

JANUARY 5, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, James E. Lively.*

*Upon the unanimous agreement of the Commission, an order was entered this date and thereupon Commissioner Charles M. Vickers was elected President of said Commission and Commissioner James E. Lively was elected to serve as its Purchasing Agent for the calendar year 1983. Also, it was agreed that the Regular Sessions of the Commission were to be scheduled as follows: the first Wednesday following the first Monday of each month, the 15th of each month, and the last Wednesday of each month.*

*The Commission held a swearing in ceremony to commence the term of office of Commissioner James E. Lively who was elected to a six-year term of office as a member of the County Commission of Fayette County during the November 2, 1982, General Election.*

*Mr. Paul M. Blake, Prosecuting Attorney, appeared before the Commission regarding the caseload which his office handles for Magistrate Court hearings. Due to the burden of this caseload, Mr. Blake requested that the Commission grant him permission to hire an assistant, on a full-time or on a part-time basis, to handle Magistrate hearings and to be paid the same rate of pay as a defense attorney. Mr. Blake requested that the Commission respond in writing to this matter and explain what the Commission can or cannot do and why. The Commission assured Mr. Blake that it would provide him with a written response.*

The Commission directed Richard W. Bragg to investigate the feasibility of installing a FX exchange in the Courthouse telephone system for Ansted. Also, the Commission requested Mr. Bragg to investigate the possibility of having Call-Forwarding service for the Smithers detachment of the Sheriff's office to the Courthouse at Fayetteville and, therefore, eliminate the use of the answering device currently being used.

Mr. Pat Hamilton, Attorney, appeared before the Commission upon petition heretofore filed pursuant to the order of the Commission entered on the 8th day of December, 1982, by authority of the provisions of Chapter 8, Article 6, Section, of the Code of West Virginia, as amended. Whereupon, the Commission proceeded to hear and did hear the evidence adduced in behalf of the petition and on the matters arising therefrom, there being no objection thereto by any person present or by written communication, the Commission finds the annexation applied for constitutes a minor boundary adjustment and petitioner is entitled to the relief sought in its petition. It is, therefore, ordered that the corporate limits of the City of Oak Hill, a municipal corporation, in the State of West Virginia, be changed so as to embrace within its corporate limits the area so described. The purposes for this proceeding having been accomplished, the Commission hereby orders it retired from the docket.

Mr. Brentz Thompson, Attorney, appeared before the Commission and presented said Commission with a petition for the appointment of Lewis S. Thompson as guardian of the estates of Lewis Douglas Thompson and Frances Dawnlisa Thompson.

Richard W. Bragg was directed by the Commission to have "Requisitions for Supplies" printed for use by County Offices when requesting the purchase of desired supplies and materials. The Commission will request each officeholder to please utilize these forms and submit said forms to the Commission for approval of purchases.

Upon the request of Herbert A. Mann, Circuit Clerk, Richard W. Bragg was directed to proceed to have an additional extension telephone installed in the Office of the Circuit Clerk.

Approval was given by the Commission for the renovation of the Fayette County Assessor's office.

The Commission approved the request for the purchase of a new vacuum cleaner for the Courthouse.

The Commission approved the adoption of paying the West Virginia Unemployment insurance on a reimbursement basis.

Pursuant to Chapter 44, Article 3A, Section 42 of the Code of West Virginia which, in part, states, "The county commission or other tribunal in lieu thereof, shall, by order establish or fix a schedule of suggested fees or rates of compensation for the guidance of the fiduciary supervisor and any fiduciary commissioner in preparing their respective vouchers for fees . . ." does hereby order that the following fee schedule be adopted as prescribed in said statute: (a) \$40.00 per hour for all regular Fiduciary Commissioners' services; (b) \$15.00 per hour for all secretarial services; (c) \$50.00 per hour for extraordinary services by the Fiduciary Commissioners, such as hearings before the Commissioners and their related services including a Commissioner's findings pursuant to such hearing; and (d) \$20.00 to cover all publications costs.

The Commission directed a letter to Mr. Charles Jordan, C & P Telephone Company, thanking him for his concern and assistance regarding the recent improvements to the Fayette County Park.

The Commission directed a letter to Theresa Shockey, Corporate Trust Assistant, Kanawha Valley Bank, approving her request seeking approval to pay interest due on lost coupons dated August 1, 1982, which were initially attached to Bearer Bond #543, #544, and #546 of the County Commission of Fayette County First Mortgage Medical Facilities Revenue

Bonds, Series 1981.

The Commission directed Richard W. Bragg to contact Mr. Bill Burks, Motorola Communications and Electronics, Inc., and inform him that due to certain legal problems, the Fayette County Commission must place the purchase of the communications system into abeyance. The Commission will notify him when it can proceed with the order.

Due to health department inspections and regulations, the Commission directed a letter to Mr. Sterling Hughes and Mrs. Sophia Bush, Cooks, Fayette County Jail, restating the rules which were implemented on July 1, 1979, regarding the operation of the Fayette County Jail kitchen.

The bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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DECEMBER 29, 1982

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV

*As the Commission was unable to form a quorum, this meeting in regular session was postponed until the next regularly scheduled session of the Fayette County Commission to be held on Wednesday, January 5, 1983.*

*Charlotte Holly*

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JANUARY 13, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The closure hearing regarding GMG, Inc.'s street closure application was ordered to be continued for hearing until Wednesday, January 26, 1983, at 10:00 o'clock, a.m., in the Office of the County Commission of Fayette County by said Commission.*

*Having received a request from the Fayette County Firemen's Association for payment of funds in the amount of \$1,000.00 per department to be paid from interest earned on investments of Fayette County Fire Levy funds and the Commission having determined that sufficient interest has been earned for said payments, the Fayette County Commission ordered that \$1,000.00 be made available for each of the fourteen (14) member departments of the Fayette County Firemen's Association.*

*The payroll for the period of January 1 through January 15, 1983, was approved by the Commission. Also, the bills presented to the Commission were approved for payment.*

*There being no further business, the Commission adjourned its meeting.*

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REGULAR SESSION OF FAYETTE COUNTY COMMISSION

January 13, 1983

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT : Mr. Charles M. Vickers

Mr. James E. Lively

Mr. John H. Lopez

The Fayette County Commission met in regular session January 13, 1983.

Appearing from Barr & Colburn, L. C. Attorneys before the Commission , in RE:

FAYETTE COUNTY COMMISSION BOND ISSUE/TRUST INDENTURE MOTION FOR THE APPOINTMENT

OF A SUCCESSOR TRUSTEE This day came Eastern Hardwoods, Inc. pursuant to that certain trust indenture of record in the Office of the Clerk of the County Commission of Fayette County, West Virginia, in Trust Deed Book No. 332, at Page 452, and moves the Commission to appoint First Bank of Ceredo, a West Virginia banking corporation, as the Successor Trustee, for Pitt H. Stark, deceased, and Philip A. Baer, who has resigned as Trustee.

First Bank of Ceredo, whose address is Post Office Box 607, Ceredo, W. Va. 25507, is qualified pursuant to Paragraph 9.12 of the Trust Indenture to serve as Trustee in this matter.

ORDER APPOINTING SUCCESSOR TRUSTEE This day came Eastern Hardwoods, Inc., hereinafter referred to as Company, pursuant to that certain trust indenture of record in the Office of the Clerk of the County Commission of Fayette County, West Virginia, in Trust Deed Book No. 332, at Page 452, and moved the Commission to appoint First Bank of Ceredo, a West Virginia banking corporation, as Successor Trustee, for Pitt H. Stark, deceased, and Philip A. Baer, who has resigned as Trustee.

It appearing to the Commission that the Company, pursuant to Paragraph 9.11 of the Trust Indenture, may, as a matter of right, nominate the Successor Trustee to be appointed by the County Commissioner as Issuer, and that First Bank of Ceredo is a West Virginia banking corporation with trust powers and meets all the qualifications of a Successor Trustee as prescribed by Paragraph 9.12 of the said Trust Indenture, it is, therefore,

ORDERED that First Bank of Ceredo is appointed Successor Trustee.

It is further ORDERED that notice of the appointment of First Bank of Ceredo shall be given to all holders of bonds pursuant to Paragraph 9.11 of the said Trust Indenture. Charles M. Vickers, President, John H. Lopez, Commissioner, James E. Lively, Commissioner

Mr. Wayne Inge, Attorney, appeared before the Commission , for the Committee

appointment for Arthur Robert Parcell.

On January 13, 1983 came the petitioner, Richard E. Parcell, upon copy of the petition and notice of hearing duly served upon Arthur Robert Parcell and returnable upon said date.

Whereupon, the Commission proceeded to a full hearing upon the merits of said petition and heard the testimony, under oath, by the petitioner, Richard E. Parcell. Further the Commission considered the affidavit of Dr. Curtis H. Thomas, Jr., and the oral report of Dwane L. Tinsley, guardian ad litem, of the said Arthur Robert Parcell.

In consideration of all of which, it is hereby the Order and Judgment of the Commission that Arthur Robert Parcell be and is hereby declared to be an incompetent due to his inability to manage his business affairs and his inability to care for his physical well-being. It is further the Order and Judgment of the Commission that the petitioner, Richard E. Parcell, be and is hereby appointed committee for the said Arthur Robert Parcell during the period of his incompetency. It is further the Order and Judgment of the Commission that Richard Parcell is to post a bond in the amount of \$25,000.00 to ensure the faithful performance of his duties. Charles M. Vickers, President of the County Commission.

Payroll was approved.

There being no further business to come before the Commission, the meeting was adjourned.

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JANUARY 26, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mr. Philip D. Mooney, Attorney, appeared before the Commission representing the City of Oak Hill, a municipal corporation of the State of West Virginia, seeking the authority of the Commission to make a minor boundary adjustment in accordance with the provisions of Chapter 8, Article 6, Section 5, of the Code of West Virginia, as amended, for the annexation of 4.047 acres situate in the Belvoir Addition to the City of Oak Hill. Whereupon, evidence was adduced in support of said petition and the Commission being satisfied that the annexation applied for is a minor boundary adjustment, does hereby order that the matters arising upon said petition be set for final hearing before the Commission on the 23rd day of February, 1983, at 10:00 A.M., at which time and place all persons interested therein may appear in support of or in opposition to said petition and petitioner may proceed further in support of its application and petition.*

*Philip D. Mooney, Attorney, appeared before the Commission in behalf of John W. Hatcher, Jr., Attorney, and presented evidence incident to the matters contained in the application filed by GMG, Inc. for the closing of certain streets, alley ways or other travel ways in and around Lots Nos. 1 through 22 and a portion of 23, on a map showing Division of W. D. Thurmond Heirs land lying near Minden, West Virginia. The Commission,*

after due consideration, found that the use and rights of no other person or persons in the aforementioned roads, streets, alley ways or other travel ways would be impaired or lost by the closing and vacation of the said streets, . . . travel ways; Mr. George Jones and Mr. Berkhedt appeared before the Commission in favor of said closing, and no opposition was present. The Commission unanimously ordered that the unused roads, streets, alley ways or other designated travel ways, as aforementioned, be and they are hereby vacated, abandoned, and closed.

Mr. Gary Harding, Zoning Officer, appeared before the Commission at the request of White Oak Country Club, Owner, by Gerald Greene, Agent, for a change in land classification from LC-q, Land Conservation District, to R-2, REsidence District, on approximately 8 acres, Route 38, Country Club Road across from White Oak Country Club, near Oak Hill, Plateau District. Mr. Greene was also present, and no opposition appeared. The Commission was informed that the applicant proposed to build town house and condominiums on the site and that the Planning Commission did recommend that this request be approved. After a discussion, a motion was made by Mr. Lopez that this request be approved as recommended; motion was seconded by Mr. Lively and passed by a vote of 3-0. Also, Mr. Harding appeared before the Commission at the request of Carolyn Adkins, Owner, by James C. Blankenship, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, General Business District, on Lots 2 & 3, M. C. Johnson Subdivision, Page, Valley District. The applicant nor her attorney were present for the meeting, and approximately 10 persons appeared in opposition. The Commission was informed by the Zoning Officer that a kennel was proposed for the site and that the Planning Commission did unanimously recommend that this request be denied. Mr. Homer L. Jeffers spoke for the group against the request. After much discussion, a motion was made by Mr. Lively that this request

be denied; the motion was seconded by Mr. Lopez and passed by a vote of 3-0.

Dr. Jeff Harlow, F.M.R.S., made a presentation to the Commission regarding F.M.R.S. services and explained the effect of State financial cuts; Dr. Harlow presented possible plans to meet said cuts in revenue.

Richard W. Bragg informed the Commission of Mr. McCarron's, G. E. representative, response to the radio bid. The Commission directed Mr. Bragg to meet with Mr. Dale Warrick or other radio communication personnel to analyze the bid and to prepare a plan to transfer the radio maintenance contract to Fayette County persons.

The Commission approved a sum of \$15,000 for a dump site for solid waste in the Danese, Layland, Maplewood area of Fayette County and directed Richard W. Bragg to work out the details. The Commission received a request from citizens of that area to obtain a dump site for the community.

It appearing to the Commission that a vacancy does exist on the Fayette County Planning Commission due to the resignation of Norville Ellison of Mount Hope, West Virginia, and upon the recommendation of said Planning Commission, it does hereby appoint Mr. Sam D. Dorado of Mount Hope, West Virginia, to serve as a member of the Fayette County Planning Commission, said term to expire August 3, 1985.

The Commission received a letter from the State Tax Department of West Virginia requesting payment of \$119,581.17 due the State of West Virginia from the Magistrate Court Fund of Fayette County. The Commission directed the Sheriff's Tax Department to proceed with request and to pay the State the Magistrate Court funds which were due to that agency. The Commission also informed the Honorable J. Zane Summerfield, Chief Judge of the 12th Judicial Circuit, of the State's request and of the Commission's actions.

The Commission received a copy of the letter of resignation of Mr. Gene Carte as an Assistant Prosecuting Attorney of Fayette County; effective date of resignation was January 15, 1983.

In accordance with Chapter 7, Article 10, Section 1 of the Code of West Virginia, the Sheriff of Fayette County informed the Commission that Mr. Charles Bryant has been appointed Humane Officer for Fayette County for 1983.

Sheriff Jack Manning directed that pursuant to the 1982-83 budget for Law Enforcement that Keith Lester, Bill Van Reed, Jr., and Steve Kessler receive a \$100.00 increase in salary effective January 1, 1983, and having completed one year of service.

Sheriff Jack Manning informed the Commission that effective January 15, 1983, Dave Brown resigned as Chief Deputy of the Fayette County Sheriff's Department. Upon Mr. Brown's request to be returned to the rank of Sergeant, the rank he held at the time of becoming Chief Deputy, he has been returned to said rank, effective January 15, 1983, in compliance with the Civil Service Code. Also, the Commission approved the appointment of Joseph Carelli as Chief Deputy Sheriff of Fayette County Law Enforcement as recommended by the Sheriff.

The payroll for the period of January 16 through January 31, 1983, was approved by the Commission. Also, the bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 24th day of January, 1983, 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 26th day of January, 1983, 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-238-83-1: Request of White Oak Country Club, Owner, by Gerald Greene, Agent, for a change in land classification from LC-1, Land Conservation District, to R-2, Residence District, on approximately 8 acres, Route 38, Country Club Road across from White Oak Country Club, near Oak Hill, Plateau District.

Gary E. Harding  
Zoning Officer

Z-239-83-1: Request of Carolyn Adkins, Owner, by James C. Blankenship, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, General Business District, on Lots 2 & 3, M. C. Johnson Subdivision, Page, Valley District.

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, JANUARY 26th, 1983.

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

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

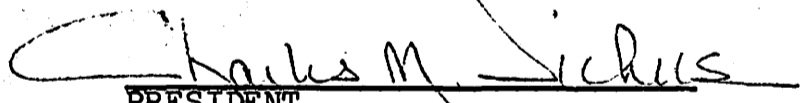
Z-238-83-1: Request of White Oak Country Club, Owner, by Gerald  
Greene, Agent, for a change in land classification from LC-1,  
Land Conservation District, to R-2, Residence District, on  
approximately 8 acres, Route 38, Country Club Road across  
from White Oak Country Club, near Oak Hill, Plateau District.

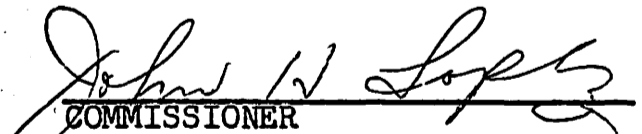
Mr. Greene was present and there was no opposition present.  
The County Commission was informed that the applicant proposed to  
build town house and condominiums on the site and that the  
Planning Commission did recommend that this request be approved.  
After a discussion a motion was made by Mr. Lopez that this  
request be approved as recommended. Motion was seconded by Mr.  
Lively and passed by a vote of 3 - 0.

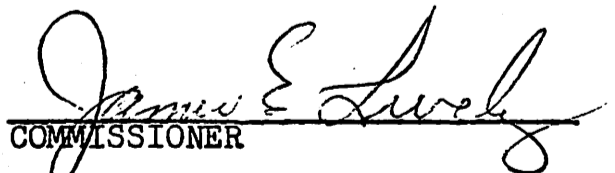
Z-239-83-1: Request of Carolyn Adkins, Owner, by James C. Blanken-  
ship, for a change in land classification from R-R, Agricul-  
tural and Rural Residence District, to B-3, General Business  
District, on Lots 2 & 3, M.C. Johnson Subdivision, Page,  
Valley District.

The applicant nor her attorney were present for the meeting  
and there were approximately 10 people present in opposition.  
The County Commission was informed by the Zoning Officer that a  
kennel was proposed for the site and that the Planning Commission  
did unanimously recommend that this request be denied. Mr. Homer  
L. Jeffers spoke for the group against the request. After much  
discussion a motion was made by Mr. Lively that this request be  
denied. Motion was seconded by Mr. Lopez and passed by a vote of  
3 - 0.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

FEBRUARY 1, 1983

SPECIAL SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ

*This meeting in special session of the Fayette County Commission sitting as the Board of Equalization and Review was called to order by the President, Charles M. Vickers.*

*In accordance with the provisions of Chapter 11, Article 3, Section 2 of the Code of West Virginia notice had been given that the County Commission of Fayette County, West Virginia will be in session at the Court House of said County on this date for the purpose of reviewing and equalizing the assessments of said County, as returned by the Assessor thereof and will continue in session until and including February 28, 1983, except for days declared to be legal holidays.*

*Mr. Richard Maxymow appeared before the Board regarding the property valuation of 281 acres in Fayette County. The Commission listened to Mr. Maxymow's presentation and took his application under review.*

*There being no further business, the Commission adjourned its meeting.*

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FEBRUARY 2, 1983

SPECIAL SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY

*This meeting in special session of the Fayette County Commission sitting as the Board of Equalization and Review was called to order by the President, Charles M. Vickers.*

*Mr. Richard Maxymow appeared before the Board to present further argument regarding the property valuation of 281 acres in Fayette County. Mr. Daniel B. Neely, Assessor, was also present to hear Mr. Maxymow's complaint.*

*There being no further business, the Commission adjourned its meeting.*

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FEBRUARY 9, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The Commission held a public hearing for the purpose of obtaining written and oral comment from the public on the proposed uses of Revenue Sharing funds in the upcoming budget for Fiscal Year 1983-84. No one appeared before the Commission regarding this matter, and no written comments were received.*

*The Commission sitting as the Board of Equalization and Review listened to argument presented by Mr. Fred Jesser, Attorney, for the review of property valuation assessed in the name of Cotton Hill Associates, Lots Nos. 1 through 5, Frantz Subdivision, City of Oak Hill. Mr. Jesser stated that he felt that the appraisal was not in line with original cost; Mr. Jim Neely, representing the State Tax Department, replied that the appraisal was made on a replacement cost basis. The Board took the application under consideration.*

*The petition of Rosalie Sarah Hall to be appointed Committee for the person and estate of George Robert Hall, the Petitioner appearing in person and by counsel, C. Andy Keenen, the Respondent not appearing pursuant to an affidavit from R. S. Birkhead, M.D. stating that he was physically unable to attend, however, he appearing by his Guardian ad Litem, Dwane L. Tinsley, Attorney, came before the Commission. Whereupon, the Commission proceeded to hear the sworn testimony of the*

Petition; further, the Commission heard the recommendation of the Guardian ad Litem, Duane L. Tinsley, which said that the Petition, Rosalie Sarah Hall, be appointed to manage the business affairs of the said George Robert Hall and to have custody of the said George Robert Hall to enable her to care for his physical well-being. Based upon the testimony and evidence adduced herein, it is the finding of this Commission that the said George Robert Hall is unable to manage his business affairs and unable to care for his physical well-being, and therefore, incompetent, and that the said Rosalie Sarah Hall should be appointed committee for the said George Robert Hall, incompetent, to manage his business affairs and, further, should be granted custody of the said George Robert Hall, incompetent, to enable her to care for his physical well-being. Therefore, it is the order of this Commission that Rosalie Sarah Hall, be, and she hereby is, appointed Committee for George Robert Hall until such time the said George Robert Hall may be able to show that he is able to manage his own business affairs and to care for his own physical well-being. Further, it is hereby ordered that T. E. Myles, Commissioner of Accounts, be appointed to oversee said estate and that Rosalie Sarah Hall be required to post bond in the amount of \$25,000.00 in the Office of the Clerk of the Fayette County Commission.

Mr. C. Andy Keenan, Attorney, presented the Commission with a Petition for Mary F. Ramsey praying to be appointed Committee for Clifford Ray Ramsey, after he be adjudged as incompetent and that she be determined to be a fit and proper person to have the care, custody, and control of the Clifford Ray Ramsey; hearing to be Feb. 23, 1983, 2:00 P.M.

The Commission sitting as a Board of Equalization and Review listened to argument presented by Mr. Delta W. Harrah for the review of property valuation for 38 acres Gauley River, New Haven District. The Board took the application under consideration.

The Town of Fayetteville, a municipal corporation of the State of West Virginia, by Fred A. Jesser, III, Attorney, appeared before the Commission on motion for leave to file its petition seeking the authority of the Commission to make a minor boundary adjustment in its corporate boundary and to annex to the said Town of Fayetteville, the area embraced within the area known as Keller Avenue or the Fayette Station Road, New Haven District, Fayette County, West Virginia. Whereupon, evidence as adduced in support of said petition and, the Commission being satisfied that the annexation applied for is a minor boundary adjustment, does hereby order that the matters arising upon said petition be set for final hearing before the Commission on the 9th day of March, 1983, at 9:30 o'clock A.M., at which time and place all persons interested in same may appear in support of or in opposition to said petition and petitioner may proceed further in support of its application and petition.

The Commission directed a letter to Mr. Paul M. Blake, Prosecuting Attorney, regarding his request for funding of an additional assistant prosecutor's position. The Commission decided that due to certain fiscal constraints, funding for additional personnel would be unwise. Also, the Commission directed a letter to Mr. Blake requesting his assistance in the preparation of an agreement with the Department of Highways regarding the maintenance of the access road at Fayette County Landfill #1 located at Brooklyn. The Commission also requested Mr. Blake's assistance with regard to the final disposition of a bid for the purchase of radio communication equipment.

Notification was received by the Commission from the the West Virginia Department of Workmen's Compensation of that agency's approval and subsequent payment of medical and disability claims for Paul A. Tygrett, Jr.

The Commission gave consideration to the appointment of a new

Commissioner of the White Oak Public Service District to serve in the place of Mr. Kenneth Dangerfield, whose resignation has been heretofore tendered and accepted. After giving due consideration to the same, it is hereby ordered that Mr. Charles H. Wooten, Scarbro, be appointed to fill the unexpired term of Kenneth Dangerfield, said term to expire January 1, 1988.

The Commission gave written notice to all Fayette County Elected Officials and Department Heads that in order to facilitate the purchase of materials and in order to comply with certain West Virginia State Tax Department recommendations stemming from the most recent audit, the Fayette County Commission is adapting a standard requisition/purchase order system. Such systems ordinarily require that requisitions be submitted and approved and a purchase order issued before any invoices will be paid. Consequently, before any purchase order can be issued, a standard written requisition form, signed by the elected official or department head, must be submitted to the Office of the County Commission. If the requisition is approved, then the Commission will issue a purchase order for that item or items.

Pursuant to Chapter 7, Article 7, Section 7 of the Code of West Virginia, as amended, the Fayette County Commission did hereby request, in writing, that each office submit to said Commission a detailed request for appropriations for anticipated or expected expenditures for its respective office, including the compensation for its assistants, deputies, and employees, for the ensuing fiscal year, prior to March 2, 1983.

Due to the numerous special sessions which the Commission is required to hold during the Month of February, 1983, the Commission unanimously agreed to postpone its regularly scheduled meeting of February 15, 1983, until its next regular meeting on February 23, 1983.

The payroll for the period of February 1 through February 15, 1983,

was approved by the Commission. Also, the bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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FEBRUARY 23, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The Commission sitting as a Board of Equalization and Review received a presentation from Mr. John D. Janney, O.D., for the review of property valuation of Lots Nos. 161, 162, and 163 of South Hills Subdivision. The Commission took the application under consideration.*

*Ms. Jane Hughes, Fayette County Public Libraries, presented the Commission with that agency's budget request for the upcoming fiscal year. Ms. Hughes informed the Commission that no raises were planned for that agency for Fiscal Year 1983-84.*

*Linda Stein, New River Day Care Center, appeared before the Commission requesting funding for that agency. The funds will be used as a scholarship fund for tuition for three children.*

*The public meeting regarding the annexation by minor boundary adjustment of 4.047 acres situate in the Belvoir Addition to the City of Oak Hill was continued until the 27th day of April, 1983, at 10:00 A.M.*

*Gary Harding, Zoning Officer, appeared before the Commission at the request of Robert L. and Pamela Smith, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-2, Residence District, on 10.4 acres, Arbuckle, Gatewood Road, Plateau District. Pam Smith was present, and no one appeared in opposition. The Zoning Officer informed the Commission that a 30 to 35 unit garden*

type complex was proposed for the site and that the Planning Commission by a 7-0 vote did recommend that this be approved. Motion was made by John Lopez that this be approved as recommended; the motion was seconded by Jim Lively and passed by a vote of 3-0.

The Commission sitting as a Board of Equalization and Review received comments from Mr. J. Ike Brown for the review of property valuation on Surf 12/ Gauley Bridge and 24.315 and 1,279.689 acres Mineral. The Board took the application under consideration.

Julian C. Blume, Fayetteville, West Virginia, came before the Commission by E. M. Farinella, Veterans Administration Attorney, upon his petition to resign as Committee of Richard H. Branch, incompetent. Upon consideration of evidence adduced, the Commission is of opinion and does hereby find that said Committee is now serving no useful purpose and should be allowed to resign. Wherefore, it appears to the Commission that the interest of the said Richard H. Branch can best be served through the recognition of a federal fiduciary under Public Law 93-295; therefore, the Commission is of opinion and doth hereby accept the resignation of said Committee and he is hereby released and discharged from further liability herein upon the filing and approval of his final accounting by the Commission.

Jim Hodges, B. C. Trent, Dick Puckett, and Harry Coleman, Jr. appeared before the Commission requesting the Commission's funding of \$5,700 to finance a feasibility study of changing the boundaries of Kanawha Falls Public Service District to include Montgomery Heights; therefore, Kanawha Falls P.S.D. would serve Deepwater Public Service District. Before rendering a decision on this matter, the Commission requested additional information concerning the proposed project.

Terri West appeared before the Commission to request funding for the Women's Resource Center; this center will be used as a battered

spouse facility. Ms. West requested a sum in the amount of \$10,000 from the Commission for Fiscal Year 1983-84; this appropriation would be divided equally between the Women's Resource Center and the Fayette County S.N.A.P. Group. The Commission will consider the request when it appropriates the expenditures for the County's 1983-84 budget.

The Commission gave further consideration to the notification from the West Virginia Department of Workmen's Compensation regarding that agency's approval and subsequent payment of medical and disability claims to Paul A. Tygrett, Jr. After a discussion, the Commission ruled that Mr. Tygrett is to receive written notice of its decision that the concurrent pay which he received from the Commission as an employee of the Fayette County Sheriff's Law Enforcement department during that time is to be repaid within 90 days from the date of that notice. The amount to be repaid, as indicated in the records of the payroll office is \$2,203.50.

Mr. Jack Gannon, Fayette County Park Superintendent, was sent notice of the Commission's tentative approval of the schedule for the rental of the recreation hall at the Park. The schedule is as follows: June 4-- Leroy Meadows; June 11--Community of Longacre.

The Commission sent notice of the first lease agreement payment to Imperial Bank in the amount of \$229,999.99 to the nine fire departments which are included in that lease agreement. Imperial Bank was requested to issue a receipt for this payment to each lessee and also to issue a receipt to the County Commission of Fayette County, Fire Levy Fund.

Notice of the schedule of suggested fees or rates of compensation for the guidance of the fiduciary supervisor and any fiduciary commissioner was sent to Philip J. Tissue, George L. Vickers, and T. E. Myles, Commissioners of Accounts.

The Commission received a request from Mr. Emerson Hicks, Mayor,



Town of Meadow Bridge, asking that the Commission grant the Town an extension in funding until such time as it can tie up the revenue bond requirements which will probably not be completed until April 19, 1983, for the Town's sewer project. The Commission agreed to this request.

The Commission received a draft of the Small Cities Program Design for Fiscal Year 1983 from the Governor's Office of Economic and Community Development Division.

The payroll for the period of February 16-through February 28, 1983, was approved by the Commission. Also, the bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 21st day of February, 1983, 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 23rd day of February, 1983, 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-240-83-1: Request of Robert L. and Pamela Smith, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-2, Residence District, on 10.4 acres, Arbuckle, Gatewood Road, Plateau District.

Gary E. Harding  
Zoning Officer

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, FEBRUARY 23rd, 1983.


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

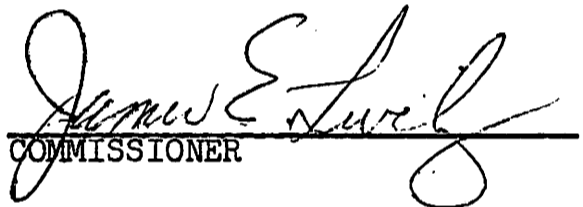
The following case was presented to the County Commission  
for a disposition:

Z-240-83-1: Request of Robert L. and Pamela Smith, Owners, for a  
change in land classification from RR-1, Agricultural and  
Rural Residence District, to R-2, Residence District, on  
10.4 acres, Arbuckle, Gatewood Road, Plateau District.

Pam Smith was present and there was no opposition. The  
Zoning Officer informed the County Commission that a 30 to 35  
unit garden type complex was proposed for the site and that  
the Planning Commission by a 7 - 0 vote did recommend that this  
be approved. Motion was made by John Lopez that this be approved  
as recommended. Motion was seconded by Jim Lively and passed by  
a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

FEBRUARY 28, 1983

SPECIAL SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in special session of the Fayette County Commission sitting as the Board of Equalization and Review was called to order by the President, Charles M. Vickers.*

*The Commission received comments and opinions regarding the applications for review of property assessments as submitted from various landowners during the Month of February, 1983. After giving due consideration to each applicant, the Commission evaluated each request. It was decided that the Board of Equalization and Review would issue its formal recommendation and issue a written response to each applicant at its next regularly scheduled meeting to be held on March 9, 1983.*

*There being no further business, the Commission adjourned its meeting.*

*Charlotte Holly*

MARCH 9, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by the President, Charles M. Vickers.*

*Mr. Fred Jesser, Attorney, appeared before the Commission with Mr. Henry H. Niday, City Manager of the Town of Fayetteville, West Virginia, upon petition heretofore filed pursuant to the order of the County Commission on the 9th day of February, 1983, setting this petition for hearing on this date regarding the annexation by minor boundary adjustment of one tract of real estate situate in that area known as Keller Avenue or the Fayette Station Road, New Haven District, Fayette County, West Virginia. Whereupon the Commission proceeded to hear evidence adduced in behalf of the petitioner and other matters arising therefrom and there being no persons or corporations appearing in opposition thereto, the Commission finds the annexation applied for to be a minor boundary adjustment and petitioner is entitled to the relief applied for in its petition. It is, therefore, ordered and resolved that the corporate limits of the Town of Fayetteville, a municipal corporation of the State of West Virginia, be changed so as to embrace within the corporate limits said described area. The Commission further finds that said property is owned by the following individuals, to-wit: James E. O'Dell and Barbara J. O'Dell and is used for residential purposes and that none of the owners of said property or other persons interested therein appeared in objection to said annexation. The Commission further finds that the map of the area hereby annexed and here-*

tofore filed accurately reflects the area to be annexed. It is further ordered that this order be made of record in the Office of the Clerk of the County Commission of Fayette County, West Virginia, and, further, that said petitioner shall deliver a certified copy of said order to the Assessor of Fayette County, West Virginia. The purpose of this proceeding having been accomplished, it is hereby ordered retired from the docket.

Mr. Paul M. Blake, Jr., Prosecuting Attorney, appeared before the Commission regarding a contract that could be obtained with the West Virginia Department of Welfare assisting the Department in providing the services necessary to establish paternity and secure support for children, in determining the potential of parents to provide support, and to assist the Department in other matters of concern. The contract will provide payment of fees for services of \$25 per hour for an attorney, \$5.95 per hour for a secretary, and a \$1,000 annual equipment allowance. Also, a 15% incentive fee will be allowed for the collection of any support collected or caused to be collected and required to be retained to reimburse assistance payments. Mr. Blake informed the Commission of the contract possibility but that his office does not have the staff to perform such services. The Commission took the contract under advisement.

Paul Blake, Prosecuting Attorney, requested that the Commission purchase 3 dictaphones with service contracts for use by his office. The Commission agreed to this request.

The Commission received bids for the Fayette County Firemen's Association for radio communication equipment. The Commission referred the bids received to Mr. Mike Rutledge of the Firemen's Association for consideration and approval. Mr. Rutledge was requested to return his recommendation to the County Commission.

The County Commission received notice from Mr. Jack Manning, Sheriff

of Fayette County, notifying the Commission that Sgt. R. C. Pennington has been dismissed from the Fayette County Sheriff's Department for gross misconduct becoming an officer. Effective date of dismissal is March 7, 1983. Also, Sgt. D. E. Brown and Corporal W. L. Dempsey have been suspended without pay pending the final disposition of the indictments in which they are defendants. Effective date of suspension is March 7, 1983.

The Commission granted approval to the request of the 193rd Engineer Company of the West Virginia National Guard to use the facilities at the Fayette County Park on March 12-13, 1983, for its March IDT Drill.

Approval of a request from Oscar C. Hutchison, Division Leader of the Cooperative Extension Service, for permission for Robert Arthur, Extension Agent 4-H, to use at least a portion of the travel money provided by the County Commission for the Extension Agent position in Fayette County was granted by the Commission. The reason for this request is that Mr. Arthur will be conducting some of the proposed travel related to providing educational information to farmers and other rural residents in Fayette County which is normally provided by the County Extension Agent.

The Commission received a letter from Ms. Ann Berry, Chief Office Deputy of the Fayette County Tax Department, regarding the transfer of Magistrate Court funds to the State of West Virginia.

The County Commission meeting as the Board of Equalization and Review concluded its consideration of the applications for Review of Property Assessments which it received during the month of February, 1983. A letter was issued to each applicant reflecting the Board's decision for said application. The Board's decisions were as follows: Cotton Hill Associates, Lots 1-2-3-4-5 Frantz SD--property (building only) in question reduced \$14,000 in appraised value; Mr. J. Ike Brown, Surf 12/Gauley Bridge, 24.315 and 1,279.689 acres mineral--no changes recommended; Mr. Delta Harrah,

38 acres Gauley River--no changes recommended; Mr. John D. Janney, O.D., 1.1 acres South Hills, Lots no. 161, 162, 163--State appraisers re-evaluated and reduced property valuation in September, 1982, therefore, no changes recommended; Mr. Richard Maxymow, 281 acres--no changes recommended.

After consultation with Mr. Paul M. Blake, Prosecuting Attorney, the Commission notified Motorola Communications & Electronics, Inc., that said company was to proceed with the shipment and installation of the radio communication equipment for the Fayette County Sheriff's Department.

Whereas the Commissioners of the New Haven Public Service District and certain persons representing the unincorporated communities of Ames/Lansing in the New Haven District, Fayette County, have requested that the County Commission of Fayette County, West Virginia, on its own motion sever the communities of Lansing and Ames from the New Haven Public Service District and create a public service district encompassing said communities; and whereas, it appears necessary to form a public service district encompassing the unincorporated communities of Lansing and Ames in order that certain grant applications might be filed with the State of West Virginia for improvement of the water distribution system; and whereas, pursuant to provision of Article 13A of Chapter 16 of the Code of West Virginia, as amended, the Fayette County Commission fixed the date of public hearing on the creation of said public service district to be at 9:30 A.M. on the 30th day of March, 1983, in the Office of the Fayette County Commission, Courthouse, Fayetteville, West Virginia, at which time and place all interested persons may appear before said Commission and shall have an opportunity to be heard for and against the creation of the proposed public service district, and at such hearing said Commission shall consider and determine the feasibility of the creation of said proposed public service district.



The bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

Charlotte Holly

MARCH 15, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LÓPEZ  
JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by the President, Charles M. Vickers.*

*On behalf of the Community of Ames, the Fayette County Commission submitted a grant application to the Governor's Emergency Assistance Program, Small Water and Sewage Systems. In order to keep the community's water system safe and operational, the Community of Ames must make certain improvements which have been mandated by the West Virginia Health Department. Consequently, since there is presently no legal entity serving this area, the Commission agreed to submit the application.*

*The Commission directed a letter to Mr. Jack Manning, Sheriff of Fayette County, informing him of numerous requests from the residents and land owners of the Layland-Danese-Meadow Bridge areas of Fayette County for assistance in helping to solve the trash problem in that area due to the permanent closing of an open dump formerly utilized by the residents in that area. The Commission also requested, if possible, that members of that department please assist with the enforcement of the litter laws in order that roadside dumping might be kept to a minimum and that property damage might be limited.*

*The payroll for the period of March 1 through March 15, 1983, was approved by the Commission. Also, the bills presented to the Commission were approved for payment.*

*Herbert Mann, Jack Manning, and Paul M. Blake each appeared before the*

Commission regarding his own detailed request for appropriations for anticipated or expected expenditures for his respective office for the ensuing fiscal year. After reviewing all of the requests submitted by Fayette County Officials and by the citizens of Fayette County for funding for the Fiscal Year 1983--84, the Commission proceeded to make an estimate of the amounts necessary to be raised by a levy of taxes for the current fiscal year. The Official Budget Document of Fayette County was presented to the Clerk of the County Commission to be entered on its record of orders and directed that one certified copy of the Budget Document be submitted to the State Tax Commissioner on or before March 28, 1983.

There being no further business, the Commission adjourned its meeting.

Charlotte Hilly

MARCH 30, 1983

REGULAR MEETING OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by the President, Charles M. Vickers.*

*The Commission held a public hearing regarding the formation of the Lansing-Ames Public Service District. Appearing before the Commission in support of said action were Mr. Lee Massey and Mr. Paul Leshar; several residents of Lansing appeared to question the feasibility of the removal of Lansing from the New Haven Public Service District. Several of the residents opposed the removal of Lansing from said Public Service District and asked that the formation of the proposed public service district be for Ames Heights only. The Commission took the matter under advisement.*

*A public hearing was held to receive public comment regarding the proposed budget for the Fiscal Year 1983-84. Since no one appeared to comment on said budget, the Commission adjourned its budget hearing until the third Tuesday in April.*

*Gary Harding appeared before the Commission at the request of James A. Tincher, Owner, for a change in land classification from R-2, Residence District, to B-3, Business District, on Lots 27 and 28, Boley Subdivision, Crawford Street off Summerlee Road, Plateau District; also present at the meeting was Mr. Tincher. The Zoning Officer informed the Commission that the Planning Commission did by a vote of 7-0 recommend that this request be denied. After a discussion, Mr. Lively made a motion that this be denied as recommended; motion was seconded by Mr. Lopez and*

passed by a vote of 3-0. Also, Mr. Harding appeared before the Commission at the request of Hershel Neff, Owner, for a change in land classification from LC-1, Land Conservation, to I-2, Heavy Industrial District, to operate a junk yard on Minden Road near Oak Hill, Plateau District. The Commission was informed that the Planning Commission by a 7-0 vote recommended that this be approved with a 300-foot buffer zone running along Minden Road. Mr. Vickers was presented with a petition bearing 14 signatures opposing this request by mail; no one was present in opposition. Mr. Lively made a motion that this be approved as recommended; motion was seconded by Mr. Lopez and passed by a vote of 3-0. Also, the proposed amendment to Article XIV, Section 1400, Subsection 1, 2, 3 and 4 of the Zoning Ordinance relating to adding kennels under the special use permit was read. The Commission was informed that the Planning Commission by a 7-0 vote recommended that this request be denied; twelve citizens were present in opposition. Mr. Homer Jeffers spoke against the change and read a prepared statement; he also presented the Commission petitions in favor of the Planning Commission's recommendation, the drawing up of guidelines with the aid of Clarence Christian, Fayette County Sanitarian, and the Commission putting guidelines into the ordinance. After much discussion, a motion was made by Mr. Lively that this proposal be denied as recommended; the motion was seconded by Mr. Lopez and passed by a 3-0 vote.

Stephen B. Goad, Attorney, appeared before the Commission on the Petition of Mrs. Vivian N. Whittle, Administratrix of the Estate of Sharon M. Shanklin, for an Order praying for an appointment of a Committee of the Estate of one James W. Riser, convict, and nominating Jack Manning, Sheriff of Fayette County, West Virginia, as a proper and suitable person to be appointed as such Committee. After due deliberation having been had, and the Commission being satisfied that the allegation contained in the Petition are true and that the appointment of a Committee of the Estate of

said James W. Riser under the provisions of said law is both expedient and necessary, it is hereby ordered that the Petition be, and the same hereby is in all respects granted. That Jack Manning, Sheriff of Fayette County, be, and the same is hereby appointed Committee of the Estate of James W. Riser under the provisions of West Virginia Code, Chapter 28, Article 5, Section 33 et seq with all the rights, powers, and duties of a Committee as provided by law. That said Jack Manning, Sheriff of Fayette County, as such Committee, be, and the same hereby is directed and authorized to take into its possession all of the personal property of the said James W. Riser and invest and preserve the same, subject to further Order of this Court. That said Jack Manning, Sheriff of Fayette County, as such Committee shall serve without the posting of bond. That said Jack Manning, Sheriff of Fayette County, Committee, or any other party to this proceeding, may at any time apply to this Court for further direction of the Court.

Mrs. Virginia Hunley, Glen Ferris, West Virginia, was approved for appointment by the Commission as a member of the EMSOR Board. The Commission directed a letter to Mrs. Hunley requesting her permission for said appointment.

The Commission directed that a letter be written to Marian Seeley, RN, notifying her that the Fayette County Commission had approved a sum in the amount of \$3,000.00 to be allocated in support of the "LISTEN" Drug Education Program. Said funds are to be available in the budget for fiscal year 1983-84.

The payroll for the period of March 16 through March 31, 1983, was approved by the Commission. Also, the bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

Charlotte Holly

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, MARCH 30th, 1983.

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

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

Z-241-83-1: Request of James A. Tincher, Owner, for a change in land classification from R-2, Residence District, to B-3, Business District, on Lots 27 and 28, Boley Subdivision, Crawford Street off Summerlee Road, Plateau District.

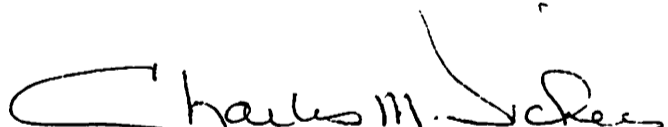
Mr. Tincher was present. The Zoning Officer informed the County Commission that the Planning Commission did by a vote of 7 - 0 recommend that this request be denied. After a discussion Mr. Lively made a motion that this be denied as recommended. Motion was seconded by Mr. Lopez and passed by a vote of 3 - 0.

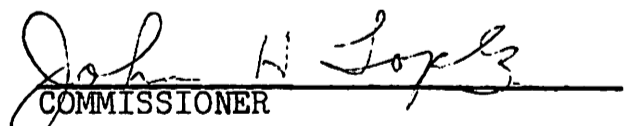
Z-242-83-1: Request of Hershel Neff, Owner, for a change in land classification from LC-1, Land Conservation, to I-2, Heavy Industrial District, to operate a junk yard on Minden Road near Oak Hill, Plateau District.

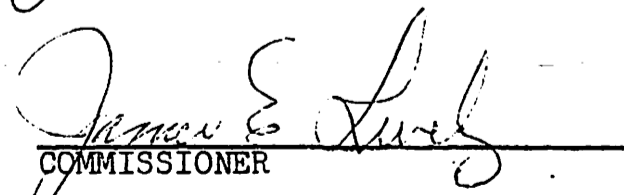
The County Commission was informed that the Planning Commission by a 7 - 0 vote recommended that this be approved with a 300 foot buffer zone running along Minden Road. Mr. Vickers was presented with a petition bearing 14 signatures opposing this request by mail. No one was present in opposition. Mr. Lively made a motion that this be approved as recommended. Motion was seconded by Mr. Lopez and passed by a vote of 3 - 0.

The proposed amendment to Article XIV, Section 1400, Sub-section 1, 2, 3 and 4 of the Zoning Ordinance relating to adding kennels under the special use permit section was read. Twelve people were present in opposition. Mr. Homer Jeffers spoke against the change and submitted petitions. After much discussion a motion was made by Mr. Lively that this be denied as recommended. Motion was seconded by Mr. Lopez and passed by a 3 - 0 vote.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 28th day of March, 1983, 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, (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 March, 1983, 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 (change 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-241-83-1: Request of James A. Tincher, Owner, for a change in land classification from R-2, Residence District, to B-3, Business District, on Lots 27 and 28, Boley Subdivision, Crawford Street off Summerlee Road, Plateau District.

Z-242-83-1: Request of Hershel Neff, Owner, for a change in land classification from LC-1, Land Conservation, to I-2, Heavy Industrial District, to operate a junk yard on Minden Road near Oak Hill, Plateau District.

Gary E. Harding  
Zoning Officer



Court House Annex  
Fayetteville, WV

PLEASE TAKE NOTICE that on the 28th day of March, 1983, 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, Exception and special provision, Section 1400, Uses permitted as special exceptions, Subsections 1, 2, 3 and 4 of the Fayette County Zoning Ordinance.

ALSO, PLEASE TAKE NOTICE that on the 30th day of March, 1983, 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, Subsections 1, 2, 3 and 4 of the Fayette County Zoning Ordinance.

A copy of the full text of the proposed amendment 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 through Friday.

Gary E. Harding  
Zoning Officer

PROPOSED AMENDMENT FOR THE MARCH 28th and 30th MEETINGS OF THE  
FAYETTE COUNTY PLANNING COMMISSION AND FAYETTE COUNTY COMMISSION.

ARTICLE XIV. EXCEPTIONS AND SPECIAL PROVISIONS

Section 1400. Uses permitted as special exceptions.

Subsections 1, 2, 3, & 4

After public notice and hearing and under conditions set forth  
below, the Board of Zoning Appeals may authorize the issuance  
of a special permit for any of the following buildings and uses:

ADD: Kennel

RECOMMENDATION: \_\_\_\_\_

\_\_\_\_\_  
FAYETTE COUNTY PLANNING COMMISSION

ACTION \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT, FAYETTE COUNTY COMMISSION

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
DATE

APRIL 6, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by the President, Charles M. Vickers.*

*The Commission completed its review of the appeal filed on behalf of Geraldine Lundy, Executrix of the Estate of Dio Frank Shaffer, deceased, from the Commissioner of Accounts ruling. The appeal sought relief from the Commissioner of Accounts decision regarding a claim filed in this estate. Based upon the consideration of the evidence, including the transcript, exhibits, and other related material, filed in this matter, the Fayette County Commission decided to uphold the opinion issued by Mr. George L. Vickers, Commissioner of Accounts. The Commission directed a letter to Mr. Louis R. Tabit, Attorney-at-Law and Mr. Stanley M. Hostler, Attorney-at-Law, informing said attorneys of its decision and requesting that an order be prepared which reflects this decision.*

*Sarah Delores Peters, Petitioner, appeared in person and by counsel, C. Andy Keenan, before the Commission upon her petition to be appointed committee for the person and estate of Ethel May Carper, Respondant, also appearing in person and by her guardian ad litem, Dwane L. Tinsley. Whereupon the Commission proceeded to hear the sworn testimony of the Petitioner attesting to the condition of the said Ethel May Carper and the honesty and the integrity of the Petitioner and received into*

evidence a written certification from Charles C. Weise, M.D., the physician of the Respondant, Ethel May Carper, certifying that he had examined the said Ethel May Carper and that, in his opinion, she was unable to manage her business affairs and unable to care for her physical well-being. Further, the Commission heard the recommendation of the guardian ad litem, Dwane L. Tinsley, which said recommendation was that the Petitioner, Sarah Delores Peters, be appointed to manage the business affairs of the said Ethel May Carper and to have custody of the said Ethel May Carper to enable her to care for her physical well-being. Based upon the testimony and evidence adduced herein, it is the finding of this Commission that the said Ethel May Carper is unable to manage her business affairs and unable to care for her physical well-being and, therefore, incompetent, and that the said Sarah Delores Peters should be appointed Committee for the said Ethel May Carper, incompetent, to manage her business affairs, and further, should be granted custody of the said Ethel May Carper, incompetent, to enable her to care for her physical well-being. Therefore, it is the order of this Commission that Sarah Delores Peters, be, and she hereby is, appointed Committee for Ethel May Carper, incompetent, to manage her business affairs, and further, is granted custody of the said Ethel May Carper, incompetent, to enable her to provide for her physical well-being, until such time as the said Ethel May Carper may be able to show that she is able to manage her own business affairs and to care for her own physical well-being. Further, it is hereby ordered that T. E. Myles, Commissioner of Accounts, be appointed to oversee said estate and that Sarah Delores Peters, be required to post bond in the Office of the Clerk of the Fayette County Commission in the amount of \$25,000.00.

As required by Section 27-8-2 and 27-8-2a of the West Virginia Code

(1965, c.99; 1966, c.43; 1977, c.102), the Fayette County Commission directed a letter to the Fiscal Officer of the Office of Behavioral Health Services of the West Virginia Department of Health informing said office that Fayette County has budgeted \$20,000.00 for the fiscal year 1983-84 for the "establishment, operation and maintenance of a local mental health program."

The Commission issued a letter to Mr. Forrest Burkett, Ashland Exploration, Inc., extending its appreciation for his diligence and cooperation and thanking him for his assistance which he had given Mr. Jack Gannon in repairing the Park roadway and providing pipe for the Park while said company was performing drilling work on leasehold property at the Fayette County Park.

Richard W. Bragg was directed by the Commission to obtain a copy of the contract with the Department of Welfare regarding services of the Office of the Prosecuting Attorney in order that the Commission could issue its approval of said contract.

The bills submitted to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

Charlotte Kelly

APRIL 15, 1983

REGULAR MEETING OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by the President, Charles M. Vickers.*

*Mr. Homer Jeffers and other concerned citizens appeared before the Commission requesting that the Zoning Ordinance of Fayette County be amended in the sections relating to the control of kennels. The Commission received a list of changes that the group recommended, and after a discussion with the representatives, Commissioner Charles Vickers advised the group that the Commission would review the proposed changes and make its recommendation at a later date.*

*A resolution and order fixing a date of hearing on the creation of the Ames Public Service District within New Haven District, Fayette County, West Virginia, and providing for the publication and posting of notices of such hearing was unanimously approved by the Commission. The Clerk of the County Commission of Fayette County was hereby authorized to cause notice of such hearing to be published in the Fayette Tribune, a newspaper of general circulation in the County of Fayette, in compliance with the provisions of Article 3, Chapter 59 of the Code of West Virginia, as amended, at least ten days prior to said hearing, and also to cause said notice to be posted in at least five conspicuous places in the territory of the proposed public service district not less than ten days before said hearing. The public hearing shall be held at 9:30 A.M. on May 4, 1983, in the Office of the*

*Fayette County Commission.*

*The Commission directed a letter to Mayor Charles S. Smith and the City Council Members of the City of Montgomery, West Virginia, notifying said city that as ordered by the West Virginia Supreme Court of Appeals, the Commission must take what steps that would be necessary to physically close the Magistrate Office in Montgomery because no magistrate would be assigned to that office after May 15, 1983.*

*Commissioner Charles M. Vickers received service of a summons and complaint on behalf of the Fayette County Commission in the action of Martin L. Kesterson vs Fayette County Commissioners, etal. The Commission directed a letter to Mr. Paul M. Blake, Jr., Prosecuting Attorney, requesting that his office please file an answer to this action on behalf of the Commissioners and to inform them when the answer is to be filed. The Commission also sent notice of said summons and complaint to the National Sheriff's Association.*

*The payroll for the period of April 1 through April 15, 1983, was approved by the Commission. Also, the bills presented to the Commission were approved for payment.*

*There being no further business, the Commission adjourned its meeting.*

*Charlatte Holly*  
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TUESDAY, APRIL 19, 1983

SPECIAL ADJOURNED SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*The Commission meeting in special session on this date was called to order by the President, Charles M. Vickers. The notice of approval of the Levy Estimate for Fiscal Year 1983-84 was received from the West Virginia State Tax Department. Since there were no objections from the public against said Levy Estimate, the order to officially lay the levy for the next fiscal year was unanimously approved by the Commission. The Clerk of the County Commission was directed to send two copies of the Levy Rate Sheet to the State Tax Department along with one copy of the Levy Order. Also, one copy of the Levy Order was directed to be mailed to the State Auditor.*

*There being no further business, the meeting was adjourned.*

*Charlotte Holly*  
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APRIL 27, 1983

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Fannie Blanche Rivers, appearing in person and by counsel, C. Andy Keenan, upon the petition of Fannie Blanche Rivers to be appointed committee for the person and estate of Gladys Berger, the Respondent not appearing pursuant to an affidavit from Khan M. Mattin, M.D., stating that she was physically unable to attend, however, she appearing by her Guardian ad litem, Travers R. Harrington, Jr., Attorney. Whereupon, the Commission proceeded to hear the sworn testimony of the Petitioner attesting to the condition of the said Gladys Berger and the honesty and the integrity of the Petitioner and received into evidence a written certification from Khan M. Mattin, M.D., the physician of the Respondent, Gladys Berger, certifying that he had examined the said Gladys Berger and that she is unable to manage her business affairs and unable to care for her physical well-being. Further the Commission heard the recommendation of the Guardian ad Litem, Travers R. Harrington, Jr., which said recommendation was that Fannie Blanche Rivers be appointed to manage the business affairs of the said Gladys Berger and to have custody of the said Gladys Berger to enable her to care for her physical well-being. Based upon the testimony and evidence adduced herein, it is the finding of this Commission that the said Gladys Berger is unable to manage her business affairs and unable to care for her physical well-being and,*

therefore, incompetent. It is the order of this Commission that Fannie Blanche Rivers, be, and she hereby is, appointed Committee for Gladys Berger, incompetent, to manage her business affairs, and, further, is granted custody of the said Gladys Berger, incompetent, to enable her to provide care for her physical well-being, until such time the said Gladys Berger may be able to show that she is able to manage her own business affairs and to care for her own physical well-being. Further, it is hereby ordered that T. E. Myles, Commissioner of Accounts, be appointed to oversee said estate and that Fannie Blanche Rivers be required to post bond in the Office of the Clerk of the Fayette County Commission in the amount of \$10,000.00.

The City of Oak Hill, a municipal corporation of Fayette County, West Virginia, by Kurt E. Ankrom, city manager, and Pat R. Hamilton, city attorney, came before the Commission upon the petition heretofore filed. And pursuant to the terms of said order heretofore entered, the Commission proceeded to hear and did hear the evidence adduced in behalf of the petition on the matters arising therefrom, there being no objection thereto by any person present or by written communication, the Commission finds that the annexation applied for constitutes a minor boundary adjustment and petitioner is entitled to the relief sought in this petition. It is, therefore, ordered that the corporate limits of the City of Oak Hill be changed so as to embrace within its corporate limits 4.047 acres situate in the Belvoir Addition to the City of Oak Hill. The purposes for this proceeding having been accomplished, it is hereby ordered retired from the docket.

Gary Harding, Zoning Officer, appeared before the Commission at the request of Charles K. and Vickie Bandy, Owners, by John W. Hatcher, Jr., Attorney, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-1, Light Industrial District, on part

of Lots 13 and 14, Echols Tract, U.S. Route 60, next to Bandy's Sunoco, Iwista, New Haven District. Mr. Hatcher was present and no one appeared in opposition. The Commission was informed by the Zoning Officer that the Planning Commission did by a 7-0 vote recommend that this request be approved. After a brief discussion, a motion was made by Mr. Lively that this be approved as recommended; the motion was seconded by Mr. Lopez and passed by a vote of 3-0. Also, Mr. Harding presented the request of Zeb. T. Pendergrass, Jr., Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Business District, on part of 20 acres, Turnpike, U.S. Route 60, near Paradise Inn, New Haven District. The applicant was represented and there was no opposition present. The Commission was informed that the Planning Commission recommended by a vote of 7-0 that this request be approved. Mr. Lively made the motion that this be approved as recommended; the motion was seconded by Mr. Lopez and passed by a vote of 3-0. Also, the Zoning Officer presented the request of Erwin L. and Linda J. Conrad, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-3, Business District, on 18.88 acres located on Corridor L between Maple Lane and Hinkle Road, New Haven District. The Commission was informed by Mr. Harding that a two story family type restaurant was planned for the site and that the Planning Commission by a 7-0 vote did recommend that this request be granted. Motion was made by Mr. Lively that this request be granted as recommended; the motion was seconded by Mr. Lopez and passed by a vote of 3-0. Mr. Harding presented the request for amendment by Rivers, Inc., by Paul O. Clay, Jr., Attorney, for a change to the approved site plan on 2.77 acres, Custerville, Fayette Station Road, off Corridor L, New Haven District. After a general discussion, this proposal was tabled until 10:30 A.M. on May 4, 1983.

Mr. Kenneth G. Burdell, State Manager, West Virginia Local Government Insurance Plan, presented a proposal to the Commission for its property and casualty insurance. Mr. Burdell proposed to write a program with much broader coverage and substantially higher limits for a fee of less than the current premiums being paid by the County Commission. The Commission took the proposal under consideration.

Mr. Scott McNeil and Mr. Carpenter, representing Mountain Transit Authority, appeared before the Commission requesting additional funding to the Commission's prior commitment of \$5,000.00. Mr. McNeil presented information regarding operating procedures of MTA. After a discussion regarding the purpose of the additional request, the Commission agreed to commit an additional \$3,000.00 to Mountain Transit Authority for Fiscal Year 1983-84; however, the Lochgelly garage area is to be cleaned up first.

Charles Weatherford and Guy Hensley presented a request to the Commission for the reallocation of \$15,000.00 to the F.M.R.S. Mental Health Council, Inc. for a replacement van for Fayette County. The Commission agreed to this request contingent upon the terms and conditions which Mr. Weatherford and Mr. Hensley had presented.

The Commission gave consideration to the appointment of a new Commissioner of the Fayette County Planning Commission to serve in the place of Mr. Harold Stanton, whose resignation has been heretofore tendered and accepted. After giving due consideration to the same, it is hereby ordered that Mr. Eddie DeLigne, Ansted, West Virginia be appointed to this position, said term to expire August 3, 1983.

The Commission directed a letter to Mr. C. W. Heiges, Deepwater, West Virginia, authorizing him to perform the dredging work in Cannelton Creek contingent upon the fact that the County Commission will incur no costs and all work will be performed in accordance with Chapter 7, Article 1, Section 3u of the Code of West Virginia, and this authorization will be

effective for a period of time not to exceed ninety days from this date.

As per the request of Gauley River Public Service District by Mr. Russell Deering for an extension of the 1982-83 funding commitment until the 1983-84 fiscal year, the Commission directed a letter to said P.S.D. granting this request.

The Commission received a request from Page-Kincaid Public Service District by Mr. John P. David for consideration of submitting the Page-Kincaid P.S.D. sewer project as a project submitted by the County for a HUD grant. The Commission agreed to submit a Community Development Block Grant application on behalf of Page-Kincaid P.S.D. during the next eligible round of funding after a decision has been rendered on the Commission's application on behalf of Gauley River Public Service District; however, the Commission gave no commitment of local funds.

The Commission gave consideration to the request for payment of expenses incurred pursuant to Mental Hygiene Commitment Proceedings as submitted by Mr. C. Andy Keenan. After much discussion and review of the opinion previously rendered by the Prosecuting Attorney's office, the Commission ruled that these type of charges should not be considered the responsibility of the County Commission.

A discussion was held by the Commission regarding the Sheriff's fleet and the status of the radio tower site. The Commission rendered its decision to commence work on drawing up the specifications for updating the fleet. The Commission was informed that a usable radio tower site had been located in the area of Mann Mountain; however, a lease agreement had not been signed as of this date.

The Commission approved an agreement by and between the West Virginia Department of Highways and the Fayette County Commission for the Department of Highways to provide labor, equipment and material to construct a special rock fill embankment for the correction of a stream erosion problem on

Armstrong Creek adjacent to County Route 61/24 SLS, in the Community of Columbia, Fayette County which is in jeopardy of being undercut or eroded away. The Commission is willing to defray \$1,000.00 of the cost of such construction and maintenance.

The Commission granted the request of the Town of Smithers for financial assistance in the amount of \$15,000 to assist the Town in the construction of recreational facilities for the general public, and especially for the residents of the Town and unincorporated areas of the Valley District. The sum is to be paid in two equal installments during Fiscal Years 1982-83 and 1983-84.

Approval was granted by the Commission to the Town of Ansted and the Ansted Park Commission for financial assistance to said entities for the construction of recreational facilities for the general public, and especially for the residents of the Town and the unincorporated areas of the New Haven District. The sum is to be paid in two equal installments during Fiscal Year 1982-83 and Fiscal Year 1983-84 to the Town and the Park Commission jointly.

The Commission directed Richard W. Bragg to continue with the jail improvement plan, including painting, shower replacement, designation and equipping of indoor recreation area, purchasing of toilet articles (toothpaste, razors, etc.), and the purchasing of sheets & pillow cases.

Richard W. Bragg was directed to inquire further into the Jobs Legislation before the Commission approved any commitment.

Pursuant to Chapter 31A, Article 4, Section 43 of the Code of West Virginia, the Commission directed that the Sheriff receive a written request to investigate the possibility of utilizing NOW accounts for Fayette County funds.

The payroll for the period of April 16 through April 30, 1983, was approved by the Commission. Also, the bills presented to the Commission

were approved for payment.

There being no further business, the Commission adjourned its meeting.

Charlotte Holly

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, APRIL 27th, 1983.

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

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

Z-243-83-1: Request of Charles K. and Vickie Bandy, Owners, by John W. Hatcher, Jr., Attorney, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-1, Light Industrial District, on part of Lots 13 and 14, Echols Tract, U.S. Route 60, next to Bandy's Sunoco, Lavista, New Haven District.

Mr. Hatcher was present and there was no opposition present. The County Commission was informed by the Zoning Officer that the Planning Commission did by a 7 - 0 vote recommend that this request be approved. After a brief discussion a motion was made by Mr. Lively that this be approved as recommended. Motion was seconded by Mr. Lopez and passed by a vote of 3 - 0.

Z-244-83-1: Request of Zeb T. Pendergrass, Jr., Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Business District, on part of 20 acres, Turnpike, U.S. Route 60, near Paradise Inn, New Haven District.

The applicant was represented and there was no opposition. The Commission was informed that the Planning Commission by a 7 - 0 vote did recommend that this request be approved. Motion was made by Mr. Lively that this be approved as recommended. Motion was seconded by Mr. Lopez and passed by a vote of 3 - 0.

Z-246-83-1: Request of Erwin L. & Linda J. Conrad, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-3, Business District, on 18.88 acres located on Corridor "L" between Maple Lane and Hinkle Road, New Haven District.

The Commission was informed by the Zoning Officer that a two story family type restaurant was planned for the site and that the Planning Commission by a 7 - 0 vote did recommend that this request be granted. Motion was made by Mr. Lively that this request be granted as recommended. Motion was seconded by Mr. Lopez and passed by a vote of 3 - 0.

Z-236-82-2 (Amendment): Request of Rivers, Inc., by Paul O. Clay, Jr., Attorney, for a change to the approved site plan on 2.77 acres, Custerville, Fayette Station Road, off Corridor "L", New Haven District.

After a general discussion this proposal was tabled until 10:30 A.M. on May 4th, 1983.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER



REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, MAY 4, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mr. G. Lee Massey, a representative of the Fayette County Health Department, and Mr. Paul Leshner and other residents of Ames appeared before the Commission regarding the creation of the Ames Public Service District as proposed in a resolution and order adopted on the 15th day of April, 1983, by the Fayette County Commission. Whereas, notice of this hearing was duly given in the manner provided and required by said resolution and order, and by Article 13A of Chapter 16 of the Code of West Virginia, as amended, and otherwise as provided by law, and all interested persons have been afforded an opportunity to be heard for or against the creation of said district, but no written protest has been filed by any qualified voter registered and residing within said proposed public service district, and said County Commission has given due consideration to all matters for which such hearing was offered, the Commission unanimously hereby resolves and orders the creation of the Ames Public Service District. The Commission requested that a public meeting be held and that the members for said P.S.D. be selected and recommended to the County Commission.*

*The Commission addressed a letter to Mr. Stanley M. Hostler, Attorney, informing Mr. Hostler that this Commission is of the opinion that his order exceeded the terms of the Commission's decision, i.e., based upon*

the evidence presented, the Fayette County Commission acted only to uphold the decision of the Commission of Accounty in the Estate of Dio Frank Shaffer.

The Commission agreed to commit a sum, not to exceed \$3,000.00, to the Danese Public Service District to be appropriated from the emergency expenditures which were approved for said P.S.D. during the system breakdown of August/September, 1982. The funds are to match the emergency assistance grant which the Danese P.S.D. received from the Governor's office and to complete the emergency drilling operations and repairs to the water system.

Mrs. Esther Webb and Mr. Audrey Baughman, members of the Mossy Public Service District, appeared before the Commission requesting that the Commission sponsor a Community Partnership Grant for the upgrading of the Mossy P.S.D. system. The Commission agreed to this request and informed Mrs. Webb that it would contact Region IV of its approval.

Judge J. Zane Summerfield and Mr. Paul M. Blake, Jr., Prosecuting Attorney, appeared before the Commission and submitted a letter from Mr. Paul Crabtree, Administrative Director of the Courts, in which the closing of the Montgomery magistrate's office had been ordered. Additionally, Judge Summerfield notified the Commission that in compliance with this order, the Montgomery magistrate's office would be permanently closed effective May 15, 1983. The Commission directed a letter to Chief Justice Darrell V. McGraw, Jr. requesting that this decision be re-evaluated and requested that said office be allowed to remain open.

Ms. Jeanne Evans, a representative of the Fayette County Committee on Aging, appeared before the Commission to request that the Commission

sponsor a Community Partnership Grant for the renovation of the Senior Citizens' building. The Commission agreed to this request.

The Commission addressed a letter to Sheriff Jack Manning requesting that he investigate the possibility of utilizing NOW accounts for Fayette County funds as permitted pursuant to Chapter 31A, Article 4, Section 43 of the Code of West Virginia.

The bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

FRIDAY, MAY 13, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Whereas, the County Commission of Fayette County, West Virginia, did heretofore by resolution and order adopt on the 4th day of May, 1983, creating the Ames Public Service District, and as provided by Article 13A of Chapter 16 of the Code of West Virginia, the Commission does hereby appoint the following three persons as members of the Ames P.S.D. for the terms of office as specified:*

*Mr. Paul Leshner--six years;  
Mr. Mike Skaggs--two years;  
Ms. Kathy Dunlap--four years.*

*Said terms of office shall commence from the first day of the month in which this resolution and order is adopted.*

*As per the request of Sheriff Jack Manning, the Commission does hereby appropriate a sum in the amount of \$1,250.00 to be utilized solely as matching funds for participation in the 1983 West Virginia Highway Safety Plan and to be expended according to the guidelines of said program.*

*The Commission gave consideration to the appointment of a Commissioner of the Armstrong Public Service District to fill the expired term of Donald L. Taylor. After giving due consideration to the same, it is hereby ordered that Donald L. Taylor be reappointed as a Commissioner, whose name has been recommended, said term to expire*

April 1, 1986.

The Commission addressed a letter to Dr. Ross Neuman, Chairman, Southern West Virginia Regional Health Council, Inc., requesting that the Commission be formerly advised of the Health Council's decision not to renew the County contracts regarding landfill operations

Permission was granted by the Commission to the request of Mr. Bruce L. Webb, Social Service Supervisor of the WV Department of Welfare, for the reservation of Shelter #4 on July 13, and Shelter #1 on July 20, for picnics for the residents of nursing homes, personal care homes, adult family care homes and day care recipients and providers.

The Commission approved the request of Steve L. Vaynes, Sr., Project Chairman for Oak Hill Civitan Club, for the use of Shelter #1 on May 19th and 20th for a cookout for the Summerlee, Danese, and Oakville schoolchildren.

Pursuant to the request of Ms. Marian Seely, R.N., Health Education Services, the Commission committed \$3,000.00 for Fiscal Year 1983-84 in order that the "Listen" program will be made available to Fayette County in an effort to help prevent drug abuse.

Representatives of Colonial Life appeared before the Commission regarding Workmen's Compensation and Health Insurance coverage for Courthouse employees. The Commission received their oral presentation regarding said insurance coverage.

The payroll for the period of May 1 through May 15, 1983, was approved. Also, the bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, MAY 25, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The Commission received a letter from Mr. Paul Crabtree, Administrative Director of the Supreme Court of Appeals, informing the Commission that a hearing for Fayette County will be at 10:00 A.M. on June 17, 1983, regarding the closing of the Montgomery magistrate's office.*

*The Commission approved the request of Southern West Virginia Regional Health Council, Inc. for reimbursement of approximately \$8,000.00 for repair to the brakes and steering on the 250C track loader at Fayette #1 Landfill.*

*Mr. Bob Arthur, 4-H Extension Agent, appeared before the Commission requesting the Commission for matching funds for a Work-Study program for the Extension Office at a rate of 26.70 percent. The Commission approved this request for the following pay periods: 5/31--6/30/83, 7/1--7/31/83, and 8/1--8/19/83.*

*Gary Harding, Zoning Officer, presented the following case to the Commission: Request of Imogene Pennington, Owner, by Benjy Simpson, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development District, on part of 45 acres, Dogwood Ridge, Corridor "L" at Milroy Grose Road (New River Gorge Camp Ground), New Haven District. Mr. Simpson was present and there was no opposition. The Commission was informed by Mr. Harding*

that the Planning Commission did recommend by a vote of 7-0 that this request be approved for a two (2) acre site to be used for the headquarters for a rafting outfitter. The site running approximately 475 feet along Corridor "L" will have a 20' x 30' two-story natural wood siding building located on it and must meet State Health Department regulations regarding a septic system. After a general discussion, Mr. Lively made a motion that this be approved as recommended. Motion was seconded by Mr. Vickers and passed by a 2-0 vote.

The Commission received a copy of the preliminary Jobs Allocation by County and a copy of the Community Development Initiative of the Governor's Emergency Employment Program which is to be presented to the Legislature by the Governor.

As approved during the regular session of the Commission held on May 4, 1983, Mr. Vickers signed the Partnership application for Mossey Public Service District for funds to correct the iron and manganese problem that the District is experiencing.

The Commission directed a letter to Mayor Charles Keenan and Council Members of the Town of Gauley Bridge requesting that the Town please provide the Commission with an annual audit of the recreation funds supplied to the Town of Gauley Bridge by the Commission.

A letter was directed to Mr. Paul M. Blake, Jr. Prosecuting Attorney, by the Commission requesting that he please prepare a lease agreement between the Fayette County Firemen's Association and Mrs. Louise Sanborn for the use a radio tower site in the area of Mann Mountain in the New Haven District and an agreement between the Commission and the Firemen's Association for the Commission's use of this site.

A letter of appreciation was written by the Commission to Mr. Michael Cobb and Mr. Leroy Johnson of the WV Department of

Highways for their assistance and advice regarding the layout of improvements at the Fayette County Park.

The Commission received a proposed agreement concerning a sanitary landfill at Brooklyn in Fayette County between the WV Department of Highways and the County Commission of Fayette County providing for the routine maintenance, and upkeep, including snow removal and ice control, to access roads thereto.

The Commission submitted an application to the Governor's Summer Youth Program for litter containers for use at the Fayette County Park.

The payroll for the period of May 16 through May 31, 1983 was approved. Also, the bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 23rd day of May, 1983, 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 25th day of May, 1983, 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-247-83-1: Request of Imogene Pennington, Owner, by Benjy Simpson, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development District, on part of 45 acres, Dogwood Ridge, Corridor "L" at Milroy Grose Road (New River Gorge Camp Ground), New Haven District.

Gary E. Harding  
Zoning Officer

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, MAY 25th, 1983.

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

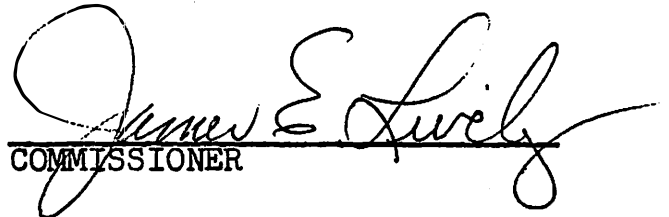
The following case was presented to the County Commission  
for a disposition:

Z-247-83-1: Request of Imogene Pennington, Owner, by Benjy  
Simpson, for a change in land classification from R-R,  
Agricultural and Rural Residence District, to P-D, Planned  
Development District, on part of 45 acres, Dogwood Ridge,  
Corridor "L" at Milroy Grose Road (New River Gorge Camp  
Ground), New Haven District.

Mr. Simpson was present and there was no opposition. The  
County Commission was informed by the Zoning Officer that the  
Planning Commission by a 7 - 0 vote did recommend that this be  
approved for a two (2) acre site to be used for the headquarters  
for a rafting outfitter. The site running approximately 475 feet  
along Corridor "L" will have a 20' x 30' two story natural wood  
siding building located on it and must meet State Health Depart-  
ment regulations regarding a septic system. After a general  
discussion Mr. Lively made a motion that this be approved as  
recommended. Motion was seconded by Mr. Vickers and passed by  
a 2 - 0 vote.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, JUNE 8, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mr. Dave Ward and Mrs. Jesse Boggs representing Local 7113 and the United Mine Workers Ladies' Auxiliary appeared before the Commission requesting that the Commission appropriate Coal Severance funds to the Ladies' Auxiliary (a non-profit corporation). Essentially, the funds would be utilized for a general relief program for all Fayette County residents who met the guidelines and relief expenditures would include utility bills, food purchases, health costs, and in some instances, mortgage payments. During the discussion, reference was made to the fact that the Boone County Commission has been and is currently funding such a program. The Fayette County Commission advised Mr. Ward and Mrs. Boggs that it would write to the WV State Tax Department inquiring as to whether such an appropriation by the Commission would constitute a proper expenditure of funds.*

*Ms. Anna Holt and Mr. Aubrey Riner appeared before the Commission to request an appropriation of County funds to be used for the Hall of Fame meeting hall at Jackson's Mill. The Commission took the request under consideration.*

*Mr. Coleman of Goodwin & Goodwin appeared before the Commission requesting that the Commission sign an inducement resolution to give authority to Goodwin & Goodwin to contact local banking institutions*

regarding a home mortgage bond issue for first time buyers or buyers who had sold homes at least three years ago (guidelines would be lifted in target areas). The mortgage issue would be for 30 years with an upper limit of 10 percent interest in the target areas (excludes Oak Hill, Fayetteville, and Ansted). Home price limits will be set at \$61,600 for new homes and \$55,900 for existing structures with a 5% down payment; assumable mortgages will be permitted. Mortgage money which would be available to Fayette County will be based on the 2.9% of the state's population which resides in Fayette County. The Commission approved the inducement resolution by a vote of 3-0.

The Commission submitted an application to Gulf Oil Corporation to open a credit account with said company for use by the Sheriff's Law Enforcement office.

Sheriff Jack Manning directed a letter to the Commission advising that effective June 10, 1983, correctional officers will come under Civil Service status and requesting that Deputy Agnes Williams's salary be transferred from Law Enforcement to Corrections where she will serve as the Jail Administrator.

Sheriff Manning requested funding by the Commission for the hiring of three jailers at \$900 per month from the Coal Severance fund to be effective June 8, 1983. After a discussion, the Commission approved the request by a vote of 2-1 as follows: James E. Lively and John H. Lopez--aye; Charles M. Vickers--nay.

The Commission approved a budget revision regarding the transfer of funds for personal services for Agnes Williams from Law Enforcement to Jail.

The Commission directed Richard W. Bragg to put together applications for the jobs program.

The bills submitted to the Commission were approved for payment.

*There being no further business, the Commission adjourned its meeting.*

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, JUNE 15, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mr. Jack Gannon, Fayette County Park Superintendent, appeared before the Commission regarding a report issued by the Health Department for the pool and which ordered that the pool be temporarily closed due to bacteria contamination of the water. Also, the report recommended that a no eating policy be instituted in the pool area and that pool recovery time be allowed. Mr. Gannon recommended to the Commission that no bags, satchels, etc. be allowed in th pool area; the Commission approved the recommendation prohibiting bags, food, etc. in the pool area; pool policy will be to allow towels and sun-tan lotion only to be hand carried in the pool area.*

*The Commission approved the hiring of Mr. Gary Milton as assistant park supervisor for the summer park season.*

*The Commission approved the application for a jobs crew for the construction of an additional exit from the jail.*

*Judge J. Zane Summerfield and Mr. Harry Marshall appeared before the Commission requesting air conditioning, i.e. window units, and a heat pump for the Courthouse annex which houses the Probation Office. The Commission took the request under consideration.*

*The Commission received a letter from Sheriff Jack Manning advising of the employment of Henry D. Bragg, William A.L. Brock and Gayle Koone*

as Correction Officers for the Fayette County Jail, effective June 9, 1983. Also, the Sheriff requested that these three individuals and Agnes Williams be enrolled in the next Correctional training school at Huttonsville, West Virginia, at a cost of \$200.00 per student. The Commission took this request under consideration.

The Commission received a request from Mr. Oscar C. Hutchinson that the Commission accept a transfer from the Fayette County Board of Education for support of the Extension program in Fayette County and disburse the funds as outlined by the Board of Education. The Commission approved this request.

The payroll for the period of June 1 through June 15, 1983, was approved. Also, the bills submitted to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

JUNE 29, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS

JOHN H. LOPEZ

JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by President Charles M. Vickers.*

*Mr. Pat Hamilton appeared before the Commission on Minor Boundary Adjustment, City of Oak Hill, WV. and approval of petition was set for hearing on July 15th at 10.00 A. M.*

*Mr. Paul Blake appeared before the Commission asking for additional employee for Welfare Department Contract.*

*Mr. Steven Matthews appeared before the Commission of the Historical Landmarks Commission, requesting \$3,000.00 matching funds or if necessary would attempt to raise funds from community. Mrs. Christine Beckleheimer, United Daughters of the Confederacy, chairman of monument designation also spoke in favor of such Historical Landmarks Commission. Coronal Summerfield spoke in favor in support of Historical Landmark Commission.*

*The Commission directed Richard Bragg to contact GELCO to make presentation regarding leasing of vehicles for county use.*

*The Commission noted that the term of William H. Miller, member of the Fayette County Board of Health will expire on June 30, 1983 and upon recommendation of the Board it is hereby ordered that Mr. William H. Miller be and he is hereby reappointed to serve on the Fayette County Board of Health for a period of 5 years, said term to expire June 30, 1988.*

*The Commission gave consideration to the appointment of a new Commission of the Fayette County Board of Zoning Appeals to serve in the place of Mr. Arthur Wilborne, whose resignation has been heretofore tendered and accepted. After giving due consideration to the same, it is hereby ordered that Sam Calloway, Oak Hill, W. Va. be appointed to fill the unexpired term of Arthur Wilborne, said term expiring January 1, 1986.*

*The Fayette County Commission gave consideration to the appointment of a new Commissioner of the Fayette County Board of Zoning Appeals, to serve in the place of Mr. James Murphy of Lookout. After giving due consideration to the same, it is hereby ordered that Mr. Dennis Criss, Ramsey, West Virginia, be appointed to fill the unexpired term of James*



Murphy, said term expiring January 1, 1986.

The Fayette County Commission ordered that the following Incorporated Bank Institutions in the County of Fayette be and they are hereby designated as Depositories of Public Monies of the said County of Fayette:

Fayette County National Bank	Fayetteville, West Virginia
Merchants & Miners National Bank	Oak Hill, West Virginia
Bank of Mount Hope	Mount Hope, West Virginia
New River Bank & Trust Company	Oak Hill, West Virginia
Montgomery National Bank	Montgomery, West Virginia
Merchants National Bank	Montgomery, West Virginia
Gauley National Bank	Gauley Bridge, West Virginia

and the said banks shall file their bonds as required by law on or before July 1, 1983.

The Fayette County Commission approved expenditures in the amount of \$35,000.00 to the Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc., for mental health services during fiscal 1982-83.

The Fayette County Commission sent a letter to Mr. Paul Blake Prosecuting Attorney, thanking him and Mr. Carl Harris, Assistant Prosecuting Attorney, for the lease agreement between the Fayette County Firemen's Association and Mrs. Louise Sanborn. The Commission requested that Mr. Paul Blake please prepare an agreement between the Fayette County Commission and the Fayette County Firemen's Association for the joint use, operation, and control of the leasehold for the purpose of establishing and maintaining a radio communication system. The cost to the commission will be \$125.00 annually. The Commission also enclosed a copy of the amended laws and regulations for the Operation and Licensing of Salvage Yards which the Fayette County Planning Commission had received from the West Virginia Department of Highways for review by the Prosecutor's office.

The Commission received a letter from Paul M. Blake, Jr. Prosecuting Attorney, stating that he had made reservations for three rooms for members of his staff and investigating officers who will be representing the State of West Virginia in the murder trial of State v. Rodney Pennington which is to be held in Mercer County Circuit Court beginning September 26, 1983, such reservations at Pipestem State Park require a deposit of \$135.45. The Commission approved the payment

of \$135.45 to Pipestem State Park for deposit on staff lodging facilities necessitated by trial of State v Rodney Pennington.

The Commission received a letter from Paul M. Blake, Prosecuting Attorney, concerning Welfare Contract, Additional Secretarial Position. Mr. Blake stated that on earlier occasion he presented to the Commission a proposed contract which he recommended entering with the West Virginia Department of Human Services (formerly Welfare Department), whereby the County will be reimbursed for certain secretarial help and prosecution services in certain matters. Mr. Blake stated that in his conversations with the Commission that they looked favorably upon such contract and that he needed to list a definite amount to be paid to the secretary which would have to be added to his staff to work under such contract. He would request that the Commission authorize the salary of \$800.00 per month for the hiring of an additional secretary to perform the services contemplated under the welfare contract. The Commission approved to Mr. Blake's office funds not to exceed \$800.00 per month for secretarial position to be utilized in conjunction with the Department of Human Services contract.

Mr. T. E. Myles, Attorney appeared for committee appointment for Donald Mullins.

Mr. Carl Harris, Attorney appeared for committee appointment for Elmer Kincaid.

The Commission received bids for comprehensive County-wide insurance coverage. Bids were received from Mount Hope Insurance Agency (this bid on a claims made basis) and Mountain State Insurance Agency (this bid based on occurrence basis). After reviewing the bids received, the Commission awarded the contract to Mountain State Insurance to be effective July 1, 1983, due to the fact that this bid met the specifications requested by the Commission. Richard Bragg was instructed to contact Mountain State Insurance regarding the cancellation of the County's insurance policies currently in effect.

The payroll for the for the period of June 16 through June 30, 1983, was approved for payment. Also, the bills presented to the Commission were approved.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY  
WEDNESDAY, JULY 6, 1983  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mr. Richard Flanigan of the Southern West Virginia Health Council appeared before the Commission regarding the landfill operations, non-renewal of contract. Request of additional funds for landfill operation presented reasons for needs of extra funds, insurance, extraordinary repairs (see budget report). Mr. Flanigan informed commission that the contract by vote of Southern West Virginia Health Council, Executive Committee, will not renew contract. A letter was presented addressed to Mr. Vickers stating such. Commission approved invoices submitted by Mr. Richard Flanigan.*

*The Commission sent notice to Mr. Jack Manning, Sheriff, that jail exercise room was completed, and that he was to assume responsibility for supervision. The Commission also requested that the Sheriff please inspect the equipment in order to prevent possible injuries or mistreatment of the equipment.*

*The Commission also informed Mr. Robert Skaggs, Mountain State Insurance Agency, Inc., that the bid of \$46,170 for county wide (Fayette County Commission) comprehensive insurance coverage was awarded to them for coverage as specified.*

*The Commission informed Mr. George Coleman, Mount Hope Insurance Agency, that his bid was rejected.*

*The Commission notified Mr. Jack Manning, Sheriff in reply to his letter request regarding William Brock, Gayle Koone and Henry Bragg, for training at the State Correctional Training Center at Huttonsville, WV, that after discussion that such funds should be drawn from the training and educational funds which have already been allocated to the Sheriff's departmental budget.*

*The Commission also replied to Mr. Paul Blake, Prosecuting Attorney in compliance to the letter received from the West Virginia Department of Employment Security concerning Donna G. Kincaid (Nunn). The Commission*

requested that Mr. Blake advise as to the circumstances under which this individual left his employment and as to whether benefits should be protested.

The Commission notified Mrs. Gladys Gray, Executive Director, Fayette County Committee on Aging of the Fayette County Commission's annual appropriation, hoping that these funds will assist you in meeting the responsibilities of the programs. The Commission also informed Mrs. Gray that they had received no reply regarding the project proposal which was submitted on behalf of the Meadow Bridge Senior Citizens' Center and that they would notify her as soon as some indication from the Governor's office was received.

The Commission also replied on request regarding the rental of the Fayette County Memorial Building for the B. B. Secrist Concert scheduled for July 23, 1983. The Commission also researched the prevailing rental fees charged for the use of other facilities for professional promotions, and concerts. The following rental charges and guidelines will be utilized:

Rental Fee--\$500.00 or 10% of gross revenue, whichever is larger  
(\$500.00 on advance payment required)

Liability Insurance Coverage-- Promoter or sponsor of event will furnish advance proof of liability insurance coverage including bodily injury and property damage with minimum limit of \$300,000.00.

Police security-- Promoter or sponsor of event will provide .  
The Commission advised that the Board of Education maintained supervision of the building, and that they be contacted to finalize details regarding the use of building.

The Commission entered an order pursuant to Sections 7-6-5 and 7-6-5a of the Code of West Virginia does hereby authorize the Sheriff of Fayette County to invest any excess funds which from time to time might exceed current requirements or demands provided that said investments shall be made only after a determination that there exists sufficient funds to meet current County needs and that said investments will be available to meet future County needs.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

JULY 15, 1983

COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: CHARLES M. VICKERS

JOHN H. LOPEZ

JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Pat Hamilton, Attorney for the City of Oak Hill appeared before the County Commission for Minor Boundary Adjustment. Whereupon, the Court proceeded to hear and did hear the evidence abduced in behalf of the petition and on the matters arising therefrom, there being no objection thereto by any person present or by written communication, the Court finds the annexation applied for constitutes a minor boundary adjustment and petitioner is entitled to the relief sought in its petition.*

*It is, therefore, ORDERED that the corporate limits of the City of Oak Hill, a municipal corporation, in the State of West Virginia, be changed so as to embrace within its corporate limits aforementioned area.*

*Upon further motion of the petitioner, the Court inspected and approved the map of said area hereby annexed and heretofore filed and does find the said map accurately reflects the area to be annexed.*

*The County Commission heard a request asking to approve transfer of Bond Issue from James DeViese Industrial Revenue Bond to C & W Associates, being Eddie Callahan & Charles Wendell. Mr. Carl Harris, Attorney made presentation to the County Commission.*

*Mr. Harris advised that County Commission would incur no liability regarding the request. Request of Vince Collins, Steptoe and Johnson substitute of C & W. Associates for DeViese and Sons, substitute of one borrower for another. Due to the fact County Commission passed resolution enabling DeViese partnership to borrower therefore must approve any substitution.*

*Mr. Lopez made motion to adopt resolution to approve transfer. Mr. Lively seconded with yea. Mr. Vickers voted nay.*

*Mr. Vickers stated his vote was based on fact that transfer request was submitted and approved on same date with no chance to study document.*

Mr. Steve Cruikshanks representing Fayette County Firemen's Association and Jane Hughes, representing Fayette County Library Board appeared before the board respectively. A request for Special Levy for Library for a vote to stay at same rate was entered. Fayette County Firemen Association proposed that fire levy rate be reduced approximately 20%. This request was for sometime in August. Special election was tentatively set for August 23, 1983.

The County Commission took no action on air conditioning proposed for Zoning, Probation and Courtroom, until they can find out if new magistrate building is necessary.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

JULY 27, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT; CHARLES M. VICKERS

JOHN H. LOPEZ

JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The Fayette County Commission directed Richard W. Bragg, to call Ken Burdell representative for PENCO requesting environmental liability insurance naming Southern West Virginia Regional Health Center as additional insured.*

*Mr. Gary Harding appeared before the council requesting change in land classification for Houston Wendell. The following case was presented to the County Commission for a disposition;*

*Z-248-83-1: Request of Houston J. Wendell, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on 8.867 acres, near Court House, Corridor "L" at Maple Lane, near Fayetteville, New Haven District.*

*The County Commission was informed by the Zoning Officer that the Planning Commission did recommend that an area 30' by 30' be rezoned to allow the applicant to erect a billboard on the site and that the remainder of the site not be considered at this time because the applicant had nothing planned for the site. After a general discussion a motion was made by Mr. Lively that this be approved as recommended by the Planning Commission. Motion was seconded by Mr. Lopez and passed by a vote of 3-0.*

*Mr. John Hatcher, Attorney, representing the Kimberly Church of God, Kimberly, W.Va. appeared concerning request of Alley abandonment. In request of Closure and Abandonment of Unused Alley Way Upon Application of Trustees of the Kimberly Church of God. Appearing on Wednesday, July 27, 1983 came John W. Gilbert and William B. Lively, two of the Trustees of a Church known technically by the following three (3) names: The Kimberly Church of God, of the West Virginia Eldership, of the Churches of God in North America; Kimberly Church of God Association Protestant Churches of North America; and Kimberly Church of God of the Churches of*



God of North America, and their attorney, John W. Hatcher, Jr.. Said trustees and their attorney appearing pursuant to their duly verified application previously filed with the Clerk of said Commission; pursuant to a notice of hearing properly published in The Montgomery Herald, a certificate of said publication being filed with said Clerk; pursuant to copies of said notice and application being served on abutting land owners and lien holders, evidence of said service being filed with said Clerk.

Whereupon, the Commission President inquired as to whether anyone present had any objection to the relief sought by the applicants, and Mrs. Samuel Leftwich announced that she owned Lot No. 20 in the affected area, but had no objection to the relief sought by the applicants

Whereupon, after each Commissioner had examined the contents of the Clerk's file, in this matter, Commissioner James E. Lively moved that the relief sought in said application be granted and said motion was seconded by Commissioner John Lopez, and, accordingly, said Commissioners voted unanimously to and they did approve and grant the relief sought by the applicants, as described in their application.

In granting the aforementioned relief, said Commission found that the use and rights of no other person in the aforementioned alley way would be impaired or lost by the closing and abandonment of same.

It is, therefore, the ORDER of said Commission that a 106.80 feet long portion of the 20 feet wide alley way, as the same is shown in "red" on Exhibit "D" of the application, situate in the community of Kimberly, Valley District, Fayette County, West Virginia., in an area designated as Section 5, Subdivision of Surface Tracts, as shown on a map of record in the Commission Clerk's Office in Map Book 11 at Page 14 be and the same is hereby closed and abandoned. Mr. John W. Hatcher was to prepare the order.

Sheriff Jack Manning appeared regarding recent overtime decision for Deputy Sheriffs. Mr. Manning advised the commission that some overtime could not be avoided, such as transportation of mental patients or prisoners to Huntington, Huttonsville and so forth. The Commission replied that they would check with the prosecuting attorney regarding legality of Supreme Court decision to advise the commission as to the repercussions of the decision.

Steve Crukishanks, Paige Skaggs, and Jane Hughes appeared before the Commission on behalf of the Firemen's Association and Library

Board regarding special excess levy election. The request was made that if possible and if legal to hold special levy election and to be held on Saturday. The Commission advised that they would get opinion from prosecuting attorney.

The Commission read a letter of request of commitment from Meadow Bridge Sewer Construction Project, for payment of \$50,000.00 for sewer project. The Commission passed this request.

The Commission approved participation with state bids for purchase of 8 automobiles. The Commission voted 3-0.

Andy Keenan, Attorney, appeared before the Commission for committee appointment of Charles Ray Woods for Zola Wood. Mr. Keenan also appeared for invoices for Mental Hygiene hearings committee.

The Commission approved to commit proceeds of insurance check to General Ambulance for a new ambulance. The Commission decided they will not go 50/50 on amount necessary in addition to insurance proceeds.

Mr. Gene Carte appeared before the County Commission and presented a letter to the Commission regarding the Sheriff's Deputies Civil Service, regarding test to applicants for the position of Deputy Sheriff. Mr. Carte stated the last test was given on June 30, 1982. Mr. Carte also noted that there remained individuals on the list, a sufficient number to fill any vacancies, which exist or may exist in the Sheriff's Department. Mr. Carte noted this had been requested by the Sheriff. He also noted he has fifty new applications, which have not been tested. The Commission voted no to decision to have test to fill vacancies.

The Commission approved budget for Southern West Virginia Regional Health Council to August 9, 1983 as presented.

The Commission approved request of Mr. Louis Rahall for reservation of the recreation hall at Fayette County Park on August 14, 1983 for his organization.

The County Commission also sent a letter to Mr. A. W. Orndorff, President of Montgomery Elderly Care Center, Inc. on behalf of endorsement of a 60 bed intermediate care facility proposed for Montgomery, W. Va.. The Commission informed Mr. Orndorff that they fully supported efforts to meet the needs of the citizens of the Upper Kanawha Valley and Fayette County. They also noted that they would support this worthwhile project in any way possible.

Clint Gallaher, Attorney appeared before the Commission, requesting removal of Glen Clacker of Guardian of Mona Clackler.

Mr. Carl Harris, Attorney appeared before the Commission requesting committee hearing for Elmer Kincaid.

There being no further business, the Commission adjourned its meeting.

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Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 25th day of July, 1983, 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 July, 1983, 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-248-83-1: Request of Houston J. Wendell, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on 8.867 acres, near Court House, Corridor "L" at Maple Lane, near Fayetteville, New Haven District.

Gary E. Harding  
Zoning Officer

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, JULY 27th, 1983.

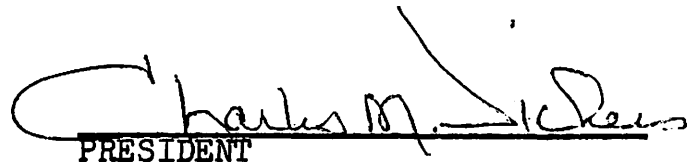
Present were: Charles M. Vickers, President  
James E. Lively, Commissioner  
John H. Lopez, Commissioner

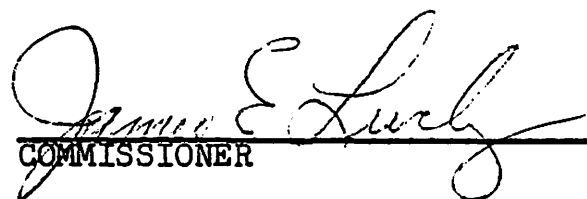
The following case was presented to the County Commission  
for a disposition:

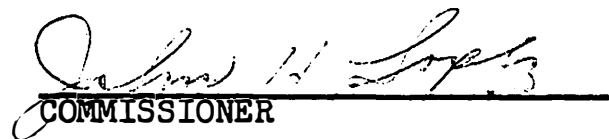
(Z-248-83-1: Request of Houston J. Wendell, Owner, for a change  
in land classification from RR-1, Agricultural and Rural  
Residence District, to B-2, General Business District, on  
8.867 acres, near Court House, Corridor "L" at Maple Lane,  
near Fayetteville, New Haven District.

The County Commission was informed by the Zoning Officer  
that the Planning Commission did recommend that an area 30' x  
30' be rezoned to allow the applicant to erect a billboard on  
the site and that the remainder of the site not be considered  
at this time because the applicant had nothing definite planned  
for the site. After a general discussion a motion was made by  
Mr. Lively that this be approved as recommended by the Planning  
Commission. Motion was seconded by Mr. Lopez and passed by a  
vote of 3 - 0.)

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

AUGUST 3, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT : CHARLES M. VICKERS

JOHN H. LOPEZ

JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by the President, Charles M. Vickers.*

*Mr. Steve Cruikshanks appeared before the Commission for the Firemen's Association and the Library Board, concerning the special levy set for August.*

*The Fayette County Commission certified the annual county financial statement for fiscal year ended, June 30, 1983.*

*The Commission also approved bills that were presented.*

*There being no further business, the Commission adjourned its meeting.*

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

AUGUST 15, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS

JOHN H. LOPEZ

JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by President, Charles M. Vickers*

*The Commission approved request of July 27, 1983 to Kanawha Valley Bank, N. A. for First Mortgage Medical Facilities Revenue Bonds (Plateau Medical Center) 1981 Series for request for payment of lost coupon #899.*

*The Commission noting that the term of Virgil Burgess of Minden, West Virginia as a member of the Arbuckle Public Service District expired on September 1, 1983, and upon recommendation of said Public Service District it is hereby ordered that Virgil Burgess be and he is hereby reappointed to serve on the Arbuckle Public Service District for a period of six years, said term to expire September 1, 1988.*

*The Commission approved the payroll and all bills presented.*

*There being no further business, the commission adjourned its meeting.*

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REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

August 31, 1983

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers

Mr. James E. Lively

Mr. John H. Lopez

The Fayette County Commission met in regular session on August 31, 1983. The Commission heard a request from Eva Reynolds about using the parking lot for the Order of the Eastern Star of Fayetteville, W. Va. The Commission notified Eva Reynolds by letter stating that the Fayette County Commission had reserved the parking lot on Wiseman Avenue between Mr. John Hatcher's office and the West Virginia Alcohol Beverage Control building for use by the organization on September 17, 1983. The Commission stated that they hoped that the event was a successful one.

Mr. Garman Grimmett appeared before the Commission on behalf of Adrian Goff of General Ambulance. The request was concerning the ambulance that was totaled by fire. The request was that the County Commission match 50/50 over insurance proceeds.: (\$12,000 insurance approximately \$6,000 county and \$6,000 General Ambulance). If County Commission does not approve the request then Mrs. Goff wants her share of insurance proceeds. The County Commission took the request under consideration.

The Commission sent letters to all Public Service Districts in Fayette County requesting audit of. Fiscal Year 1982-83 as per West Virginia code 16-13A-11.

Mr. Ted Philyaw, from the Supreme Court, appeared before the Commission in regards to the Magistrates quarters: 22,000 square feet, Magistrates office 10' x 15', a court room 20 x 20 , 1 jury room, a witness room, 400 square feet for Magistrate Court Clerk Office and a small hearing room. Mr. Philyaw says will provide a schematic, 1 blueprint for proper layout at the Commissions expense. Parking in some instances may be leased. Supreme Court will not require parking area. Magistrates office will be in corporate limits. Another 300 square feet for additional magistrates office will be included. There would be no need for another courtroom. The night hearing room can be charged to Magistrate Court, and may use room adjacent to jail.

Mr. Steve Vickers, Attorney, appeared before the Commission with a petition



to remove a board member. Mr. Vickers representing the residents of the area, of the Armstrong Public Service District, filed a formal petition requesting the removal of Don Taylor, stating they had grounds for the removal. The petition received is made part of record this 31st day of August, 1983. Wayne Inge representing Mr. Taylor ask the Commission to set a hearing date for Mr. Taylor. Mr. Inge will receive notice on behalf of Mr. Taylor . The Commission will set a hearing date. The Commission set a hearing date of October 12, 1983, at 10:00 A. M.

Mr. Bob Weise, Governor's Juvenile Justice Committee, representative appeared before the County Commission. Mr. Weise presented a draft of the Jail Standards to the Commission.

Sheriff Jack Manning appeared before the Commission, presenting jail operations and expressing points of need. 1 Phone-collect call system, 2 Visitation- Hours Monday, Wednesday, Friday, 2 P. M. to 4 P. M. Mr. Manning stated evening hours have been cut out. Mr. Manning stated this way working people could not visit. It was suggested that the visiting hours be mixed, not always 3 to 4, maybe 6 to 8.

Mr. Lowell Cogar, appeared before the Commission about the creek dredging in Scarbro. Appearing also was Roger Roberts. Mr. Cogar and Mr. Roberts noted that they had severe flooding of White Oak Creek in Scarbro Area. Some of the places affected are A. S. I. and Fayette County Health Clinic, International Drapery, for approximately two and one half miles. They requested assistance from the Commission and they took under advisement to submit with Small Cities Emergency Employment Program.

Mr. Steve Bowen and Tammy Bowen from Life Line Ambulance Service appeared before the Commission, requesting funding under the county ambulance and funding plan. They stated that they had been in business for 6 months. The Commission policy is one(1) year then reapply.

Received notice of funding from the Governors Partnership Program for the following: Mossy Public Service District, \$22,500.00, Chairman on Aging \$70,000.00

Mr. John H. Lopez presented a letter received from Craig Cemetary Association thanking the County Commission for the gift of weed eater and chain saw for use at Craig Cemetary. Mr. Charles Vickers questioned the legality of such a gift.

A letter was received from Johnston, Holroyd & Gibson in reference to Southern West Virginia Regional Health Council and Fayette County Landfill

The letter stated that the Southern West Virginia Regional Health Council had directed that they would not renew the landfill contract. The Council advised that they will be happy to assist in a transitional period and will participate in the management of the landfill up to November 1, 1983. After that time the Council will have no further official connection with the Fayette County Landfill.

The County Commission sent a letter to Mr. Sterling Hughes and Mrs. Bush, stating that due to health department inspections and regulations, certain guidelines must be developed and followed regarding the operation of the Fayette County Jail Kitchen.

Therefore the following rules which were implemented on July 1, 1979, are hereby ordered to continue in effect indefinitely:

1. No unauthorized personnel are to be allowed in the kitchen area. In addition to kitchen personnel, those authorized are the Sheriff and the County Commission. Contact the Office of the County Commission for additional authorization or if there exist a question as to authorization.
2. Health department regulations will be adhered to and any deficiencies as indicated by Health Department inspection reports will be corrected.
3. Meals and beverages will be prepared for inmates only.

The Commission received copies of letters form Sheriff Jack Manning, to D. E. Brown and Leland Dempsey dated August 17. 1983 discharging said deputies from employment with the Fayette County Sheriff Department.

The Commission adopted a rental policy for the Memorial Building as recommended by the Board of Education.

A. Building:

- |   |  |
|---|--|
| 1. County Board of Education                | No Charge  |
| 2. Public County Meetings                   | No Charge  |
| 3 Religious (non-denominational only)       | \$25.00 per day  |
| 4. Public Dances                            | Not Allowed  |
| 5. Private Dances                           | \$50.00  |
| 6. Fund Raising Events                      | \$500.00 in advance or<br>10% of Gross if larger<br>(payable to Fayette County<br>Commission for Building Fund |
| 7. County High School Reunions              | \$25.00  |
| 8. Local Club Meetings                      | \$5.00   |
| 9. Memorial Services or Veterans Activities | No Charge  |

10. Weddings and/or Receptions \$50.00

11. Recitals, etc. (No Admission Charge) \$25.00

In addition to above fees, where applicable, a \$10 trash service fee is charged.

B. Custodian

1. Preparation
2. Presence at activity
3. Clean Up
4. Must be willingly to handle activity

Sponsoring group pays overtime hourly rate directly to custodian when event is scheduled outside of custodian's regular working hours.

C. Insurance

Promoter or sponsor of event shall furnish advance proof of liability insurance coverage including bodily injury and property damage with minimum limit of \$300,000.

D. Miscellaneous:

1. Person renting Memorial Building will be responsible for any damage resulting from activity
2. Soft drinks and food are not allowed on main floor.
3. Smoking allowed ONLY in lobby
4. All fees shall be paid directly to Fayetteville Middle School (except for Fund Raising Events-see section A, item 6 above) for use by the school as compensation for being responsible for scheduling of events.

There being no further business to come before the Commission the meeting was adjourned.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, SEPTEMBER 7, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Deputy Sheriff Howard Hill approached the Commission on behalf of the Fayette County Deputy Sheriffs' Association to request a waiver of the \$35.00 rental fee for a shelter at the Fayette County Park for that association's annual picnic. The Commission agreed to this request providing that the Deputy Sheriffs' Association first clear the scheduling with Jack Gannon, Park Superintendent.*

*Pursuant to the provisions of the West Virginia Code 11-1A-27, the County Commission held a public hearing to receive nominations of individuals to be submitted to the Governor as nominees for the position of a member of the West Virginia Appraisal Control and Review Commission. After receiving said nominations, the Commission entered an order naming the following individuals be placed into nomination for appointment to the West Virginia Appraisal Control and Review Commission: Virgil Burgess--Republican; Fred Jesser III--Democrat; Charles Wendell--Republican; Frank Lorea--Democrat.*

*Mr. Oscar Hutchinson appeared before the Commission to request the allocation of monies for the salary of a WVU Extension Agent as an additional agent for Fayette County. Mr. Hutchinson presented the Commission with a copy of budget for the Agricultural Extension Office. The Commission took this request under consideration.*

Larrie Bailey, Treasurer of the State of West Virginia, came before the Commission and members of the Fayette County Firemen's Association to present the Firemen's Association rebate checks earmarked by the State for fire protection services.

The Commission received an order issued by A. James Manchin, Secretary of State of West Virginia, ordering that the magisterial districts of Fayette County be brought into compliance by December 31, 1983, with all provisions of the Constitutions of the United States and West Virginia, and the Official Code of West Virginia, 1931, as amended, especially Article II, section four of the Constitution of West Virginia and Code 7-2-2, dealing with equal apportionment of representation. The Commission responded to Secretary Manchin notifying his office that the magisterial districts of Fayette County will be brought into compliance.

The Commission addressed a letter to Steve Bowen, Owner, Life Line Ambulance, restating the Commission's long standing policy that any new emergency service operation or firm must have been in continued operation for a period of one year prior to consideration for County funding. Since Lifeline has only been in business for a period of six months, the Commission welcomed Mr. Bowen to reapply for participation in the County funding program at the end of his one year operating period.

The Commission approved the purchase of a high-speed buffer in the amount of \$600.00 for use by the Courthouse maintenance department.

The Commission approved renovation improvements to the Assessor's Office and the Circuit Court Reporters' Office.

The Commission addressed a letter to Mr. Oscar Weinmeister, Jr., Administrator, Beckley Appalachian Regional Hospital, notifying him that the Commission had unanimously endorsed the hospital expansion/

modernization plan for said hospital based on the overall benefits which would accrue to the patients and the community and the positive impact which this project would have on other planned projects.

The Commission notified Jonas A. Davis, Mayor, City of Mount Hope, that the Commission has agreed to sponsor the grant application for the flood control, drainage project for the City of Mount Hope. The project will be included within the Commission's overall Small Cities Community Development Block Grant Emergency Jobs Program grant application.

The bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

THURSDAY, SEPTEMBER 15, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The Commission directed letters of special thanks to Virgil Burgess, Fred Jesser III, Charles Wendell, and Frank Lorea for said individuals allowing their names to be placed into nomination for appointment to the West Virginia Appraisal Control and Review Commission.*

*The Commission directed a notice to all elected officials and department heads of Fayette County requesting that all department heads please submit a record of any and all overtime accumulated by employees of each department since July 1, 1983. The overtime record should disclose: the individual's name, date/dates of overtime worked, number of hours of overtime, reasons for granting or requiring such overtime.*

*The Commission received a letter from Jack Manning, Sheriff, asking the Commission's approval of acceptance of title and registration of a van which had been confiscated by the Fayette County Sheriff's Department (drug unit). The Commission took the request under advisement.*

*The Commission received a copy of a letter addressed to Sheriff Jack Manning regarding a formal demand for payment of all monies for any and all compensation, including accrued vacation*

pay, due David E. Brown, Jr., from March 7, 1983 to August 17, 1983.  
The letter was from John W. Swisher, Attorney.

Approval was given by the Commission for the Countytax System contract effective July 1, 1983. The cost per account (parcel) remains at forty (.40) cents.

The Commission received a copy of the Summary and Proposed Action sections of the draft of the environmental impact statement and study report on the Greenbrier Wild and Scenic River Study for review.

The payroll for the period of September 1 through September 15, 1983, was approved. Also, the bills submitted to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, SEPTEMBER 28, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: Charles M. Vickers  
John H. Lopez  
James E. Lively

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mrs. Jesse Boggs, Ladies Auxiliary, UMW District 17, and Mrs. Betty Maples, Ladies Auxiliary, UMW District 29, appeared before the Commission with several other citizens requesting the status of their request of the Commission on June 8, 1983. The Commission explained to the group that it had received an answer from Herschel H. Rose III, State Tax Commissioner, dated August 12, 1983, stating that it is the position of the State Tax Department that the Fayette County Commission is not authorized to make a contribution to the Ladies' Auxiliary of the United Mine Workers for a "general relief program," unless such contribution is for a nutrition program in accordance with Chapter 7, Article 1, Section 3y of the West Virginia Code, and adequate controls are installed to insure that expenditures are made only for authorized purposes (nutrition). The Commission gave the representatives copies of this letter and stated that it would request an opinion from the Attorney General regarding this matter.*

*Gary Harding appeared before the Commission and presented the request of Edgar B. Callahan and Jim Lively Insurance, Inc., Owners, for a change in land classification from B-3, Highway Business District, to I-1, Light Industrial District, on 4.119 and 15.3 acres, Wolf Creek, located on Corridor "L" south of the Lochgelly Road intersection near*

Oak Hill, Plateau District. The Zoning Officer informed the Commission that the Planning Commission did by a vote of 7-0 recommend that this request be approved. After a general discussion, a motion was made by Mr. Lopez that this be approved as recommended by the Planning Commission. Motion failed for lack of a second with Mr. Lively abstaining from this request.

Mayor Lawrence Kelly of Pax appeared before the Commission to request a drawdown of \$35,000 of the Commission's commitment to the Pax Area Sewer System. A motion was made, seconded, and unanimously approved to honor \$35,000 of its commitment to the Pax Area (\$50,000.00 commitment) with the remainder to be paid on completion of the project.

Mrs. Elsie Schott appeared before the Commission regarding the progress of the Humane Society. Mrs. Schott stated that the progress of the Humane Society was too slow.

Mr. Leonard "Butch" Joyce of Draper-Aden Associates made a presentation to the Commission regarding landfill management services and engineering consulting services. The Commission took Mr. Joyce's presentation and handout under consideration.

The Commission received a copy of a letter addressed to Sheriff Jack Manning (dated September 23, 1983) from John W. Swisher, Attorney, urging him and the Commission to pay David E. Brown the monies which are due him under the law. Consequently, in response to the queries by Mr. Swisher in said letter and a letter dated September 7, 1983, the Commission directed a letter to Mr. Swisher informing him that heretofore, the Commission has received only one official notification regarding this matter, i.e., on March 7, 1983, Sheriff Manning notified the Commission that R. C. Pennington had been dismissed and that Sgt. D. E. Brown, Jr., and Corporal W. L. Dempsey were suspended without pay, "pending the final disposition of the indictments in which

they are dependents." More poignantly, the Commission has received no notification of any decision regarding back pay, no formal requests regarding back pay, nor has any other official correspondence regarding the status of this matter been addressed to the Commission. The back pay in question has been allowed to accrue, and the Commission will tender payment if it is directed to do so and is advised as to what amount would constitute proper payment.

The Commission addressed a letter to SEMS, Inc. requesting that agency's advice as to how the insurance funds attributable to the grant may be utilized in regard to the settlement for loss of a 1979 Dodge ambulance, serial number B35JF9X192611, which was totaled by General Ambulance, Inc., on April 27, 1983.

The payroll for the period of September 16 through September 30, 1983, was approved. Also, the bills submitted to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 26th day of September, 1983, 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 September, 1983, 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-249-83-1: Request of Edgar B. Callahan and Jim Lively Ins. Inc., Owners, for a change in land classification from B-3, Highway Business District, to I-1, Light Industrial District, on 4.119 and 15.3 acres, Wolf Creek, located on Corridor "L" south of the Lochgelly Road intersection near Oak Hill, Plateau District.

Gary E. Harding  
Zoning Officer

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, SEPTEMBER 28th, 1983.

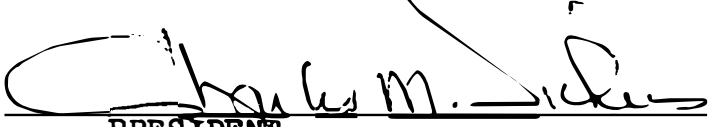
Present were: Charles M. Vickers, President  
James E. Lively, Commissioner  
John H. Lopez, Commissioner

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

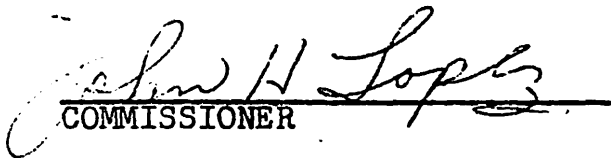
Z-249-83-1: Request of Edgar B. Callahan and Jim Lively Ins.  
Inc., Owners, for a change in land classification from  
B-3, Highway Business District, to I-1, Light Industrial  
District, on 4.119 and 15.3 acres, Wolf Creek, located  
on Corridor "L" south of the Lochgelly Road intersection  
near Oak Hill, Plateau District.

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 approved. After a general discussion a  
motion was made by Mr. Lopez that this be approved as recommended  
by the Planning Commission. Motion failed for lack of a second  
with Mr. Lively abstaining from this request.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

\_\_\_\_\_  
COMMISSIONER

  
COMMISSIONER

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, OCTOBER 5, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*T. E. Myles, Attorney, appeared before the Commission to request a continuation of the hearing of Jerry L. McGraw, DBA Urban Cable Co., for a TV cable system. The Commission scheduled the hearing to be continued at 11:00 A.M. on October 26, 1983, in the Office of the County Commission.*

*Representatives of the Ladies Auxiliary of the UMW Districts 17 and 29 appeared before the Commission to request the status of their previous request and stated that they would like to receive funds to cover all of Fayette County. As per the letter from Gene Bailey, Assistant Attorney General, dated October 3, 1983, with an attachment of a letter of approval to Boone County for a Coal Miners Assistance Program dated January 26, 1983, Commissioner Vickers asked the group that if a grant were made to the Food Coalition of Fayette County, would that action be satisfactory to them since the Ladies Auxiliaries of UMW Districts 17 and 29 are a part of the Fayette County Food Coalition. The representatives present agreed that this action would be satisfactory. Thereupon John H. Lopez made a motion that \$20,000.00 be made available to the Fayette County Food Coalition from Coal Severance Tax monies to aid in the purchase of food for that program; the motion was seconded and approved unanimously.*

The Commission received a letter from Jack Manning, Sheriff, asking for clarification of the Commission's letter to John W. Swisher, Attorney, dated September 28, 1983, regarding the status of back pay for David E. Brown, Jr.

The Commission entered a resolution authorizing the filing of an application with the State of West Virginia for Community Development Block Grant funds, including all understandings and assurances contained therein, and directs and authorizes Charles M. Vickers, President, Fayette County Commission, in his official capacity as President, to act in connection with the application and to provide such additional information as may be requested.

Larry Bragg, Member of Deepwater Public Service District, appeared before the Commission requesting funding for 6 new water meters in order to enable that P.S.D. to have a rate increase. The Public Service Commission had informed the Deepwater P.S.D. that without the meters they could not raise their rates. The Commission took the request under consideration.

The Commission directed letters to be sent to Senator Robert C. Byrd and Congressman Harley O. Staggers, Jr., requesting their intervention on behalf of the residents of Fayette County and West Virginia to have the regulations altered to permit the general distribution of emergency food supplies made available by the federal government.

The bills submitted to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

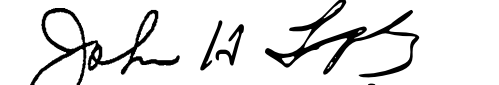
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RESOLUTION

Be it resolved that the County Commission of Fayette County hereby authorizes the filing of an application with the State of West Virginia for Community Development Block Grant funds, including all understandings and assurances contained therein, and directs and authorizes Charles M. Vickers, President, Fayette County Commission, in his official capacity as President, to act in connection with the application and to provide such additional information as may be requested.

COUNTY COMMISSION OF FAYETTE COUNTY

  
Charles M. Vickers, President

  
John H. Lopez, Commissioner

  
James E. Lively, Commissioner

Dated this 5th day of October, 1983.



REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

OCTOBER, 14, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT : CHARLES M. VICKERS

JOHN H. LOPEZ

JAMES E. LIVELY

*This meeting in regular session of the Fayette County Commission was called to order by the President, Mr. Charles M. Vickers.*

*The County Commission notified all Elected Officials and Fayette County Employees, that the courthouse will be closed on Wednesday, October 19, 1983, due to the Special Levy Election being held by the Fayette County Board of Education.*

*The Commission directed Richard W. Bragg to request Eastern Highlands Area Agency on Aging, to return funds in question in the amount of \$7,504.51 to the General Fund of Fayette County.*

*A order was entered requesting appeal of Executrix of Estate of Dio Frank Shaffer, deceased from a decision of George L. Vickers, Commissioner of accounts, Fayette County, dated May 11, 1982. Copies of order sent to Louis R. Tabit and Stanley M. Hostler, Attorney at Law.*

*Accordingly, it is ORDERED that the appeal of the Executrix be denied and it is further ORDERED that the Executrix transfer to Sherry L. Rapp the claimant, the sum of Twenty-nine Thousand One Hundred Twelve and (39/100) Dollars (\$29,112.39) , which sum includes interest at the rate of 5¼ earned by the Estate on the deposit of the savings account, said transfer to be made on or before October 15, 1983.*

*The Commission noted that the term of office of Joe Craffey, Boomer, West Virginia, as a Commissioner of the Kanawha Falls Public Service District Board expired on September 1, 1983, and upon recommendation of the Board, it is hereby ordered that Joe Craffey be and he is hereby appointed as Commissioner of said Kanawha Falls Public Service District Board as and of September 1, 1983, to serve for and during a period of six years, said term to expire September 1, 1989.*

*The Commission submitted a letter, an original and two(2) copies of the Fayette County Commission's Small Cities Community Development Block Grant Emergency Employment application for funding consideration in the amount of \$397,758. Cppy sent to Larry D. Bradford, Executive Director*

of Region 4 Planning and Development Council for review . A letter was sent to Mary P. Hill, Community Development Representative, Governors Office of Economic and Community Development, advising that office that if the above reference project is funded Fayette County Commission will assume responsibility for administration of grant.

The Commission also approved the payroll and bills presented.

There being no further business, the Commission adjourned its meeting.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

OCTOBER 26, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT : JAMES E. LIVELY

JOHN H. LOPEZ

*This meeting in regular session of the Fayette County Commission was called to order by James E. Lively.*

*Appearing before the Commission was Jane Hughes representing the Library Commission, and Steve Cruikshanks representing the Fayette County Firemens Association. Ms. Hughes and Mr. Cruikshanks appeared before the Commission concerning the Special Election for excess levy. They presented a letter from A. James Manchin, authorizing for a special election to be held on Saturday. The Commission tentatively set January 21, 1984 as special election day. Richard W. Bragg will work out details with the Library Board and Firemen's Association.*

*Mr. John W. Hatcher appeared before the Commission in request of CLOSURE AND ABANDONMENT OF UNUSED STREET UPON APPLICATION OF CHARLES L. COOL, PETITIONER. Mr. Charles L. Cool, petitioner, and his attorney John W. Hatcher, Jr.. Said petitioner and his attorney appearing pursuant to the duly verified petition previously filed with the Clerk of said Commission; pursuant to a notice of hearing properly published in THE FAYETTE TRIBUNE, a certificate of said publication being filed with said Clerk; pursuant to a copy of said notice and petition being served by certified mail on the abutting land owner, evidence of said certified mail being filed with the Clerk of said Commission.*

*Whereupon, the Commission inquired as to whether anyone present had any objections to the relief sought by the petitioner and none raised any objection to the relief sought by the applicant.*

*Whereupon, counsel for the petitioner presented to the Commission a letter from Jack Painter, the owner of the two lots abutting on the portion of Holly Street sought to be abandoned, said letter stating that said land owner did not object to said abandonment. Said letter was filed with the Clerk of the Commission.*

*Whereupon, after each Commissioner had examined the contents of the Clerk's file in this matter, Commissioner James E. Lively moved that the relief sought in said Petition be granted and said motion*

was seconded by Commissioner John Lopez, and accordingly, said Commissioners voted unanimously to and they did approve and grant the relief sought by the petitioner, as described in his Petition.

In granting the aforementioned relief, the Commission found that the use and rights of no other person, firm or corporation in the aforementioned street would be impaired or lost by the closing and abandonment of said street. Said street being Holly Street, East Kingston Subdivision, as said Subdivision is shown on a map of record in the aforementioned Clerk's Office in Map Book No. 17 at Page 99.

It is, therefore, the ORDER of said Commission that a 251.78 feet long portion of the 30 feet wide street, aforementioned, situate in the community of East Kingston, Valley District, Fayette County, West Virginia, be and the same is hereby closed and abandoned, as said street abuts and adjoins Lots No. 1 and 6 of Block B of said Subdivision and Lots No. 9 and 8 of Block C of said Subdivision

Mr. Dave Akers appeared before the Commission to present presentation of his building for the magistrate office. The Commission received the plans and drawings and will consider. Zoning will create an order for the Commission to sign.

Mr. Jerry McGraw presented application exclusive franchise, request for the APPLICATION OF JERRY L. MCGRAW, d/b/a URBAN CABLE CO., FOR THE FRANCHISE OR RIGHT TO ERECT AND MAINTAIN TRANSMISSION AND SERVICE DISTRIBUTION FACILITIES. Mr. Jerry L. McGraw, d/b/a Urban Calbe Co., in person and by T. E. Myles, his attorney; upon the application of Jerry L. Mc Graw for the franchise or right to construct, install, maintain and operate lines and equipment required for a system of relaying television, radio and/or other signals to the receiving sets of subscribers thereto, including poles, conduits, wires, connectors, brackets, boosters, a television antenna system and a television signal transmission system and other facilities incident thereto to enable said applicant to install, maintain, operate, etc. a cable television network system to provide television cable service and related services to subscribers within New Haven District, Fayette County, West Virginia, embracing the areas of Clifftop, Hilton Village, Corliss, Ravenseye, Maywood, Crickmer, Danese, Maplewood, Hemlock, Kathryn, Layland, Layland Heights, Mann Mountain and Landisburg, and which area is more particularly described and shown on a map attached to applicant's application and marked for identification "Applicant's Exhibit No. 1", which said map has the franchise area colored in red; and upon notice of

a hearing upon said application as required by law, the certificate of publication incident to said notice having this day been duly filed.

Thereupon the Commission heard the evidence adduced on behalf of the applicant and statements of counsel for the applicant and statements of John W. Hatcher, Jr., who appeared in opposition to the granting of an exclusive franchise to the applicant.

It appearing to the Commission that the franchise area is without television cable service, and that the best interest of the people within the franchise area would be served by the granting of said franchise; and it further appearing that the franchise area would not interfere with or encroach upon other areas which could best be served by comparable systems in the county, it is, therefore the ORDER of the Commission that Jerry L. McGraw, d/b/a Urban Cable Co., is hereby granted the non-exclusive franchise to construct, install, maintain and operate lines and equipment required for a system of relaying television, radio and/or other signals to the receiving sets of subscribers thereto, including poles, conduits, wires, connectors, brackets, boosters, a television antenna system and a television signal transmission system and other facilities incident thereto enable said applicant to install, maintain, operate, etc., a cable television network system to provide television cable service and related services to subscribers within New Haven District, Fayette County, West Virginia, embracing the areas of Clifftop, Hilton Village, Corliss, Ravenseye, Maywood, Crickmer, Danese, Maplewood, Hemlock, Kathryn, Layland, Layland Heights, Mann Mountain and Landisburg which said area, as aforesaid, is shown on the aforementioned map attached to applicant's heretofore filed and marked for identification "Applicant's Exhibit No. 1", on which map the franchise area is denoted in red.

Public Hearing continued as per statute, attorney representing Mr. McGraw - Tom Myles, "Seeks exclusive franchise for operation of Urban Cable Television Company. \$75,000.00 basic system operable in Danese Area (100-150) customers in the area, and plans to expand. Mr. John Hatcher representing Universal Cable, opposing Franchise on exclusive basis. The Question was asked why exclusive franchise "jeopardize investment: when not in cable business before. The Commission voted against excluding would accept non-exclusive.

Mr. A. W. Orndorff of Valley Emergency Medical Service presented

Valley ambulance request for \$5,000.00 for building funds for renovations improvements to headquarters.

The Commission received a letter from the Mountain Transit Authority stating that they had the chance of obtaining six new 20 -24 passenger buses with both State and Federal funding assistance. They also stated that the new buses would probably cost about \$31,000.00. The Mountain Transit Authority stated that they hope to acquire assistance from each of the five counties in the amount of \$3,500.00. The Commission approved to contribute to M. T. A. \$3,500.00 if grant for funds is approved if one of the buses is in Fayette County.

The Commission received a letter from the Sheriff of Fayette County stating that he had been asked by the Prosecuting Attorney to send a letter to the Commission concerning a Van that was confiscated by the Fayette County Sheriff's Department. The Sheriff stated that the Prosecuting Attorney noted that he needed a letter from the County Commission, with the approval of title and registration in the name of the Fayette County Commission. The Sheriff noted that the vehicle would be turned over to the County by the Prosecuting Attorney's Office if this was approved. The Commission approved the matter and a letter was to be prepared to the attention of Calr Harris, Prosecuting Attorney's Office. This was a 1973 Van confiscated by the Fayette County Sheriff's Department (Drug Unit).

Mr. Leonard (Butch) Joyce appeared before the Commission for the Landfill of Waste resource management. Mr. Joyce requested management Consultant Contract for Landfills 1 & 2. Richard Bragg is to hire Landfill employees to continue payroll effective November 1, 1983. Mr. Joyce in behalf of Waste resource project management to submit contract proposal to the County Commission. A special session is to be held at 4:30 P. M. October 31, 1983.

Mr. H. E. Janney, County Clerk requested that due to backlog of estates in his office that Brentz Thompson be removed as Special Commissioner of Accounts, and that Dwayne Tinsley be appointed in Brentz Thompson place as he had moved to Charleston and took up a job with the state.

Mr. Erwin L. Conrad, Attorney, appearing for Elba Lee Coulter, Jr appeared before the Commission . Upon the verified petition of Elba Lee Coulter, Jr. appearing in person, and by Erwin L. Conrad, his attorney; upon proper notice heretofore duly and legally served upon the respondent; the respondent not appearing either in person or by counsel; notice also having been served on all of the childer of Elba Lee Coulter, Sr.

It appearing that proper notice to respondent has been duly served as specified by statute, there was tendered and filed statements, in writing, of Dr. Donald Newell, Jr. and Dr. Sue S. Carey to the effect that the respondent was not competent to manage his business, financial and legal affairs.

The Commission having heard the testimony of the petitioner, Elba Lee Coulter, Jr., the affidavit of Virginia Chornsbay, Elba Lee Coulter, Jr., Alfred Wade Coulter and Sarah Coulter Dawson, Childer of Elba Lee Coulter, Jr., and having reviewed the physician's statement above mentioned, and upon consideration of all of which, it is the judgment of the Commission that the said Elba Lee Coulter, Sr. is unable to manage his business, financial and legal affairs and is, therefore mentally incompetent.

It is ORDERED that Elba Lee Coulter, Jr. and Sarah Coulter Dawson are hereby appointed jointly to serve as Committees for Elba Lee Coulter, Sr., an incompetent, and in the event of the decease, resignation or removal of either of said joint Committees, a substitute joint Committee shall be appointed and said Committees shall have full and complete authority to manage respondent's business, legal and financial affairs, which appointment shall become effective upon execution of a bond in the amount of \$40,000, with adequate surety, filed with the Clerk T. E. Myles designated as Fiduciary Commissioner .

The Commission told Mr. Richard Bragg, to hire Landfill employees to County Payroll, effective November 1, 1983.

Mr. Gary Harding , Zoning Officer, appeared before the Commission with request (1) Rhonda D. Pounds, Owner for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on Lot 81, Carlisle Subdivision, Route 15, Plateau District Z-250-83-1. The County Commission was informed by the Zoning Officer that this proposed change was to accomodate a restaurant and private

club and that the Planning Commission did unanimously recommend this be approved. After a discussion a motion was made by Mr. Lopez that this be approved as recommended. Motion was seconded by Mr. Lively and passed by a vote of 2-0.

(2) Ravens Eye, Inc., Z-251-83-1: Request of Raven's Eye, Inc., Owner, by Barry O'Mahoney, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on 5 acres, near Clifftop, Route 10, Stone House Road, New Haven District. Mr. Phil Tissue was present representing the applicant. The County Commission was informed by the Zoning Officer that a proposed combination campground facility and restaurant was planned for this site and that the Planning Commission did unanimously recommend this be approved. Motion was made by Mr. Lopez that this be approved as recommended. Motion was seconded by Mr. Lively and passed by a vote of 2-0.

(3) Z-252-83-1: Request of Paul Washington, Owner, for a change in land classification for RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on Lot 67, Wingrove Subdivision, Wingrove Hill, Scarbro, Plateau District. Mr. Washington was present and 8 people were present in opposition to this request. The Commission was informed by the Zoning Officer that the Planning Commission did by a vote of 8-0 recommend that this request be denied. After much discussion a motion was made by Mr. Lopez that this request be denied as the Planning Commission recommended. Motion was seconded by Mr. Lively and passed by a vote of 2-0.

There being no further business to come before the Commission, they adjourned their meeting.

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MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, OCTOBER 26th, 1983.

Present were: James E. Lively, Commissioner  
John H. Lopez, Commissioner

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

Z-250-83-1: Request of Rhonda D. Pounds, Owner, for a change in  
land classification from RR-1, Agricultural and Rural Residence  
District, to B-2, General Business District, on Lot 81, Carlisle  
Subdivision, Route 15, Plateau District.

The County Commission was informed by the Zoning Officer that  
this proposed change was to accomodate a restaurant and private  
club and that the Planning Commission did unanimously recommend  
this be approved. After a discussion a motion was made by Mr.  
Lopez that this be approved as recommended. Motion was seconded  
by Mr. Lively and passed by a vote of 2 - 0.

Z-251-83-1: Request of Raven's Eye, Inc., Owner, by Barry O'Mahoney,  
for a change in land classification from RR-1, Agricultural and  
Rural Residence District, to B-2, General Business District,  
on 5 acres, near Clifftop, Route 10, Stone House Road, New  
Haven District.

Mr. Phil Tissue was present representing the applicant. The  
County Commission was informed by the Zoning Officer that a pro-  
posed combination campground facility and restaurant was planned  
for this site and that the Planning Commission did unanimously  
recommend this be approved. Motion was made by Mr. Lopez that this  
be approved as recommended. Motion was seconded by Mr. Lively and  
passed by a vote of 2 - 0.

Z-252-83-1: Request of Paul Washington, Owner, for a change in  
land classification from RR-1, Agricultural and Rural Residence  
District, to B-2, General Business District, on Lot 67, Win-  
grove Subdivision, Wingrove Hill, Scarbro, Plateau District.

Mr. Washington was present and 8 people were present in  
opposition to this request. The Commission was informed by the  
Zoning Officer that the Planning Commission did by a vote of 8 - 0  
recommend that this request be denied. After much discussion a  
motion was made by Mr. Lopez that this request be denied as the  
Planning Commission recommended. Motion was seconded by Mr. Lively  
and passed by a vote of 2 - 0.

THE FAYETTE COUNTY COMMISSION

  
COMMISSIONER

  
COMMISSIONER

SPECIAL SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, OCTOBER 19, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY  
JOHN H. LOPEZ

*This meeting in special session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The purpose of this meeting was to obtain the proper signatures on the Joint Agreement authorizing the issuance of Single Family Mortgage Revenue Bonds for the purpose of financing single family residences. However, no representative appeared before the Commission to obtain said signatures; therefore, no action was taken on this date.*

*There being no further business, the Commission adjourned its meeting.*

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SPECIAL MEETING OF THE FAYETTE COUNTY COMMISSION

October 31, 1983

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

A special meeting was held on October 31, 1983 to discuss take over of landfill operations by the Fayette County Commission as of November 1, 1983.

Also brought before the County Commission on October 31, 1983 was the vacancy of Brentz H. Thompson.

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: VACANCY CREATED BY THE RESIGNATION OF BRENTA H. THOMPSON,  
SPECIAL COMMISSIONER OF ACCOUNTS

WHEREAS, Brentz H. Thompson had previously been appointed and was actively engaged as a Commissioner of Accounts in Fayette County, West Virginia at the time of his resignation on October 31, 1983; and,

WHEREAS, at the time of said resignation of Brentz H. Thompson, Special Commissioner of Accounts, there were pending before him a large number of estates which had been referred to him for settlement; and,

WHEREAS, to provide for the orderly and efficient settlement of the estates of said Brentz H. Thompson, Special Commissioner of Accounts, it appears to the Commission that a person associated with and working with Brentz H. Thompson should be appointed as a Special Commissioner of Accounts for the purpose of settling those estates pending before Brentz H. Thompson as of October 31, 1983: and

THEREFORE, acting pursuant to Chapter 44, Article 3, Section 1 of the Code of West Virginia, as amended, it is ORDERED that Dwane L. Tinsley, Attorney-at-Law, Fayetteville, West Virginia, be and he is hereby appointed by this Commission as a Special Commissioner of Accounts to make settlement in those estates pending before Brentz H. Thompson, Special Commissioner of Accounts, on October 31, 1983.

There being no further business to come before the Commission, the meeting was adjourned.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

NOVEMBER 9, 1983

COURTHOUSE

FAYETTEVILLE, WV25840

MEMBERS PRESENT: James E. Lively  
John H. Lopez

This meeting in regular session of the Fayette County Commission was called to order by James E. Lively

Mr. Mike Walbrown, submitted a floor plan of building as proposed for Magistrate's offices.

Mr. Jim Rice, dba Rice Sanitation Service, presented a plan to establish an account at both land fill sites. A order was entered by the Commission to open special account to be entitled "Fayette County Commission Solid Waste Account" at New River Banking and Trust; further ordered that Sheriff Jack Manning do what necessary to perfect the order.

The Commission received a quoted proposal from Shelton=Witt Equipment Corporation of \$52,000 for Komatsu enloader for Fayette County Landfill. No action was taken.

The Commission approved additional position for magistrate court clerks per contract as submitted by Judge Summerfield stated as follows:  
(1) The Agreement is intended to comply with the provisions of the West Virginia Code, Chapter 61, Article 3 et seq., and more specifically with Code 61-3-39h (House Bill 1317, Acts of the Legislature, Regular Session, 1983.

(2) Under the hereinabove provisions, the Commission is hereby authorized to employ one person(s) in the office of the county magistrate court clerk for the following number of working hours each week: 35. It is hereby covenanted and agreed that such employee(s) shall not be paid in excess of \$962.00 dollars for each calendar month of such employment. The Commission shall pay such sum only for an amount proportionate to the time the clerk(s) devote (s) to worthless check cases, as provided by law.

(3) The Commission is also authorized to pay from the county's Worthless Check Fund to the sheriff of said county the sum of \_\_\_\_\_ dollars a month for the payment of one sheriff's deputy(ies). Their

duties will be to serve legal notice(s) upon persons writing worthless checks; however, the Commission shall pay such sum only for an amount proportionate to the time the deputy(ies) devote(s) to worthless check cases, as provided by law.

(4) It is understood and agreed that such deputy clerks and sheriff's deputies are employed by the county and not by the Administrator, the State of West Virginia or its Supreme Court of Appeals. They will be eligible for all benefits received by other county employees. (5) Any deputy Clerk (s) hired under the provisions of this agreement shall be employed with the approval of the supervision circuit judge and the county's magistrate court clerk. (6) The county's magistrate court clerk or the Administrator has the right to supervise, suspend, or dismiss any clerk (s) hired under the provisions of this agreement. (7) If the county's Worthless Check Fund is depleted by the payment of salaries to the clerk (s) and sheriff's deputy(ies) employed under the terms of this agreement, any clerk (s) or sheriff's deputy(ies) paid under terms and provisions of this agreement shall be discharged by action of the Commission; provided, however, that if sufficient funds are available for the salary of only one employee to deal with worthless checks, the deputy(ies) shall be discharged first and the clerk(s) shall be discharged last. Under no circumstances will the Administrator's office or the Magistrate Court Fund pay the salaries of deputy clerks or deputies. (8) This agreement shall be filed in the office of the Administrator, in the office of the Commission, and with the magistrate court clerk. It is expressly understood that this agreement shall be open and subject for inspection by the Chief Inspector of Public Offices or his duly-appointed designee.

The Commission approved pay of overtime as presented. The Commission ordered overtime pay at 1½ as submitted by Sheriff Manning to be turned into payroll department. Approved overtime as of July 1, 1983 to August 15, 1983 for overtime pay in emergency situations. The Sheriff presented a letter with certificate prepared by prosecuting attorney office that such overtime is all that has been accumulated and such amount of overtime will satisfy all such claims. Regular overtime emergency situation to be submitted to payroll.

Mr. Butch Joyce appeared before Commission for Solid Waste Landfill. The Commission agreed to contract, with Butch Joyce as Technical

Consultant for solid waste for Fayette County. Butch Joyce is to submit contract.

Mr. Lonnie Cody and Mr. Clarence Minks were hired for landfill for solid waste operations. Mr. Cody and Mr. Minks were hired by the Commission effective November 10, 1983.

The Commission voted to close day after Thanksgiving, November 25, 1983 if State Offices do so.

The Commission approved additional fund to Fayette County Food Coalition of \$10,000.00.

Requisition for Mrs. Sophia Bush to be paid more money in order that she would do the jail uniform laundry twice a week instead of one. It was stated by letter that the jail does not have enough uniforms to be given out to the inmates, if she only does them once a week, and the inmates cannot stay clean if they wear them for a whole week. This was requested by Agnes Williams, Jail Administrator. No action was taken, on this matter.

Mr. George Vickers, Attorney appeared for committee hearing for Isiah White. This cause came to be heard on the ninth (9) day of November, 1983, upon the verified petition of Mose White, appearing in person and by George L. Vickers, his attorney: upon proper notice heretofore duly served upon the respondent and the respondent's next of kin, William White, his brother.

And it appearing that proper notice has been duly served, as required by statute, there was tendered and filed a statement in writing of Romeo C. Cabungcal, M. D., to the effect that the respondent is incompetent to manage his business, financial and legal affairs.

The Commission, having heard the testimony of the petitioner, and having considered the statement of the physician above mentioned and the evidence otherwise adduced in behalf of the petition, and upon the consideration of all of which it is the JUDGMENT of the Commission that the said Isiah White is mentally incompetent and unable to manage his business, financial and legal affairs and that it is necessary that a committee be appointed to do so.

It is, therefore, ORDERED that Mose White of Boomer, Fayette County, West Virginia be and he is hereby appointed as committee for Isiah White, an incompetent, a citizen of Fayette County, West Virginia, and currently a patient at Veterans Administration Medical Center, Chillicothe,

Ohio.

Whereupon, came the said Mose White and qualified as such committee according to law and executed a proper bond in the amount of \$5,000.00 with surety approved by the Clerk of the Court.

It is further ORDERED that J. Hobart Hale, Percy Mosley, and Franklin Hale be and they are hereby appointed as appraisers and that the committee's accounts be and they are hereby referred to T. E. Myles, Fiduciary Commissioner. Approved by the Commission.

The Commission sent a letter to Mr. Larry D. Bradford, Director of Region IV Planning and Development Council, in response to a letter issued by the Secretary of State of West Virginia, Mr. A. James Manchin, dated the 25th day of August, 1983.

The Fayette County Commission and the Clerk of said Commission have been directed to have the magisterial districts of Fayette County brought into compliance by December 31, 1983, with all provisions of the Constitutions of the United States and West Virginia, and the Official Code of West Virginia, 1931, as amended, especially Article II, section four of the Constitution of West Virginia and Code 7-2-2, dealing with equal apportionment of representation.

There being no further business to come before the Commission, the meeting was adjourned.

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REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

NOVEMBER 15, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: JAMES E. LIVELY

JOHN H. LOPEZ

*This meeting in regular session of the Fayette County Commission was called to order by James E. Lively*

*The Commission noted the county to assume responsibility of landfill operation due to withdrawal of Southern West Virginia Regional Health Center for landfill operations. The following to have pay of :*

<i>Operation Supervisor--</i>	<i>Jack Gannon \$500.00 per month</i>
<i>Administrative</i>	<i>--Richard Bragg \$ 500.00 per month</i>
<i>Billings</i>	<i>--Charlotte Holley \$75.00 per month</i>
<i>Payroll</i>	<i>--Jackie Hickman \$40.00 per month</i>

*as of November 15, 1983 . Mr. Howard Janney Clerk of County notified.*

*The Commission told Richard Bragg to contact Shelton Witt to have Komatsee repaired, and transfer to Landfill # 1.*

*The Commission notified Mr. Howard Janney, Clerk of County that the following rates of pay are to be used for wage computation for said employees of the Commission.*

<i>Lonnie Cody</i>	<i>\$5.75/hour</i>
<i>Clarence Minks</i>	<i>\$5.50/hour</i>

*The Commission also notified Mr. A. W. Orndorff of the Valley Emergency Medical Center, of a presentation of funding for renovations and improvements of the Valley Emergency Medical Service headquarters in the amount of \$5,000.00, which would represent the Commission's commitment to said project.*

*The Fayette County Commission approved the payroll and vouchers.*

*There being no further business to come before the Commission, they adjourned their meeting.*

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COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

WEDNESDAY, NOVEMBER 30, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mr. John Redman submitted a proposed budget for the Fayette County Office of Emergency Services for consideration by the Commission for funding. Mr. Redman stated that the Federal government would reimburse 50% of office expenses. The Commission took the request under advisement until the 1984-85 budget hearings.*

*Mr. Gerald Greene, Mr. Claude Bess, and Mr. William Robinson appeared before the Commission to request any possible funding by the County as local funding for the Wolf Creek Public Service District sewage collection and treatment system with pump stations project. The Commission took this request under consideration.*

*Mr. Gary Harding, Zoning Officer, appeared before the Commission to present the following cases for disposition: 1) Request of Carole R. Sunderlin & Dennis L. Ramsey, Owners, by Imperial Colliery Co., Contract Owners, for a change in land classification from R-R Agricultural and Rural Residence to I-1, Light Industrial District, on Lots 1, 2, 3, and 12, Shepherd Subdivision, located on north side of U.S. Route 60 approximately 1½ miles east of Corridor "L", Hico, New Haven District. Mr. Bill Keeney was present representing Imperial Colliery and no one appeared in opposition. The Commission was informed by the Zoning Officer that the Planning Commission did unanimously recommend that this be*

approved. After a general discussion, a motion was made by Mr. Lively that this be approved as recommended; motion was seconded by Mr. Lopez and passed by a vote of 3-0. 2) Request of Imre Szilagyi, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence, to B-2, General Business District, on 7.35 acres, Wolf Creek, Route 16 at Harlem Heights Road, Plateau District. Mr. Tom Myles was present representing the applicant, and no one appeared in opposition. The Commission was informed that this was an expansion of an existing business and that the Planning Commission did unanimously recommend it be granted. A motion was made by Mr. Lively that this be approved as recommended and seconded by Mr. Lopez; the motion passed by a vote of 3-0. 3) Request of Robert J. Parsons, Owner, for a change in land classification from R-R, Agricultural and Rural Residence to B-2, General Business District, on .8 acre, Shade Creek, U.S. Route 60, Victor, New Haven District. Mrs. Parsons was present and there was no opposition. The Commission was informed that this was to change a grocery store into a small engine repair shop and that the Planning Commission did unanimously recommend it be approved. After a discussion, a motion was made by Mr. Lively that this be approved as recommended; motion was seconded by Mr. Lopez and passed by a vote of 3-0. 4) Request of Lawrence B. & Tana Higginbotham, Owners, for a change in land classification from R-2, Residence District, to B-2, General Business District, on Lot 1 and part of Lot 2, Burnside Subdivision, Burnside Street off Summerlee Road, Rosedale, Plateau District. There was no opposition present and the Commission was informed by the Zoning Officer that the Planning Commission did unanimously recommend this be approved for a 30' x 60' building to be used for a muffler shop. Mr. Lopez and Mr. Lively both stated that they had calls protesting this approval. After a general discussion, a motion was made by Mr. Lopez that this be deferred until the Planning Commission made an on site inspection

and then recommended the request. Motion was seconded by Mr. Lively and passed by a vote of 3-0. 5) Request of Jerry W. & Barbara Goode, Owners, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on 2.61 acres, Loup Creek, Route 61, Wriston, Plateau District. Mr. Goode was present and there was no opposition. The Commission was informed that a garage was proposed for this site and that it adjoined industrial property. The Planning Commission did recommend unanimously that this be approved. After a general discussion as to location, a motion was made by Mr. Lopez that this be approved as recommended; motion was seconded by Mr. Lively and passed by a vote of 3-0.

Mr. Mitch Bailey, Shelton Witt Corporation, appeared before the Commission regarding the Komatsu enloader; he informed the Commission that the warranty on this equipment could be extended to 2,500 hours as long as the service was not due to lack of maintenance. Mr. Jack Gannon was directed to inspect the enloader and give his opinion as to whether or not the County should purchase said enloader.

Pat Hamilton, Attorney, appeared before the Commission regarding the transfer of the Fayette County First Mortgage Medical Facilities Revenue Bonds (Plateau Medical Center, Ltd.), Series 1981, in the aggregate principal amount of \$9,790,000 to the assignor, American Healthcare Management, Inc., a Texas Corporation ("AHM"). The Commission unanimously approved by resolution the transfer of said bonds.

Pursuant to the provisions of Chapter 8, Article 26A, of the Code of West Virginia, the Fayette County Commission does hereby order the establishment of the Fayette County Historic Landmark Commission. This establishment is founded on the basis that it is in the best interest of the education and general welfare of the people of this

County to identify, study, preserve and protect historic buildings, structures and sites in this County.

Approval was granted by the Commission to Whitewater Inn to obtain additional financing.

After a general discussion, the Commission tabled the motion of November 15, 1983 regarding the payment of overtime for deputies. Richard W. Bragg was directed to contact Sheriff Jack Manning regarding the setting of a policy for overtime and the payment of such overtime.

The Commission directed Richard W. Bragg to notify the three County Magistrates, the Circuit Judges, the Sheriff, and the Prosecuting Attorney that the Commission would desire to meet with said officials at 9:00 A.M. on December 7, 1983 to discuss the selection of a magistrates' office building in Fayetteville.

Richard Bragg was directed to contact Mr. Carl Harris, Assistant Prosecuting Attorney, to request that he prepare a lease agreement for the Fayette County Landfill #1 between the Rush Creek Land Company and the Fayette County Commission.

Mr. Charles Wendell appeared before the Commission to request that the Commission make a motion to readvertise for a change in land classification for the property of Houston J. Wendell, Owner, located on Corridor "L" at Maple Lane, near Fayetteville, New Haven District. No motion was made by the Commission.

The payroll for the period of November 16 through November 30, 1983, was approved for payment. Also, the bills presented to the Commission were approved.

There being no further business, the Commission adjourned its meeting.

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MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, NOVEMBER 30, 1983.

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

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

Z-253-83-1: Request of Carole R. Sunderlin & Dennis L. Ramsey, Owners,  
by Imperial Colliery Co., Contract Owners, for a change in  
land classification from R-R, Agricultural and Rural Residence  
to I-1, Light Industrial District, on Lots 1, 2, 3 & 12, Shep-  
herd Subdivision, located on north side of U.S. Route 60  
approximately 1½ miles east of Corridor "L", Hico, New Haven  
District.

Mr. Bill Keeney was present representing Imperial Colliery  
and there was no opposition. The County Commission was informed by  
the Zoning Officer that the Planning Commission did unanimously  
recommend that this be approved. After a general discussion a  
motion was made by Mr. Lively that this be approved as recommended.  
Motion was seconded by Mr. Lopez and passed by a vote of 3 - 0.

Z-254-83-1: Request of Imre Szilagyi, Owner, for a change in land  
classification from RR-1, Agricultural and Rural Residence,  
to B-2, General Business District, on 7.35 acres, Wolf Creek,  
Route 16 at Harlem Heights Road, Plateau District.

Mr. Tom Myles was present representing the applicant. There  
was no opposition. The Commission was informed that this was an  
expansion of an existing business and that the Planning Commission  
did unanimously recommend it be granted. A Motion was made by Mr.  
Lively that this be approved as recommended. Motion was seconded  
by Mr. Lopez and passed by a vote of 3 - 0.

Z-255-83-1: Request of Robert J. Parsons, Owner, for a change in  
land classification from R-R, Agricultural and Rural Residence  
to B-2, General Business District, on .8 acre, Shade Creek,  
U.S. Route 60, Victor, New Haven District.

Mrs. Parsons was present and there was no opposition. The  
County Commission was informed that this was to change a grocery  
store into a small engine repair shop and that the Planning  
Commission did unanimously recommend it be approved. After a  
discussion a motion was made by Mr. Lively that this be approved  
as recommended. Motion was seconded by Mr. Lopez and passed by a  
vote of 3 - 0.

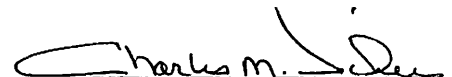
Z-257-83-1: Request of Lawrence B. & Tana Higginbotham, Owners,  
for a change in land classification from R-2, Residence District,  
to B-2, General Business District, on Lot 1 and part of Lot 2,  
Burnside Subdivision, Burnside Street off Summerlee Road,  
Rosedale, Plateau District.


There was no opposition present and the Commission was informed  
by the Zoning Officer that the Planning Commission did unanimously  
recommend this be approved for a 30' x 60' building to be used for  
a muffler shop. Mr. Lopez and Mr. Lively both stated that they had  
calls protesting this approval. After a general discussion a motion  
was made by Mr. Lopez that this be deferred until the Planning  
Commission made an on site inspection and then recommended the  
request. Motion was seconded by Mr. Lively and passed by a vote of  
3 - 0.

Z-258-83-1: Request of Jerry W. & Barbara Goode, Owners, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on 2.61 acres, Loup Creek, Route 61, Wriston, Plateau District.

Mr. Goode was present and there was no opposition. The County Commission was informed that a garage was proposed for this site and that it adjoined industrial property. The Planning Commission did recommend unanimously that this be approved. After a general discussion as to location a motion was made by Mr. Lopez that this be approved as recommended. Motion was seconded by Mr. Lively and passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 28th day of November, 1983, 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 30th day of November, 1983, 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-253-83-1: Request of Carole R. Sunderlin & Dennis L. Ramsey, Owners, by Imperial Colliery Co., Contract Owners, for a change in land classification from R-R, Agricultural and Rural Residence, to I-1, Light Industrial District, on Lots 1, 2, 3 & 12, Shepherd Subdivision, located on north side of U. S. Route 60 approximately 1½ miles east of Corridor "L", Hico, New Haven District.
- ✓Z-254-83-1: Request of Imre Szilagyi, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence, to B-2, General Business District, on 7.35 acres, Wolf Creek, Route 16 at Harlem Heights Road, Plateau District.
- ✓Z-255-83-1: Request of Robert J. Parsons, Owner, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on .8 acre, Shade Creek, U.S. Route 60, Victor, New Haven District.
- Z-256-83-2: Request of Robert J. & Barbara Kincaid, Owners, for a change in land classification from R-1, Residence District, to B-1, Neighborhood Business District, on Lot 9, Denmoor Subdivision, Nickelville Road, New Haven District.
- ✓Z-257-83-1: Request of Lawrence B. & Tana Higginbotham, Owners, for a change in land classification from R-2, Residence District, to B-2, General Business District, on Lot 1 and part of Lot 2, Burnside Subdivision, Burnside Street off Summerlee Road, Rosedale, Plateau District.
- ✓Z-258-83-1: Request of Jerry W. & Barbara Goode, Owners, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on 2.61 acres, Loup Creek, Route 61, Wriston, Plateau District.

Gary E. Harding

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, DECEMBER 7, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Circuit Judge J. Zane Summerfield and Magistrates Tom Aiello and James Love appeared before the Commission to review the sites which had been submitted to the Commission as possible locations for the Magistrates' office in Fayetteville; no decision was rendered in the selection of said site.*

*The Commission received a written request from Larry E. Losch for payment of \$5,253.60 for his services as special prosecutor in proceedings regarding Deputy Sheriffs Brown, Dempsey, and Pennington as specified in an order entered by Judge Scott; however, the Commission had been previously requested by Chief Justice McGraw to withhold said payment until an investigation regarding these proceedings is completed by his office.*

*The Commission forwarded a letter to Ms. Charlotte Morgan, Assistant Trust Officer, Kanawha Valley Bank, granting approval for the issuance of the replacement bond for 1st Mortgage Medical--Plateau Medical Center as per her letter and supporting documentation.*

*It appearing to the Commission that the term of office of Kenneth B. Fox, Kincaid, West Virginia, as a Commissioner of the Page-Kincaid Public Service District expired on October 1, 1983, and upon recommendation of the Board, it is hereby ordered that Kenneth B. Fox*



be and he is hereby appointed as a Commissioner of said Page-Kincaid Public Service District as and of October 1, 1983, to serve for and during a period of six years, said term to expire October 1, 1989.

Commissioner John Lopez made a motion to transfer \$25,000.00 to the Sheriff's budget for overtime purposes for Fiscal Year 1983-84 from the Coal Severance fund to the General County fund; this motion was seconded by Commissioner James Lively. The motion was passed by the following vote: aye--James Lively and John Lopez; nay--Charles Vickers.

Upon the motion of Commissioner John Lopez, seconded by Commissioner James Lively, the Commission did unanimously approve the appointment of William Black to fill the unexpired term of Mr. Charles Johnson as a Commissioner of the Armstrong Public Service District, said term expiring April 1, 1985.

Upon the verified petition of Frances Riner, appearing in person, and by Paul O. Clay, Jr., her attorney, and upon proper notice heretofore duly and legally served upon Nola Dodson; the respondent not appearing either in person or by counsel, the Commission having heard the testimony of the petitioner, Frances Riner, the affidavit of Freda Lyons and Johnny Dodson, children of Nola Dodson, and having reviewed the physician's statement and upon consideration of all of which, it is the judgment of the Commission that the said Nola Dodson is unable to manage her business, financial and legal affairs and is, therefore mentally incompetent. It is ordered that Frances Riner is to serve as Committee for Nola Dodson, an incompetent, and in the event of the decease, resignation or removal of Frances Riner as Committee, T. E. Myles is hereby appointed Fiduciary Commissioner which appointment shall become effective upon execution of a bond in the amount of Twenty Thousand Dollars (\$20,000.00) filed with the Clerk.

James A. Arbogast appeared before the Commission in person and by his counsel, Mary Parr Sterba, to petition that he be appointed as a Committee to act for and in behalf of Ellen Hardiman George, an alleged incompetent. Upon the Affidavit of Dr. Gregory Kelly, a licensed physician practicing in the State of West Virginia, stating that the said Ellen Hardiman George is physically unable to appear at this competency hearing, the Commission did appoint Thomas E. Myles, a licensed practicing attorney in good standing with the Fayette County Bar, to act as guardian ad litem in behalf of the said Ellen Hardiman George. Teresa Anderson, a Court Reporter, did thereupon take down the testimony of James A. Arbogast, petitioner, who stated that the said Ellen Hardiman George was unable to manage her business affairs and was unable to care for her physical well-being; the Commission further heard the evidence of Dr. Gregory Kelly, a licensed physician practicing in West Virginia, who likewise corroborated by affidavit that the said Ellen Hardiman George was unable to care for her physical well-being and was unable to manage her business affairs as defined by law. Therefore, it is hereby adjudged, ordered and decreed that James A. Arbogast be hereby appointed to act as special committee for and in behalf of the said Ellen Hardiman George and that the said committee shall have whatever power that is reasonable and necessary to protect the individual, to provide for her care and custody, to transact her business, including suing and being sued, and to act in general in behalf of the said Ellen Hardiman George. It is further ordered that the said James A. Arbogast enter into a bond in the sum of \$125,000.00 to secure the faithful execution of his duties as committee for the said Ellen Hardiman George; also, it is the further order of this Commission that T. E. Myles shall be and he is hereby appointed as Fiduciary Commission, and Norma Ferry, Veronica Arbogast and Russell Ferrenu

are designated as appraisers.

The Commission discussed the reapportionment of the magisterial districts of Fayette County. Richard W. Bragg was directed to proceed with the necessary steps to ensure the County's compliance with the order issued by the Secretary of State of West Virginia, A. James Manchin, dated the 25th day of August, 1983.

Mr. Jack Gannon appeared before the Commission to present his report of the current status of the County's Landfill operations. Mr. Gannon also discussed the need for obtaining heavy equipment necessary to fulfill said operations.

The bills presented to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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COUNTY COMMISSION OF FAYETTE COUNTY

THURSDAY, DECEMBER 15, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JAMES E. LIVELY

*This meeting in regular session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*The Commission resolved and made publicly known that, Mr. Charles Vickers, acting in his capacity as President of the Fayette County Commission is hereby empowered to enter into contracts and agreements and pursuant to Chapter 7 do whatever is necessary to perfect and carry out the terms of the agreements between the Commission and the Governor's Office of Economic and Community Development with regard to the Governor's approval of a Small Cities Block Grant for Gauley River Public Service District and the Community Partnership Grants for Mossy Public Service District and the Fayette County Committee on Aging.*

*The Commission addressed a letter to Mrs. Beatrice Burgess of the Fayette County Emergency Food Coalition enclosing copies of the responses which were received from Fayette County's Congressional delegation with regard to the "hoped-for" distribution of surplus commodities.*

*The Commission forwarded a letter to Circuit Judge J. Zane Summerfield approving the employment of the additional magistrate court clerk, contingent upon sufficient receipts being generated by the "Worthless Check Fund" as per the agreement between the Commission and the Administrative Director of the Courts. A copy of the letter and contract*

was directed to be forwarded to Mr. Paul Crabtree, Administrative Director of the West Virginia Supreme Court of Appeals.

The members of the Commission discussed the information received from Circuit Judge J. Zane Summerfield regarding the proposed conference to discuss the possible development of a regional jail facility and decided that they would like to participate in any such conference which might be arranged. A letter was forwarded to Judge Summerfield informing him of the Commission's decision and requesting the particulars regarding a date and location for the meeting.

The Commission endorsed the CEMSAP grant application to be submitted by Valley Emergency Medical Service.

It appearing to the Commission that the term of office of Mrs. Mary Susan Gray, Jodie, West Virginia, as a Commissioner of the Gauley River Public Service District will expire on the 31st of December, 1983, it is hereby ordered that Mary Susan Gray be and she is hereby appointed as Commissioner of said Gauley River Public Service District as and of December 31, 1983, to serve for and during a period of six years, said term to expire December 31, 1989.

The Commission approved a budget revision of \$25,000.00 in the General County Fund transferring said amount from the 999 Contingencies account to the Personal Services line item (1-10) of the Sheriff's Law Enforcement budget.

The Commission approved the overtime payment to the Fayette County Sheriff's Department as submitted.

The Commission reviewed the audit reports submitted by Trainer, Wright and Associates for their audit of the County funds for fiscal years 1981-82 and 1982-83. Also, the Commission approved payment of the invoice submitted by said firm as per the terms of the contract for auditing services.

The Commission voted to cancel its regularly scheduled meeting of December 28, 1983, because of an anticipated lack of a quorum.

Richard Bragg explained to the Commission the problem of obtaining service on the numerous Silver-Reed typewriters in use throughout the Courthouse and requested that the Commission consider purchasing some additional typewriters to replace the typewriters that seem to have the most frequent repair calls. The Commission instructed Mr. Bragg to purchase four (4) IBM Selectric typewriters to compensate for the problem typewriters.

As directed by the Department of the Treasury, Office of Revenue Sharing, regulations regarding discrimination on the Basis of Handicap Section 51.55 (d), the Commission designated Richard W. Bragg to be responsible for coordination of efforts to comply with the handicapped discrimination regulations.

The payrolls for the periods of December 1 through 15 and December 16 through 31, 1983, were approved. Also, the bills submitted to the Commission were approved for payment.

There being no further business, the Commission adjourned its meeting.

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SPECIAL SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

FRIDAY, DECEMBER 23, 1983

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: CHARLES M. VICKERS  
JOHN H. LOPEZ  
JAMES E. LIVELY

*This meeting in special session of the County Commission of Fayette County was called to order by the President, Charles M. Vickers.*

*Mr. Len Coleman appeared before the Commission for the purpose of obtaining the proper signatures on the Joint Agreement authorizing the issuance of Single Family Mortgage Revenue Bonds for the purpose of financing single family residences.*

*Richard Bragg explained a developing problem at the Fayette County Landfill with regard to Nicholas Sanitation Service. Said service repeatedly arrives at the landfill at closing time with heavily loaded trucks which tear up the road to and from the site; although the drivers have been requested to schedule their arrival at an earlier afternoon hour and not to have their trucks as heavily loaded, the requests have been ignored. Also, as of December 21, 1983, Nicholas Sanitation's account balance was \$1,607.40 and no payment had been received although a statement was mailed on December 1, 1983, for dumping services through November 23, 1983. Therefore, the Commission unanimously agreed to notify Nicholas Sanitation Service that effective January 1, 1984, that said company will not be permitted to dump garbage at the Fayette County landfills.*

*The Commission instructed Richard Bragg to proceed with a plan to equalize the dumping rates at the 2 Fayette County landfill sites.*

*There being no further business, the Commission adjourned its meeting.*

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