively.

The Commission continued sitting as a Board of Canvassers. Upon completion of the canvass the Commission, finding no change in the outcome of the Primary Election held on June 3, 1980, does hereby declare said results be official.

There being no further business the Commission adjourned.


Secretary

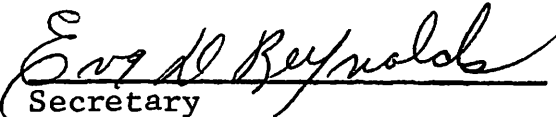
SPECIAL COUNTY COMMISSION MEETING
THURSDAY, JUNE 12, 1980 - 9:30 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in special session this date was called to order by the President, James E. Lively.

An order was entered this date certifying the election results of the Primary Election held on June 3, 1980 to all candidates whose name was on the ballot with the exception of the offices of Sheriff, House of Delegates and County Commission. The following requests for recount were filed: Adam Toney, Candidate for Sheriff - Jack Thompson, Candidate for House of Delegates and Everett Murphy, Jr., Candidate for County Commission. The Commission set the date of Wednesday, June 18, 1980 at 2:00 p.m., for the above requested recounts.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
FRIDAY, JUNE 13, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved payroll for pay period June 1, 1980 through June 15, 1980 and also approved payment of bills.

Mr. Roger Hornsby, representing Roger Hornsby Pool Company along with Richard W. Bragg, Administrator for the Commission, were present when Mr. Lively proceeded to open the bids for the Fayette County Park Pool Project, said bids to have been received by 9:00 A.M., this date as per bid advertisement. Mr. Lively read the name of each bidder, the amount of the base bid and the amount of any alternate prices. Only one bid was received, that of Roger Hornsby Pool Company of Coolville, Ohio, and that in the amount of \$375,000. Alternate No. 1 in the amount of \$1,500 was accepted, alternate No. 2 in the amount of \$23,000 was not accepted. The Contract was thereafter awarded to Roger Hornsby Pool Company. The bid was for the construction of an olympic size swimming pool, a toddlers' pool, a filtering system, new concrete decking and renovation of the existing bathhouse. Work will begin as soon as possible after the contract is signed. The new pool is scheduled to open Memorial Day 1981.

JUN 13 1980

Mr. Lively received a petition of approximately 1800 signatures expressing concern about law enforcement in Fayette County. Public meeting was held (in Court Room) with approximately 100 persons present. President Lively explained budget procedures to the audience and stated that the Commission will try to find funds and to work with the new sheriff, when appointed, to alleviate the situation and therefore requested comments from the audience. Several people spoke in concern for the situation.

Mr. Adam Toney, Candidate for Sheriff and Jack Thompson, Candidate for House of Delegates, appeared before the Commission requesting permission to examine the ballots of the Primary Election held on June 3, 1980. Mr. Toney stated his reason was to check for discrepancies in several of the precincts. Mr. Thompson requested the examination to determine if there was sufficient voter confusion to recommend a change in the voting system. Both of the above candidates have previously requested recounts. The Commission granted this request and set Tuesday, June 17, 1980 at 9:00 a.m., as the date for the examination of the ballots.

Commission accepted letter of resignation from C. D. Epperly, Sheriff of Fayette County, effective as of June 7, 1980.

There being no further business the Commission adjourned.


Secretary

SPECIAL COUNTY COMMISSION MEETING
TUESDAY, JUNE 17, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in special session this date was called to order by the President, James E. Lively.

Adam Toney, Candidate for Sheriff, along with his attorney, Clinton Gallaher, and Jack Thompson, Candidate for Member of the House of Delegates, came before the Commission to examine the ballots as had previously been requested and agreed to. Mr. Charles Keenan, Candidate for County Commission, also requested, at this time, permission to examine the ballots in certain precincts. Since the examination was scheduled for 9:30 a.m., Mr. Keenan still had time to ask this permission, therefore his request was granted. After the oath was given to the persons taking part in this examination the Commission did proceed. Mr. Toney examined ballots in Precincts No. 5, 6 and 11 and found several spoiled ballots. Mr. Thompson examined ballots in Precincts No. 2, 5 and 6 and found voters had selected more than three House of Delegates candidates. Mr. Keenan examined ballots in Precincts No. 27, 28 and 45. Since Mr. Toney and Mr. Thompson had filed for a recount to protect their rights for an examination and after having completed said examination

JUN 17 1980

they withdrew their request for recount. Also Mr. Murphy, Candidate for County Commission, withdrew his request for a recount.

In other business, upon unanimous decision of the Commission, Mr. Jack Gannon was appointed Sheriff of Fayette County to fill the unexpired term of C. D. Epperly until the General Election in November, 1980. Mr. Gannon was given the oath of office by Judge J. Zane Summerfield.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, JUNE 25, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Mr. Bruce Webb from the Department of Welfare appeared before the Commission requesting free use of picnic shelter at the Fayette County Park for the annual picnic on July 23, 1980 for Nursing Home and Personal Care Patients. The Commission granted his request since this had been done in the past.

Mr. Steve Statler, representative of VTN Engineers, came before the Commission on behalf of the Town of Pax and presented Project Cost Data report for sewerage system for Town of Pax. He stated he has been assisting in the development of the sewer project for the municipality since a grant from the Environmental Protection Agency, and other agency grants, will provide most of the money and the town requested him to act as Grant Manager since they have no City Manager. The basic calculated average cost per customer would be \$16.00 per month. He requested the Commission consider funding in the amount of \$50,000. The Commission advised him no one from the Town of Pax had contacted them in regard to this sewer project, however they would accept

JUN 25 1980

his summary and consider the possibility of assistance for this project.

Letter was received by the Commission from the State Tax Department informing them Mr. Dan Neely, Assessor of Fayette County, had been named Assessor of the Year. The Commission congratulated Mr. Neely and stated they were proud of his accomplishments. Also approved additional agricultural payment.

Mr. Richard Flanagan, Manager of Solid Waste, Southern W.Va. Regional Health Council, appeared before the Commission and presented progress report on both sanitary landfills in the county. Also presented contract for the coming year to be executed.

Mr. Charles Wiggins and Sam Murphy from Jasper, Alabama, representing Rush Creek Land Company (owners of the landfill site), came before the Commission stating Mr. Phil Weber of the Indian Coal Land Company, who is under bond to perform reclamation on a pit left by the Indian Coal Strip mine, constructed at the Fayette County Landfill at Cunard, wishes to complete the reclamation and be released from his bond, however Mr. Weber needs the permission of the Southern W. Va. Regional Health Council. Mr. Flanagan stated that while the equipment is still on the site he had requested the mines to leave the pit for landfill use. Mr. Murphy stated Mr. Weber would accept such an arrangement if the landfill would agree to take over the responsibility. Mr. Flanagan stated it would be five or six years before reclamation could begin and that a requested had been submitted to the State Department of

JUN 25 1980

Natural Resources asking for permission for the landfill to perform the reclamation and if the request is granted then Mr. Weber will be released from his bond.

Mr. Steve Cruikshank of the Fayetteville Fire Department and March Tucker of the Boomer Fire Department, representing the Fayette County Fireman's Association, appeared before the Commission concerning information about Federal Revenue Sharing Funds and what options will be available for financing. The Commission advised them as of now the Revenue Funds will be cut off as of the last day of September, 1980 and Congress has not yet decided if the funds will be renewed. Mr. Lively stated the Commission is concerned about their problem as well as law enforcement in the county. He stated anything as important as fire and law protection should be funded on a more permanent source of revenue and they had considered the possibility of placing a combined levy for both fire and law enforcement on the ballot. Also the firemen should discuss whether or not their levy could be combined with the one for law enforcement. Mr. Cruikshank asked if the Commission could meet with their association at their regular meeting on Thursday, July 10th and explain and answer questions in regard to a levy election. The Commission advised him they would be glad to attend their meeting.

Donna Mills, representative of the State Tax Department, came before the Commission and presented them an Agreement for

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Remote Batch-Processing of Real and Personal Property Taxes, effective July 1, 1980. After some discussion the Commission approved and signed said agreement.

Mr. Craig Kent, representing Data Point Corporation, appeared before the Commission and presented proposed three party lease agreement which could result in reduction of monthly rentals. This agreement will be submitted within a week.

Letter of resignation was received from Sammy J. Fragale resigning his position as the Fayette County Commission's representative on the Board of Directors of the Mountain Transit Authority, effective July 1, 1980.

The Commission received from Mr. George Vickers, Chairman of the special purpose committee concerning fee structure of the Commissioners of Accounts of Fayette County, a proposed order concerning the Commissioners of Accounts matter. Said order was approved, signed and entered this date.

Resolution from the City of Montgomery was received by the Commission whereby resolving that the City Council of Montgomery hereby wishes to make its strong and fearful apprehension of and opposition to the proposed reduction of the Fayette County Deputy Sheriff's workforce. Resolution is hereby filed.

Order was entered this date reappointing Mr. G. Lee Massey of Victor as a member of the Fayette County Board of Health for a five year term.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, JULY 9, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Mr. Ralph Young, Attorney, appeared before the Commission in behalf of Clyde Gray and Mary L. Gray of East Kingston concerning the closing of an alley near their property and presented deed and order (which had previously been requested by the Commission) providing a throughway to replace the closing of the alley. Commission accepted said deed and signed said order.

Mr. John Redman, Director of Emergency Preparedness for Fayette County, and Mr. Bill Drennen of Oak Hill, came before the Commission requesting reactivation of the auxiliary police in Fayette County. He stated he had contacted the Mayor's Association in Fayette County and also several City Councils and they feel since Federal Revenue Sharing Funds are likely to be cut off the reactivation of the auxiliary police would be most helpful in case of emergency and also directing traffic at football games. Mr. Redman also requested the Commission appoint Mr. Drennen, Director of Auxiliary Police for Fayette County. He stated he had been told by Mr. Cecil Russell from the State Emergency Services

JUL 9 1980

in Charleston he would have to have the Commission's permission to name Mr. Drennen, Director. The Commission informed Mr. Redman they would get in touch with Mr. Russell and find out what responsibilities are involved and get back to Mr. Redman.

Mr. Leon Kingsolver, Director of Healthwise Insurance in West Virginia, appeared before the Commission and presented brochures in regard to Healthwise Insurance. He pointed out that state law requires them to offer county employees the option of substituting this plan for the state health plan. The Commission agreed to review this request and informed Mr. Kingsolver to get in touch with Richard Bragg, Administrator for the County Commission.

Mr. James Kruntorad, Consulting Engineer of the firm of Burgess and Niple, Parkersburg, came before the Commission to introduce himself and advise the Commission his firm are consulting engineers for countywide sanitary and water systems and advised the Commission his firm would appreciate their business if and when the need arises. He stated as of now their firm has no current project in the County. The Commission informed him they would keep this in mind.

Mrs. Lyla Stokely, Mrs. Crist, Mr. Moses and Mr. Shelton, citizens from the Lookout area, appeared before the Commission asking direction in how to obtain water service in the Lookout-Hico area. Mrs. Stokely expressed dissatisfaction with being included in the New Haven Public Service District stating they feel the size of the district is a hinderence in obtaining funding for

a water system. She also pointed out that the three schools in the area, Midland Trail High, Nuttall Middle and Divide Elementary do not have a good water service. The Commission advised them to get in touch with an attorney, get organized and then seek a consulting engineering firm to determine the area to be included in their Public Service District. When this is done the Commission will gladly grant their request in forming the Public Service District.

Mr. Charles Wendell, Oak Hill and Mr. Erwin Conrad, Attorney, came before the Commission requesting approval of a supplementary bond issue in the amount of \$65,000 to cover the expense of final completion of the machinery building at the Fayette Industrial Park, Lochgelly, belonging to James E. DeViese. The Commission had previously approved a \$215,000 tax exempt bond issue for the project, however the bond issue was not estimated high enough and additional funds are needed to cover the final costs which have already been paid by the DeVieses. Mr. Vickers stated he had never received a copy of opinions of the original bond issue which he had requested and stated he would like to see an itemized report of where the funds were spent, especially the \$65,000 which the supplemental appropriation is to cover. After much discussion it was decided that the Commission would provide a list of information required to be reviewed before a decision is made. On the July 30th meeting of the Commission all parties including bond counsel will be present and the Commission will consider the matter for final vote.

Mr. Don Pitts, Attorney, Beckley, appeared before the Commission requesting Roberta Webb be appointed Committee for Naomi Louise King. The Commission approved the appointment pending report from M. Khalid Hasan, M.D.

Mr. Edward R. Hamilton, representative of Equitable Life Insurance Company, Charleston, came before the Commission concerning offering county employees an optional life insurance plan. He stated when employees under the state system retire they lose their life insurance except \$5,000. This new plan would continue when an employee retires or leaves the county system. Mr. Lively stated the Commission's policy is that he can contact county employees on their own time about the plan and if at least 50% of them agree to participate the Commission will agree to payroll deductions.

The Commission approved payroll for pay period July 1 through July 15, 1980. Also approved payment of bills.

The County Commission granted a bid to the Medical Equipment, Charleston, West Virginia, for 1 S & W Model 1,000 Breathlizer in the amount of \$2,590. less \$300. trade in for a total amount of \$2,290. This bid was granted although it was not the low bid, due to the fact that the required simulation was included and maintenance and repairs are guaranteed at the Charleston Office.

Mr. Charles L. Garvin, Attorney, Oak Hill, along with Mr. Orval Kessler, Mr. Lyle Massey and group of 15 citizens from Victor and vicinity, appeared before the Commission to seek the

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Commission's guidance concerning its status regarding the New Haven Public Service District. They requested an additional Commissioner be named. Mr. Larry Valtin of Region 4 Planning and Development Council, Summersville, West Virginia, was present and gave then an update of their project. He stated that a public meeting for residents of the Ansted, Hico, Lookout, Victor and Ames Heights areas had been tentatively scheduled for July 17 and July 22, 1980. It was noted at one time New Haven Public Service District and the Town of Ansted had joined together to apply for funds to construct a water system, however when the Ansted administration changed mayors, Ansted pulled out and filed an application of its own. Now that the administration has changed again there may be a chance for the two groups to work together if the area so desires. That is the purpose of the public meeting to determine how the residents of the area want to proceed in seeking financial assistance for a water system. The Commission agreed to assist the New Haven Public Service District in whatever way it can in their water project.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
TUESDAY, JULY 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

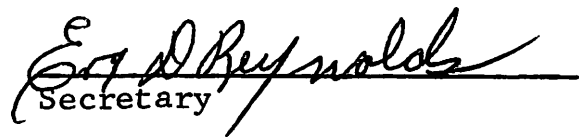
MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved payroll for pay period July 1, 1980 through July 15, 1980. Also approved payment of bills.

The Commission had previously been requested by Mountain Transit Authority for funding in the amount of \$5,000. The Commission reached decision this date to grant the request providing the Commission received 100% Revenue Sharing Funds as of 9-30-80.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, JULY 30, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Mrs. Loretta Crist from Lookout and Clint Gallaher, Attorney, appeared before the Commission to protest the proceedings of a meeting held on July 17th at which time an election was held by Lyle Massey electing three Commissioners to serve on the New Haven Public Service District. Mrs. Crist complained the meeting was not publicized fairly and therefore the election was not legal. Mr. Gallaher stated he was present at the meeting and had provided legal counsel and stated records show the formation of the New Haven Public Service District, however no Commissioners have been selected for the district and also stated the election conducted July 17th was meaningless except to provide several names for Commissioners when the County Commission does do the final appointment of Commissioners for New Haven Public Service District. After much discussion Mrs. Crist stated they did not want to be combined with Ansted Public Service District and she may not protest further depending on what is decided concerning a joint PSD and who is appointed to serve on the board.

Mr. John David and Kenneth Fox, representing the Page-Kincaid Public Service District, came before the Commission and informed them that bids received for the PSD facility construction were \$350,000 over estimated costs. They requested \$50,000 assistance from the County Commission to meet the overrun. The Commission informed them they would take the matter under consideration.

Gary Harding, Zoning Commission, appeared before the Commission concerning the following requests:

Request of Eugene Walker, Owner, for a change in land classification from R-2, Residence District, to B-2, General Business District, on Lot 285, Block 4, Minden Sub-division, Plateau District. Mr. Walker was not present and the County Commission was informed by the Zoning Officer that the Planning Commission did by a vote of 7 - 0 recommend that this request be denied. After a discussion a motion was made by Mr. Vickers that this be denied as recommended. Motion was seconded by Dr. Stallard and carried by a vote of 3 - 0.

Request of George Amos, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Business District, on part of 15.54 acres, Part of Lots 35, 36, & 37, Wolf Creek Gardens, Corridor "L" off Route 21, Plateau District. Mr. Amos was present and there was no opposition present. The County Commission was informed that

the Planning Commission did by a vote of 8 - 0 recommend that this request be approved. After a discussion a motion was made by Dr. Stallard that this be approved as recommended. Motion was seconded by Mr. Vickers and carried by a vote of 3 - 0.

Request of New River West Inc., by Gene Miller, for a change in land classification from RR-1, Agricultural and Rural Residence District, to P-D, Planned Development, on 32.148 acres, Wolf Creek, Wolf Creek Road near Pleasant View Road, Plateau District. Mr. Miller was not present nor represented at this meeting. The County Commission was informed that the Planning Commission by a vote of 6 - 1 did recommend that this request be denied. Mr. Fred Jesser spoke on behalf of the citizens from the Wolf Creek area who were opposed to this project. After a general discussion a motion was made by Dr. Stallard that this be denied as recommended. Motion was seconded by Mr. Vickers and carried by a vote of 3 - 0.

At the request of Mr. Charles Wendell the supplemental bond issue in the amount of \$65,000 to cover cost overrun was taken into consideration at this time. Voting for the supplemental issue were James E. Lively and C. W. Stallard. Mr. Vickers who was opposed to the issue voted against it. Issue was approved.

The Commission approved payroll for pay period July 15th through July 30th, 1980. Also approved payment of bills.

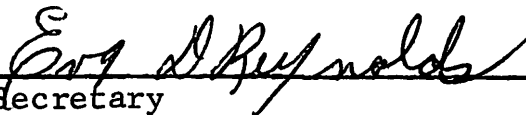
Order was entered this date accepting the resignation of Mr. Ralph Whittington as a member of the Gauley River Public

JUL 30 1980

Service District and appointing Mr. Russell G. Deering of Jodie to fill the unexpired term of Mr. Whittington, said term expiring December 31, 1981.

Also order was entered this date reappointing the following persons as members of the Fayette County Planning Commission to serve for a period of three years: Mr. Harold Stanton, Ansted; Mr. Wallace Bennett, Oak Hill; Mr. Guy Dooley, Ansted; Mr. Raymond Tissue, Mount Hope.

There being no further business the Commission adjourned.


Secretary

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, JULY 30th, 1980.

JUL 30 1980

Present were: James E. Lively, President
Charles M. Vickers, Commissioner
Dr. C. W. Stallard, Commissioner

The following cases were presented to the County Commission for its disposition:

Z-195-80-2: Request of Eugenes Walker, Owner, for a change in land classification from R-2, Residence District, to B-2, General Business District, on Lot 285, Block 4, Minden Sub-division, Plateau District.

Mr. Walker was not present and the County Commission was informed by the Zoning Officer that the Planning Commission did by a vote of 7 - 0 recommend that this request be denied. After a discussion a motion was made by Mr. Vickers that this be denied as recommended. Motion was seconded by Dr. Stallard and carried by a vote of 3 - 0.

Z-196-80-2: Request of George Amos, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Business District, on part of 15.54 acres, Part of Lots 35, 36, & 37, Wolf Creek Gardens, Corridor "L" off Route 21, Plateau District.

Mr. Amos was present and there was no opposition present. The County Commission was informed that the Planning Commission did by a vote of 8 - 0 recommend that this request be approved. After a discussion a motion was made by Dr. Stallard that this be approved as recommended. Motion was seconded by Mr. Vickers and carried by a vote of 3 - 0.

Z-193-80-1: Request of New River West Inc., by Gene Miller, for a change in land classification from RR-1, Agricultural and Rural Residence District, to P-D, Planned Development, on 32.148 acres, Wolf Creek, Wolf Creek Road near Pleasant View Road, Plateau District.

Mr. Miller was not present nor represented at this meeting. The County Commission was informed that the Planning Commission by a vote of 6 - 1 did recommend that this request be denied. Mr. Fred Jesser spoke on behalf of the citizens from the Wolf Creek area who were opposed to this project. After a general discussion a motion was made by Dr. Stallard that this be denied as recommended. Motion was seconded by Mr. Vickers and carried by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

JUL 30 1980

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 28th day of July, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex, thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the following amendment (change in land classification) to the Zoning Ordinance referred by the County Commission to the Planning Commission for its recommendation.

ALSO, PLEASE TAKE NOTICE that on the 30th day of July, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the following proposed amendment (change in land classification) to the Zoning Ordinance of Fayette County, West Virginia. Copies of the proposed amendment may be examined in the Zoning Office, Court House Annex, Fayetteville, West Virginia.

Z-195-80-2: Request of Eugene Walker, Owner, for a change in land classification from R-2, Residence District, to B-2, General Business District, on Lot 285, Block 4, Minden Sub-division, Plateau District.

Z-196-80-2: Request of George Amos, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Business District, on part of 15.54 acres, Part of Lots 35, 36, & 37, Wolf Creek Gardens, Corridor "L" off Route 21, Plateau District.

Gary E. Harding
Zoning Officer

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, AUGUST 6, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Mr. Harold Bragg of Glen Jean, appeared to request that the Commission consider immediate funding of the Dunloup Creek Watershed project, i.e., dredging and clearing of Glen Jean area of Dunloup Creek. Commission informed him they would take the request under consideration.

Fred Jesser, Attorney, representing R. F. Johnson, Inc., and Bob Johnson, appeared before the Commission regarding a possible industrial bond issue for the development of a Kroger/Super X Complex at the Town of Gauley Bridge. They requested the Commission consider a RESOLUTION OF INTENT for a bond issue of \$2,000,000 with potential employment (total) of 95 individuals. The Commission informed them they would take the request under consideration.

Judge Garvin, appeared to present a petition to enlarge the New Haven Public Service District specifically to include the Town of Ansted. Resolution setting public hearing for such was presented. Judge Garvin requested that if said petition was approved that he would prepare the notice of publication.

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The Commission informed him the request would be taken under consideration and referred order to Prosecuting Attorney for review.

Commission approved purchase of 8 vehicles for sheriff's fleet.

Commission approved \$30,000 supplemental appropriation for Page-Kincaid Public Service District.

Commission approved payment of bills.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
FRIDAY, AUGUST 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

The Commission approved payroll for pay period August 1, 1980 through August 15, 1980. Also approved payment of bills.

Also County Commission agreed to assist in the dredging and cleaning of Dunloup Creek at Glen Jean and directed Richard W. Bragg, Administrator, to seek additional financial assistance from the Governor's office.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, AUGUST 27, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Sam Price, Attorney, appeared before the Commission and presented petition of Effie Garland, owner of Lots 11 and 13 of the J. L. Johnson Subdivision near Summerlee, West Virginia, requesting the closing of an unused alley located between said Lots 11 and 13. There being no objections the Commission approved said request.

Ms. Pat White and Ms. Connie Mooney, representatives of W. Va. Health Systems Agency, Inc., Elizabeth Cochran, representative of the State Health Department and Lee Massey, member of the Fayette County Health Council came before the Commission regarding the possibility of regionalization of county health services. Ms. White presented pamphlets to the Commission and explained their purpose was to merger all county health departments into a regional area-wide health department which would, hopefully, bring about a significant improvement in the quality of health and home care services. In a survey conducted by the State Health Department it was revealed that

the Fayette County Health Department provided 43% of the mandated services being provided. Compared with a single county health department a regional department offers an administration that facilitates hiring more effectively, utilizes professional resources, competes more strongly for outside funding sources. Studies conducted on regional health departments in other states have shown increases in budgets, professional staffing, number of services, the population served and economic and program efficiency. There would be no interruption of services while the transition is being made from the county health system to the regional organization. Health services will still be provided through the local health department and would also maintain present personnel. However decisions would be made by the regional health board instead of local health boards. After much discussion and after Ms. White informed the Commission her group was meeting with the Health Department employees in the afternoon the Commission advised Ms. White their decision would be made after the Commission heard from the local health group regarding their feeling in the matter. Ms. White stated they would return and meet with the Commission at a later date.

Gary Harding, Zoning Officer, came before the Commission concerning request of New River Adventures, Contract Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D-Planned Development District, on 3 acres, Chestnutburg, Route 5, Opposum Creek Road at Corridor "L",

New Haven District. Mr. O'Mahoney was present and there was no opposition. The County Commission was informed by the Zoning Officer that the Planning Commission did recommend that this be approved as requested with the condition that the final plans be resubmitted to the Planning Commission for approval prior to construction. A motion was made by Mr. Vickers that this be approved as recommended. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Fred Jesser, Attorney, representing R. F. Johnson, Inc., and Mr. Bob Johnson along with Bob Woods and Carrol Miller, Gauley Bridge Council Members, appeared before the Commission regarding the possible industrial bond issue for the development of a Kroger/Super X Complex at the Town of Gauley Bridge, which had previously been presented to the Commission on August 11, 1980, at which time the Commission accepted a draft resolution of intent and agreed to consider the proposal. Dr. Stallard made motion the Commission accept Inducement Resolution. Mr. Vickers abstained and Mr. Lively voted against issuance of the bonds by the County Commission. Mr. Lively stated he thought the project is very worthwhile and would benefit the county and especially the Town of Gauley Bridge, however he thought it should be the responsibility of the town council to issue the bonds and not the County Commission. After much discussion Mr. Lively made motion that the County Commission execute the Inducement Resolution

on this project with the understanding that the Commission would withdraw their responsibility should the City of Gauley Bridge decide to execute the resolution. Mrs. Vickers seconded motion, however he stated he would be against the final order for the issuance of the bonds as he had been against all issuance of bonds in the past.

Resolution was entered that date whereby it was resolved that the Fayette County Commission unanimously urges the passage of Senate Bill 2470 which was passed in the U. S. Senate and is now pending before the House of Representatives subcommittee on Energy and Power of the House of Interstate and Foreign Commerce Committee. The Fayette County Commission has directed that this unanimous act of the Commission be spread upon the Commission's record books and that a copy of this Resolution be sent to all members of the subcommittee on Energy and Power of the House Interstate and Foreign Commerce Committee.

Bids, which had previously been advertised in the newspapers, were opened this date for the purchase of eight, four door sedan police cruisers. Bid, in the amount of approximately \$59,100, was awarded to New River Chevrolet in Lookout.

The following orders were entered this date:

Order reappointing Mrs. Rose McClung as Commissioner of the Gauley River Public Service District for a period of six years, said term to expire on December 31, 1985.

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Also order reappointing Mr. Marvin Dangerfield as
Commissioner of the Salem-Gatewood Public Service District
for a period of six years, said term to expire September 1, 1986.

Resolution and order fixing a date for public hearing to
include the Town of Ansted in the New Haven Public Service
District was entered this date. Date of hearing was set for
September 24, 1980 at 11:00 a.m., in the office of the County
Commission.

There being no further business the Commission adjourned.


Secretary

AUG 27 1980

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, AUGUST 27th, 1980.

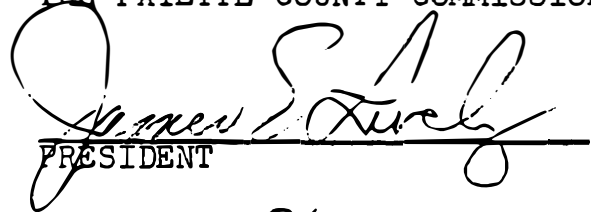
Present were: James E. Lively, President
Charles M. Vickers, Commissioner
Dr. C. W. Stallard, Commissioner

The following cases were presented to the County Commission
for its disposition:

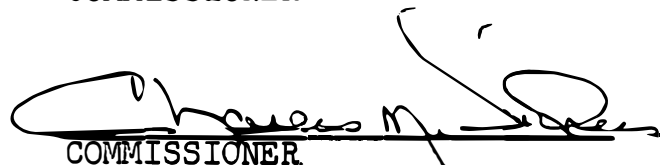
Z-197-80-1: Request of New River Adventures, Contract Owner, for
a change in land classification from R-R-, Agricultural and
Rural Residence District, to P-D, Planned Development District,
on 3 acres, Chestnutburg, Route 5, Opposum Creek Road at
Corridor "L", New Haven District.

Mr. O'Mahony was present and there was no opposition. The
County Commission was informed by the Zoning Officer that the
Planning Commission did recommend that this be approved as re-
quested with the condition that the final plans be resubmitted
to the Planning Commission for approval prior to construction.
A motion was made by Mr. Vickers that this be approved as re-
commended. Motion was seconded by Dr. Stallard and passed by a
vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

AUG 27 1980

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 25th day of August, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex, thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the following amendment (change in land classification) to the Zoning Ordinance referred by the County Commission to the Planning Commission for its recommendation.

ALSO, PLEASE TAKE NOTICE that on the 27th day of August, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the following proposed amendment (change in land classification) to the Zoning Ordinance of Fayette County, West Virginia. Copies of the proposed amendment may be examined in the Zoning Office, Court House Annex, Fayetteville, West Virginia.

Z-197-80-1: Request of New River Adventures, Contract Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development District, on 3 acres, Chestnutburg, Route 5, Opposum Creek Road at Corridor "L", New Haven District.

Gary E. Harding
Zoning Officer

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, SEPTEMBER 3, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Barry Klingensmith, representing the W. Va. Army National Guard, Oak Hill, appeared before the Commission requesting permission for the members of the W. Va. Army National Guard to use the Fayette County Park as an alternate assembly area. The Commission granted this request with the provision that approval of Fayette County Commission be obtained prior to each occurrence.

Gordon Billheimer, Chairman of the Fayette County Library Board and Jane Hughes, Director of Fayette County Library Services, came before the Commission requesting some type of assurance that the library system will be funded in the future, at least until a decision is announced concerning revenue sharing funds. The Commission stated they felt that since the libraries are in five municipalities that each of these municipalities should share in the responsibility of funding and also the Board of Education should be contacted in regard to funding since the libraries service the schools. After much discussion

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Mr. Lively stated the Commission would mail a letter to each of the five municipalities concerning some funding and also agreed to talk with the members of the Board of Education in this regard. Mr. Billheimer stated to the Commission that if it does continue to finance the system an additional \$5,000 will be needed over and above the \$50,000 allocated last year. Mr. Lively stated the \$55,000 amount could not be guaranteed until the Commission finds out what percentage of the revenue sharing funds will be renewed.

The Commission approved payment of bills.

Order was entered this date accepting the resignation of Isom Williams as a member of the Deepwater Public Service District and appointing Harry Coleman, Jr., to fill the unexpired term of Isom Williams, said term expiring February 9, 1983.

Also order was entered this date stating that a public hearing will be held at 10:30 A.M., Wednesday, October 29, 1980 to consider the question of adopting an amendment to update the Comprehensive Plan of Fayette County and be it further ordered that notice of said hearing be properly published in a local newspaper.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
MONDAY, SEPTEMBER 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

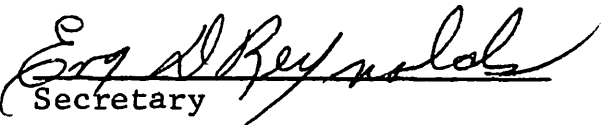
The Commission approved payroll for pay period September 1, 1980 through September 15, 1980. Also approved payment of bills.

The following persons appeared before the Commission concerning the possibility of establishing a juvenile detention center in Fayette County: Charles Keenan, Mayor of Gauley Bridge, representing the Fayette County Municipal Association; Bob Weis of the State Supreme Court's Juvenile Justice Committee; Carson Markley, Supervisor of residential facilities for the State Welfare Department; Tom Powell of the Fayette County Welfare Department and Donald H. Stark, an architect from Beckley. Mr. Keenan stated that Fayette County is in need of a structure to house approximately three juveniles of each sex for several days. Another suggestion was for a more elaborate facility which would provide for a greater number of juveniles with more services. The group agreed that the facility needs to be able to house both status and criminal type juvenile offenders. Mr. Vickers asked the group whose responsibility it was to provide such a center and

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Mr. Markley stated that the state legislature designated the responsibility to the State Welfare Department, however according to statistics Fayette County does not need its own center. After much discussion it was decided by the Commission and the group that the representatives of the Welfare Department and the Juvenile Justice Committee meet and receive input from county representatives and then establish a program which the county should follow in developing the center. When this is done a report should be submitted to Mr. Stark who will complete architectural sketches for the group approval.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, SEPTEMBER 24, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Albert Pennington, along with Katrina Forren and Roy Forren, her husband, all of Danese and representing the Danese Volunteer Fire Department and Rescue Squad, Inc., appeared before the Commission requesting that a committee, consisting of the Commission and members of their group meet and draw up a new lease agreement contract between the Danese Volunteer Fire Department and Fayette County Commission. Their reason for this request is because in the existing contract for the building they are in they are responsible for the maintenance and insurance coverage of the building. They are short of funds and since the building is owned by the Commission they feel it the responsibility of the Commission for the upkeep and insurance. Mr. Pennington inquired about the use of the upstairs which is now reserved for the magistrate office. He informed the Commission he had contacted Judge Summerfield in regard to re-leasing the unused magistrate office, however, Judge Summerfield

stated he could not, at this time, release this office for their use. After much discussion the Commission informed the group they would be glad to meet with them after they look over the old contract and also the Commission feels the new Sheriff should be taken into consideration since a Sheriff's detachment office had previously been in Danese. When this is done Mr. Bragg, Administrator, will be requested to notify the group as to date of meeting.

Kevin Burgess, Attorney, appeared before the Commission with Jack Clark present and presented petition of Jack L. Clark and Jacqueline Clark, his wife, seeking an order to close and vacate an alley situate in Shady Acres Housing Lots Subdivision near Oak Hill. Commission approved and signed said petition and set date of final hearing for the 8th day of October, 1980 at 9:30 A.M.

At the request of the Commission, Howard Hill and Everette Steele, representing the Sheriff's Deputy Force, came before the Commission and when asked by the Commission as to whether they wanted to be included on the levy which is to be put on the November ballot along with the Fire Department, Fayette County Library and Emergency Medical Services they both agreed they wanted to go with the levy and would back it 100%.

Gary Harding, Zoning Commission, appeared before the Commission concerning the following requests:

Request of Clyde A. Treadway, Owner, for a change in land classification from R-2, Residence District, to R-3, Residence District, on Lots 1 thru 8, Clyde Treadway Subdivision, on Terry Avenue near Oak Hill, Plateau District. The County Commission was informed that the Planning Commission by a unanimous vote recommended that this be approved for an 8 lot single family subdivision. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Request of Four Lane, Inc., Owner, for a change in land classification from R-1, Residence District, to B-3, Highway Business District, on Lots 48 thru 53, 69 thru 74, and Lot 81, Wolf Creek Gardens, Hinkle Road at Corridor "L", Plateau District. The County Commission was informed that this request was recommended in keeping with the land use update just completed. After a general discussion a motion was made that this be approved as recommended. Motion was made by Mr. Vickers, seconded by Dr. Stallard and passed by a vote of 3 - 0.

Request of H.G.H. Recreational Corporation, by Howard Earhart, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on part of 100 acres, Wonderland, Plateau District. The County Commission was informed that the Planning Commission did recommend that this be approved as submitted. After a general discussion a

motion was made by Mr. Vickers that the zoning be changed to P-D and that the plan as submitted be approved. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Request of North Hills Group, Owner, by Robert E. Kelly, Jr., for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Business District, on 143 acres, Davis Lands, Lochgelly Road at Corridor 'L', Plateau District. The Commission was informed that this request was recommended by the Planning Commission. After a general discussion a motion was made by Mr. Vickers that this request be tabled. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Gordon Billheimer, Attorney, representing the Commonwealth of Virginia, appeared before the Commission requesting committee be appointed for Bobby Lee Jones. After some discussion, at which time Mr. Billheimer informed the Commission that Mr. Jones residence had been Layland, Fayette County, however he was sent by Spencer State Hospital to a mental institution in Virginia. He has money in Raleigh County National Bank which could help pay his hospital expenses and since no member of the family wants to be appointed administrator Mr. Billheimer requested the Sheriff of Fayette County be appointed. The Commission decided that since Mr. Jones resides, at the present time, out of state

to wait until order is received from Mr. Billheimer at which time it will be referred to the Prosecuting Attorney for approval.

Order was entered this date reappointing Mr. John Harper, Minden, West Virginia, as a member of the Arbuckle Public Service District for and during a period of six years, said term to expire September 1, 1986.

Also order was entered this date accepting the resignation of Barbara Treadway, Beckwith, as a member of the Beckwith Public Service District and appointing Mr. Guy Baker, Route 2, Fayetteville, West Virginia, to fill the unexpired term, said term expiring September 29, 1982.

At this time a public hearing was held before the County Commission for the New Haven Public Service District as to whether or not to include the Town of Ansted into this public service district, and to hear comments from the people in the district. The Commission unanimously approved the inclusion of Ansted into the New Haven Public Service District and order will be prepared to this effect.

Mr. Bill Drennen appeared before the Commission and presented them a pamphlet and information and requested their consideration for reactivating the auxiliary police in Fayette County. He stated he had checked with the Office of Emergency Services in Charleston and they advised him the Commission must give their approval before the auxiliary police can be reactivated. Mr.

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Drennen assured the Commission there was a stipulation the auxiliary police could not carry weapons of any kind and would act only in time of emergency or disaster. The auxiliary police would be trained by either the Sheriff of Fayette County or the Chief of Police of Oak Hill, Mr. Rogers. The Commission informed Mr. Drennen there would be no funds for this group. After some discussion the Commission advised Mr. Drennen they would check with the Prosecuting Attorney and let him know of their decision at a later date.

The Commission unanimously gave approval for an excess levy for the following separate issues: Fire Protection - Police Protection and Libraries and resolved that an order be entered this date.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, OCTOBER 8, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Kay Thomas, representing Fayetteville Junior Woman's Club, appeared before the Commission requesting permission for use of the Court House side walks and county parking lots for their annual May Fair Arts and Crafts Festival to be held on May 9th and 10th, 1981. Commission granted this request pending a check with Judge Summerfield and Judge Abbot to be sure there would be no conflict.

Kevin Burgess, Attorney, came before the Commission with his client, Jack Clark and presented to the Commission an order to close and vacate an alley situate in Shady Acres Housing Lots Subdivision near Oak Hill. There being no objections the Commission approved and signed said order.

Fred Jesser, Attorney, representing Asbury and James TV Cable Service, Montgomery, W. Va., appeared before the Commission requesting permission for applicant to enter upon and over a county road at Boomer, W. Va., designated "E" Street

for the purpose of installing a coaxial cable over and along said "E" Street, with no liability whatsoever on the County Commission. The Commission approved said request and granted permission.

Rosser Long, representing Long-Flowers Insurance Company, came before the Commission and presented recommendation to increase the valuation of county property. The Commission approved said recommendation.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, OCTOBER 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

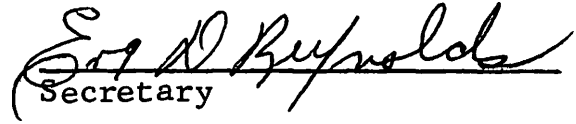
The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Mrs. Eugenia Davis of Victor appeared before the Commission with some questions concerning the New Haven Public Service District meeting held on Tuesday, October 14th at which time she was nominated to serve as a Commissioner, upon approval of the County Commission. Mrs. Davis stated she would rather have Lyle Masses serve as a Commissioner in her place since the District needs someone who is willing to work and he would be, however the Commission reminded Mrs. Davis they had to follow the choices made by the residents in the district. Also she questioned the district's chances of obtaining funding and the Commission referred her to Mr. Larry Valtin, Region 4, since he had this information.

Order was entered this date accepting the resignation of Rose M. McClung as a member of the Gauley River Public Service District and appointing Louise Grimmatt to fill the unexpired term of Rose M. McClung, said term expiring December 31, 1985.

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The Commission approved payroll for pay period October 1,
1980 through October 15, 1980. Also approved payment of bills.
There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, NOVEMBER 5, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Carolyn Koch appeared before the Commission requesting to have Gene Carte removed as guardian for Bobby Canterbury and have herself appointed as guardian. The Commission advised her it would be necessary to have Mr. Carte either resign or removed by petition before she could be appointed as guardian in which case she would need to consult an attorney. This Mrs. Koch agreed to do.

Order was entered this date appointing Camillia Adkins as a member of the Fayette County Planning Commission for a period of three years, said term to expire October 24, 1983.

Also order was entered this date accepting the resignation of Don Kincaid as a member of the Fayette County Board of Zoning Appeals and appointing Roy Young of Gauley Bridge to fill the unexpired term of Don Kincaid, said term expiring January 1, 1981.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, OCTOBER 29, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Eugenia Davis, Lyle Massey and a small group of residents from the Victor area appeared before the Commission. Mrs. Davis and the delegation questioned the Commission concerning Ansted's desire to withdraw from the New Haven Public Service District. Mrs. Davis stated that unless Ansted was included in the district, that according to Larry Valtin from Region 4, an application for a water system would not be accepted. The Commission informed the delegation the matter would be up to the people of Ansted and Victor, however Judge Garvin will, this date, present an order to be approved and signed designating the New Haven Public Service District which includes Ansted and then the three Commissioners of the District will be appointed.

John Rhodes, Robert Bragg and Barney White, citizens of the Gatewood area came before the Commission and presented petition containing more than 400 signatures requesting that the current Commissioners of the Salem-Gatewood Public Service District be replaced, there reason being they need a change in Commissioners and also they wanted an audit of the books since requests to

examine the financial records had been denied. Mr. Lively explained that the Public Service Commission is responsible for the auditing of the books of public service district, and not the County Commission. After much discussion the Commission advised the group the petition will be turned over to the Prosecuting Attorney who will check its validity and if the petition is found to be adequate the Commission will schedule a public hearing when the present commissioners will be permitted to answer any charges made against them and then the County Commission will make a final decision concerning their removal.

Gary Harding, Zoning Commission, appeared before the Commission concerning the following requests:

Request of Jimson Associates, Owner, by James R. Criniti, for a change in land classification from R-R, Agricultural and Rural Residence District, to R-3, Residence District, on 52-58 acres, Norfolk and Western Railway Co. Property, Route 61, Deepwater, Valley District. The Commission was informed that this was an extension of the present Adena Village complex and that the Planning Commission did by a vote of 7 - 0 recommend that this be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

Request of James Ray Davis, Owner, by C. W. Yeager, for a change in land classification from R-R, Agricultural and Rural

Residence District, to R-3, Residence District, on 1.83 acres, Whipple, Route 15, Plateau District. The Commission was informed that a 10 lot subdivision was proposed for this site and that the Planning Commission did recommend that this change be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

The next item was the amendment of Article XIV, Section 1400, Subsection 2, Article III, Section 300, Subsection 4, and Article III(a), Section 300(a), Subsection 4. The Commission was informed that the Planning Commission did recommend that these changes be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

The next item presented was an amendment to the Comprehensive Plan. A public meeting was held in the Court Room on May 19th, 1980, but the amendment to the Comprehensive Plan was never submitted to the County Commission for action. The Commission was informed that the Planning Commission did recommend that these changes to the Comprehensive Plan be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

Mr. Louis Tabit, Attorney for the Town of Ansted and Mayor Percy Bengert, came before the Commission and petitioned the

OCT 29 1980

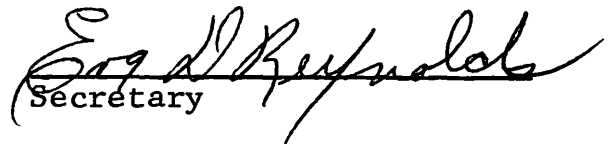
Commission to exclude Ansted from New Haven Public Service District. Mr. Tabit explained that several years ago when the town was seeking approval for a water system the federal government wanted the project to include service to outlying areas. However, since the town only wanted to take care of its own the application was turned down. He also stated Ansted is willing to cooperate with the district. The Commission questioned the possibility of district residents agreeing to the placement of the water plant in Ansted if the town withdraws from the district. Mr. Benger pointed out legal complications would be avoided if Ansted is allowed to withdraw. After much discussion the Commission advised them the order, which has not been signed by the Commission whereby the Town of Ansted is now part of the district, could be amended, however input would need to be received from the district's new commissioners.

Order was entered this date by the County Commission that the persons hereinafter named, all being residents of the New Haven Public Service District, be and they are hereby appointed as members of the board of the said New Haven Public Service District, to serve as such for the number of years shown after such names: Eugenia Davis for a period of six years - Clarence Moses for a period of four years and Lyle Massey for a period of two years.

OCT 29 1980

Order was entered this date to amend the Comprehensive Plan for Fayette County and that said plan be adopted and made a part of the Comprehensive Plan for Fayette County and a copy of the amendment be officially filed with the Clerk of the Fayette County Commission.

There being no further business the Commission adjourned.


Secretary

OCT 29 1980

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, OCTOBER 29th, 1980.

Present were: James E. Lively, President
Charles M. Vickers, Commissioner

The following items were presented to the County Commission
for its disposition:

Z-202-80-1: Request of Jimson Associates, Owner, by James R. Criniti, for a change in land classification from R-R, Agricultural and Rural Residence District, to R-3, Residence District, on 52.58 acres, Norfolk and Western Railway Co. Property, Route 61, Deepwater, Valley District.

The Commission was informed that this was an extension of the present Adena Village complex and that the Planning Commission did by a vote of 7 - 0 recommend that this be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

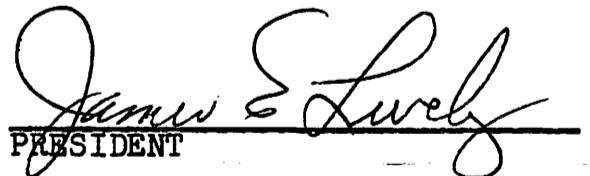
Z-203-80-1: Request of James Ray Davis, Owner, by C. W. Yeager, for a change in land classification from R-R, Agricultural and Rural Residence District, to R-3, Residence District, on 1.83 acres, Whipple, Route 15, Plateau District.

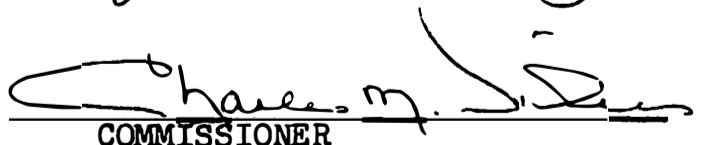
The Commission was informed that a 10 lot subdivision was proposed for this site and that the Planning Commission did recommend that this change be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

The next item was the amendment of Article XIV, Section 1400, Subsection 2, Article III, Section 300, Subsection 4, and Article III(a), Section 300(a), Subsection 4. The Commission was informed that the Planning Commission did recommend that these changes be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

The next item presented was an amendment to the Comprehensive Plan. A public meeting was held in the Court Room on May 19th, 1980, but the amendment to the Comprehensive Plan was never submitted to the County Commission for action. The Commission was informed that the Planning Commission did recommend that these changes to the Comprehensive Plan be approved. After a general discussion a motion was made by Mr. Vickers that this be approved. Motion was seconded by Mr. Lively and passed by a vote of 2 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER

OCT 29 1980

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 27th day of October, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the proposed amendment and re-enactment of Article XIV, Section 1400, Subsection 2, Uses permitted as special exceptions, and to Article III, Section 300, Subsection 4, and Article III(a) Section 300(a), Subsection 4.

ALSO, PLEASE TAKE NOTICE that on the 29th day of October, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the proposed amendment and re-enactment of Article XIV, Section 1400, Subsection 2, Uses permitted as special exceptions, and to Article III, Section 300, Subsection 4, and Article III(a), Section 300 (a), Subsection 4.

A copy of the full text of the proposed amendments to the Zoning Ordinance may be examined in the Zoning Office, Court House Annex, Fayetteville, between the hours of 8:00 A.M. and 4:00 P.M., Monday thru Friday.

Gary E. Harding
Zoning Officer

OCT 29 1980

PROPOSED AMENDMENTS FOR THE OCTOBER 27th and 29th MEETINGS OF THE
FAYETTE COUNTY PLANNING COMMISSION AND FAYETTE COUNTY COMMISSION.

ARTICLE XIV. EXCEPTIONS AND SPECIAL PROVISIONS

Section 1400. Uses permitted as special exceptions.

Subsection 2. In Agricultural and Rural Residence Districts R-R,
RR-1 or R-1 Residence Districts.

ADD: Travel trailer park and campground facility

ARTICLE III. AGRICULTURAL AND RURAL RESIDENCE DISTRICTS R-R.

Section 300. Permitted uses and buildings and other structures.

Subsection 4. Delete 1422 from permitted uses.

ARTICLE III(a). AGRICULTURAL AND RURAL RESIDENCE DISTRICTS RR-1.

Section 300(a). Permitted uses and buildings and other structures.

Subsection 4. Delete 1422 from permitted uses.

OCT 29 1980

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 27th day of October, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the proposed amendment of the Comprehensive Plan of Fayette County.

ALSO, PLEASE TAKE NOTICE that on the 29th day of October, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the proposed amendment of the Comprehensive Plan of Fayette County.

A copy of the full text of the proposed amendment to the Comprehensive Plan may be examined in the Zoning Office, Court House Annex, Fayetteville, between the hours of 8:00 A.M. and 4:00 P.M., Monday thru Friday.

Gary E. Harding
Zoning Officer

OCT 29 1980

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 27th day of October, 1980, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex, thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the following amendments (changes in land classification) to the Zoning Ordinance referred by the County Commission to the Planning Commission for its recommendation.

ALSO, PLEASE TAKE NOTICE that on the 29th day of October, 1980, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the following proposed amendments (changes in land classification) to the Zoning Ordinance of Fayette County, West Virginia. Copies of the proposed amendments may be examined in the Zoning Office, Court House Annex, Fayetteville, West Virginia.

Z-202-80-1: Request of Jimson Associates, Owner, by James R. Criniti, for a change in land classification from R-R, Agricultural and Rural Residence District, to R-3, Residence District, on 52.58 acres, Norfolk and Western Railway Co. Property, Route 61, Deepwater, Valley District.

Z-203-80-1: Request of James Ray Davis, Owner, by C. W. Yeager, for a change in land classification from R-R, Agricultural and Rural Residence District, to R-3, Residence District, on 1.83 acres, Whipple, Route 15, Plateau District.

Gary E. Harding
Zoning Officer

REGULAR COUNTY COMMISSION MEETING
FRIDAY, NOVEMBER 14, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

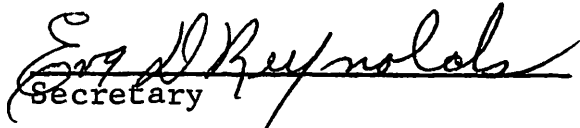
The Commission approved payroll for pay period November 1, 1980 through November 15, 1980. Also approved payment of bills.

Commission certified election results and certificate of votes were mailed to candidates.

Upon the request of the Commission, Judge J. Zane Summerfield gave the oath of office to Howard Janney, recently elected Clerk of the County Commission for an unexpired term, said term to expire December 31, 1980, and also gave the oath of office to Max Elkins, recently elected for the unexpired term of Sheriff of Fayette County, said term to expire December 31, 1980.

The Commission also reinstated Jack Gannon, former Sheriff, to be superintendent at the Fayette County Park.

There being no further business the Commission adjourned.


Secretary

SPECIAL COUNTY COMMISSION MEETING
MONDAY, NOVEMBER 10, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE, W. VA.

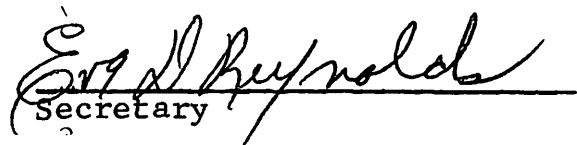
MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers

The Commission meeting in special session this date was called to order by the President, James E. Lively.

The Commission sitting as a Board of Canvassers began to canvass the results of the General Election held on November 4, 1980 in Fayette County.

Upon completion of the canvass the results were found to be the same as the totals that were printed out on the computer on election night. The Commission will certify the results on Friday, November 14, 1980 at 10:30 a.m.

There being no further business the Commission adjourned.


Secretary

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, NOVEMBER 26, 1980
COURT HOUSE
FAYETTEVILLE

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Carl Harris, Attorney, appeared before the Commission, requesting the Committeeship of Volney H. Cowles be changed from Fred Jesser to Russell Murphy, however Mr. Jesser was not present. The Commission feeling there was no objection approved the change pending accounting of records by Mr. Jesser and order entered showing that Russell Murphy has been named committee of Volney H. Cowles.

Fred Jesser, Attorney, later came before the Commission stating he would like to have a hearing on the Committeeship of Volney H. Cowles since he had changed his mind as to the motive of the change. Commission agreed to have hearing when notified as to the date.

The Commission received and accepted letter of resignation from Clarence Moses resigning as a member of the New Haven Public Service District.

Gary Harding, Zoning Commission, appeared before the Commission concerning the following request:

Request of North Hills Group, Owner, by Robert E. Kelly, Jr., for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Business District, on 143 acres, Davis Lands, Lochgelly Road at Corridor "L", Plateau District. The above case was tabled at the September 24th, 1980 meeting of the County Commission because the applicant was not present to answer any questions concerning the proposal. Mr. Kelly appeared before the Commission and asked the Commission to rezone the land fronting on Corridor "L" in keeping with the recent update of the Land Use Plan. The County Commission was informed by the Zoning Officer that the Planning Commission did recommend that this be approved. After a general discussion a motion was made by Charles Vickers that this be approved. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Steve Cruikshank, representing the Fayette County Fireman's Association, appeared before the Commission and presented letter of appreciation expressing the thanks for the help given by the Commission on the levy which was recently passed by the voters of Fayette County, and also requesting the funding for the fire departments continue until the levy comes into effect. The Commission advised him they will consider this request.

Gene Bowman, representing Mountain Transit Authority, came before the Commission requesting an advance of \$1,000 out of the \$5,000 contingent commitment. The Commission approved the

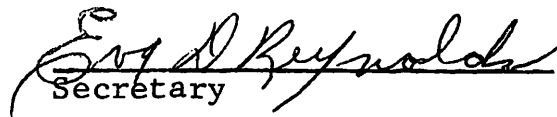
\$1,000 to be paid to Mountain Transit Authority.

The Commission approved payroll for pay period of November 15, 1980 through November 30, 1980. Also approved payment of bills.

Eugenia Davis of Victor appeared before the Commission requesting information about the procedure of appointing a new Commissioner for the New Haven Public Service District. The Commission advised her of the procedure.

Aubrey Riner, Soil Conservation Service, came before the Commission requesting the Commission get in touch with Richard Flanagan, Solid Waste, and relay to him some problems concerning the landfill at Cunard. The Commission advised him they would get in touch with Mr. Flanagan and have him come in at their next regular meeting on December 3, 1980 and would let Mr. Riner know so he could attend this meeting.

There being no further business the Commission adjourned.


Secretary

NOV 26 1980

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, NOVEMBER 26th, 1980.

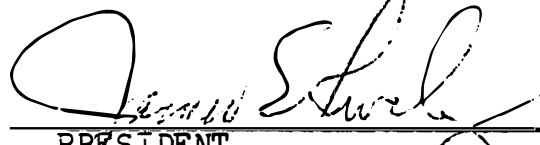
Present were: James E. Lively, President
Charles M. Vickers, Commissioner
Dr. C. W. Stallard, Commissioner

The following case was presented to the County Commission
for a disposition:

Z-201-80-1: Request of North Hills Group, Owner, by Robert E.
Kelly Jr., for a change in land classification from R-R,
Agricultural and Rural Residence District, to B-3, Highway
Business District, on 143 acres, Davis Lands, Lochgelly
Road at Corridor "L", Plateau District.

The above case was tabled at the September 24th, 1980,
meeting of the County Commission because the applicant was not
present to answer any questions concerning the proposal. Mr.
Kelly appeared before the Commission and asked the Commission
to rezone the land fronting on Corridor "L" in keeping with the
recent update of the Land Use Plan. The County Commission was
informed by the Zoning Officer that the Planning Commission did
recommend that this be approved. After a general discussion a
motion was made by Charles Vickers that this be approved. Motion
was seconded by Dr. Stallard and passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION



PRESIDENT



COMMISSIONER



COMMISSIONER

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, DECEMBER 3, 1980
COURT HOUSE
FAYETTEVILLE

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Philip Tissue, Attorney, along with Marjorie Reed of Kansas, appeared before the Commission requesting the appointment of Mrs. Betty Blume, Fayetteville, as committee for Blanche McAvoy of Fayetteville. Mr. Clint Gallagher, Attorney, had been appointed guardian ad litem for Blanche McAvoy. In sworn testimony given by Marjorie Reed, sister of Ms. McAvoy, it was brought out that Blanche McAvoy is unable to manage her business affairs and since the death of her mother, Willie McAvoy in November, she is now living in Kate Boone Nursing Home in Oak Hill. Also doctor's statement was presented confirming she is mentally incompetent to manage her affairs. There being no objection it was agreed by all concerned to have Betty Blume appointed committee for Blanche McAvoy, pending the posting of a \$50,000 bond and also affidavit from Ms. McAvoy's brother who also is living out of state, approving this appointment.

Gary Harding, Zoning Commission, came before the Commission

concerning the following requests:

Request of Lewis A. and Gladys Smith, Owner, for a change in land classification from R-2, Residence District, to B-2, General Business District, on Lots 3, 4, and 5, Tuggle Truck Farms, Summerlee Road, Plateau District. Mrs. Smith was present and informed the Commission that a furniture store was proposed for the site. The Commission was informed by the Zoning Officer that the Planning Commission by a 7 - 0 vote recommended that this request be granted. After a general discussion a motion was made by Mr. Vickers that this request be granted. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Request of Clyde W. Yeager, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-1, Light Industrial District on 3.09 acres, Dogwood Ridge, Corridor "L" at Milroy Grose Road, New Haven District. Mr. Yeager was present and there was no opposition. The County Commission was informed that the Planning Commission by a 7 - 0 vote did recommend that this be changed to P-D and that the plans be submitted to the Planning Commission for approval prior to any development. After a general discussion a motion was made by Mr. Vickers that this request be granted as recommended. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Request of William J. McGorman, Owner, for a change in land classification from R-2, Residence District, to B-2, General Business District, on 2.146 acres, Meadow Fork, Pea Ridge Road, Plateau District. Mr. McGorman was present and there were seven people present in opposition that spoke against the proposal. Mr. McGorman submitted a petition of people for the request. The County Commission was informed that the Planning Commission did recommend that this be denied by a vote of 7 - 0. After a general discussion a motion was made by Mr. Vickers that the request be denied as recommended. Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

Fred Jesser, Attorney, appeared before the Commission and presented letter of resignation from Gene Carte, Jr., as Committee for Bobbie Canterbury and requested Carolyn Canterbury Koch be appointed in lieu of Gene Carte, Jr., as Committee for her sister, Bobbie Canterbury. There being no objections the Commission approved said appointment.

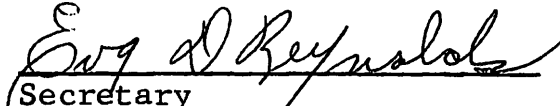
Richard Flanagan, Solid Waste, and Aubrey Riner, Soil Conservation, at the request of the Commission came in to discuss some problems at the landfill at Cunard. After much discussion Mr. Flanagan and Mr. Riner agreed to work together to alleviate the situation. Also Mr. Flanagan was advised by the Commission

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that they would authorize the continuation of operations at the landfills until such time that the revenue questions are resolved or until such time that the Commission must act.

Commission approved payment of bills.

There being no further business the Commission adjourned.


Secretary

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, DECEMBER 3rd, 1980.

Present were: James E. Lively, President
Charles M. Vickers, Commissioner
Dr. C. W. Stallard, Commissioner

The following cases were presented to the County Commission
for a disposition:

Z-204-80-1: Request of Lewis A. and Gladys Smith, Owner, for a
change in land classification from R-2, Residence District,
to B-2, General Business District, on Lots 3, 4, and 5,
Tuggle Truck Farms, Summerlee Road, Plateau District.

Mrs. Smith was present and informed the Commission that a
furniture store was proposed for the site. The Commission was
informed by the Zoning Officer that the Planning Commission by
a 7 - 0 vote recommended that this request be granted. After
a general discussion a motion was made by Mr. Vickers that this
request be granted. Motion was seconded by Dr. Stallard and
passed by a vote of 3 - 0.

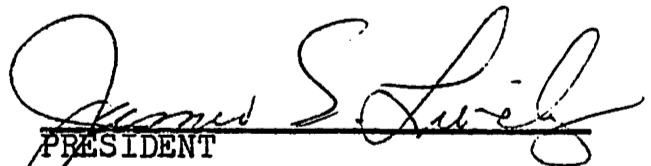
Z-205-80-1: Request of Clyde W. Yeager, Owner, for a change in
land classification from R-R, Agricultural and Rural Residence
District, to I-1, Light Industrial District on 3.09 acres,
Dogwood Ridge, Corridor "L" at Milroy Grose Road, New Haven
District.

Mr. Yeager was present and there was no opposition. The
County Commission was informed that the Planning Commission by
a 7 - 0 vote did recommend that this be changed to P-D and that
the plans be submitted to the Planning Commission for approval
prior to any development. After a general discussion a motion
was made by Mr. Vickers that this request be granted as recommended.
Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

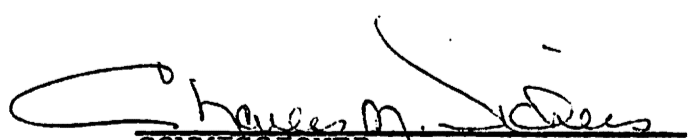
Z-206-80-1: Request of William J. McGorman, Owner, for a change
in land classification from R-2, Residence District, to B-2,
General Business District, on 2.146 acres, Meadow Fork,
Pea Ridge Road, Plateau District.

Mr. McGorman was present and there were 7 people present in
opposition that spoke against the proposal. Mr. McGorman submitted
a petition of people for the request. The County Commission was
informed that the Planning Commission did recommend that this be
denied by a vote of 7 - 0. After a general discussion a motion
was made by Mr. Vickers that the request be denied as recommended.
Motion was seconded by Dr. Stallard and passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

DEC 15 1980

REGULAR COUNTY COMMISSION MEETING
MONDAY, DECEMBER 15, 1980 - 10:00 A.M.
COURT HOUSE
FAYETTEVILLE


MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Commission approved payroll for pay period December 1, 1980 through December 15, 1980. Also approved payment of bills.

An order was entered this date stating the Sheriff of Fayette County (Max Elkins) shall submit monthly reports as outlined in the order, copy of which is attached hereto.

There being no further business the Commission adjourned.


Secretary

FAYETTE COUNTY COMMISSION

On this the 15th day of December, 1980, the County Commission of Fayette County meeting in a regularly called session and finding it necessary to so act and after having determined;

- A) That the Fayette County Sheriff's Department has not and is not filing financial statements with the Clerk of the County Commission;
- B) That a record of investments has not and is not being regularly submitted to said Commission;
- C) That the W. Va. State Tax Department has requested the aforesaid deficiencies and certain other deficiencies be corrected;
- D) That pursuant to Chapter 6, Article 8, Section 6 of the Code of West Virginia as amended, the County Commission shall receive such reports and may require that the Sheriff submit such reports as the Commission may direct, respecting the Sheriff's receipts and disbursements, and the state of the county treasury, or any other matter committed to his charge, or pertaining to the finances of the county;


does hereby order:

- 1) That the Sheriff of Fayette County submit to the Fayette County Commission monthly reports to include, but not be limited to the status of all County finances and funds, all revenues received, all investments, maturity dates, and interest earned, all issued orders, paid orders and outstanding orders;
- 2) That the Sheriff submit to said Commission any reports

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prescribed by the Commission which periodically
may be necessary in order to effect County business;
and be it further ordered that a current financial report and
investment report be submitted to the Commission no later
than December 31, 1980.

FAYETTE COUNTY COMMISSION
BY


PRESIDENT


COMMISSIONER


COMMISSIONER

REGULAR COUNTY COMMISSION MEETING
WEDNESDAY, DECEMBER 31, 1980 - 9:00 A.M.
COURT HOUSE
FAYETTEVILLE

MEMBERS PRESENT: James E. Lively, President
Charles M. Vickers
C. W. Stallard

The Commission meeting in regular session this date was called to order by the President, James E. Lively.

Philip Tissue, Attorney, appeared before the Commission representing Willis C. Jennings of Cleveland, Ohio, who was also present, requesting the appointment of Willis C. Jennings as Committee for his mother, Marie Jennings, who is now residing in Kate Boone Nursing Home. Mr. Clint Gallaher, Attorney, had previously been appointed guardian ad litem for Marie Jennings. In sworn testimony it was brought out that Marie Jennings is wholly incapable of looking after herself or manager her business affairs and will remain in Kate Boone Nursing Home. After some discussion the Commission approved the appointment of Willis C. Jennings as Committee for his mother, Marie Jennings, pending the posting of bond in the amount of \$10,000.00.

Fred Jesser, Attorney, came before the Commission and introduced to the Commission the following persons: Vince Collins, Attorney for the law firm of Steptoe & Johnson of Clarksburg, W.Va.; James Fusso, representative of George K. Gaum & Company Investment, Kansas City; Lewis Clum, legal counsel for Kroger of Cincinnati,

Ohio. Also present was Paul Blake, Jr., Assistant Prosecuting Attorney. Mr. Collins informed the Commission they were requesting a bond issue in the amount of 1.95 million for the development of a Kroger Store and Super & Retail Drug Store on land located in Gauley Bridge and owned by Bob Johnson of Gauley Bridge. After some discussion Dr. Stallard made motion in favor of adoption of the resolution. Motion was seconded by Mr. Lively. Mr. Vickers voted against the adoption of the resolution. The documents were then presented to be signed.

Pat Hamilton, Attorney, Special Counsel for the Commission; Gene Eason, Attorney representing Steptoe & Johnson of Clarksburg; Harry Cline, Administrator of Oak Hill Hospital and Ned Payne, Attorney, Beckley, representing American Health Care Enterprises of Atlanta, Georgia, appeared before the Commission and presented Inducement Resolution to be approved and signed by the Commission requesting the issuance of bonds not to exceed \$9,700,000 to be used for improvements and additions to the Oak Hill Hospital. After some discussion the Commission approved and signed said Resolution.

Judge J. Zane Summerfield gave the oath of office to the following Elected Officials. Howard E. Janey, County Clerk - Herb Mann, Circuit Clerk - Dan Neely, Assessor - John H. Lopez, County Commissioner - Jack Manning, Sheriff and James Love,

DEC 31 1980

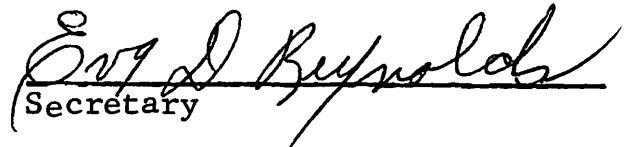
Tom Aiello and Pete Withrow, Magistrates of Fayette County.

Commission approved payment of bills.

Order was entered this date transferring the sum of \$56,028.77 from the General School Fund to the Jail Improvement Fund.

There being no further business the Commission adjourned.

At the close of the business session a reception was given by County Employees for Dr. C. W. Stallard since this was the completion of his 4th term of office and due to health reasons die not seek reelection. Mr. Lively presented him with an engraved pen set after which cake was served to all present.


Secretary