

Mr. John W. Hatcher, Attorney appeared before the Commission . RE: Substitution of Committee -- Linda Sue Rider. On this day 4th day of January, 1984, came John W. Hatcher, Jr. and Anna J. Rider, and presented to the Commission the following facts:

- a. That she is the natural mother of Linda Sue Rider, a 31 year old incompetent person;
- b. That on November 13, 1973, Lonnie Rider was appointed, in Fayette County , as Committee for the aforementioned incompetent person;
- c. That Lonnie Rider was the natural father of said incompetent person and the husband of Anna J. Rider:
- d. That Linda Sue Rider, aforementioned, suffered sever head and brain injuries in 1956 as a result of an auto accident.
- e. That the aforementioned daughter has been, since the accident, unable to manage her business affairs:
- f. That the aforementioned daughter's source of income is a 143.00 per month Social Security check, in addition to some interest from some government bonds she owns;
- g. That the aforementioned daughter lives with aforementioned mother;
- h. That Lonnie Rider, aforementioned, died on December 2, 1983;
- i. That Anna J. Rider desires to be substituted as Committee for her aforementioned daughter.

The Commission after due consideration of the aforementioned facts, is of the opinion that Anna J. Rider should be named and appointed Committee for Linda Sue Rider, an incompetent, in lieu of Lonnie Rider deceased.

It is therefore, the Order of this Commission that Anna J. Rider be and she is hereby appointed as Committee for Linda Sue Rider, an incompetent, and that said Committee post a surety company bond of \$10,000.00 to insure her faithful performance of her fiduciary duties as said Committee.

Appearing before the Commission was Pat Hamilton, Attorney for Committee hearing for Martha Lynn Angel, Petitioner vs. William Haggard Angel, Respondent. This cause came on to be heard this the 4th day of January, 1984, upon the verified petition of Martha Lynn Angel, appearing in person, and by Pat R. Hamilton, her attorney, upon proper notice heretofore duly served upon the respondent and the respondent's next of kin, William F. Angel.

And it appearing that proper notice has been duly served, as is required by statute, ther was tendered and filed a statement in writing of A. M. Mirza,

M. D., to the effect that the respondent is incompetent to manage his business, financial, legal and personal 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, the Commission does find that the said William Haggard Angel is mentally incompetent and unable to manage his business, financial, legal and personal affairs and that it is necessary that a committee be appointed to do so.

It is, therefore, ORDERED that Martha Lynn Angel, of Robson, Fayette County, West Virginia, be and she is hereby appointed as committee for William Haggard Angel, an incompetent, who is found to be a resident and citizen of Fayette County, West Virginia

Whereupon, the said Martha Lynn Angel, qualified as such committee, according to law, and executed proper bond in the amount of \$10,000 with surety approved by the Clerk of the Court.

It was further ORDERED that Debby Sizemore, Donna Hughes and Margarette Meadows be and they are hereby appointed as appraisers and the committee's accounts be and they are hereby referred to Philip J. Tissue, Commissioner of Accounts.

Appearing before the Commission was Gordon Billheimer, Attorney: Petition for Committee appointment for Mary Eugenia Kennedy. Carl Lee Kennedy and Nathaniel Kennedy, vs Mary Eugenia Kennedy Respondent.

On January 4th, 1984, came the petitioners, Carl Lee Kennedy and Nathaniel Kennedy, in person and by counsel, Gordon Billheimer, upon notice duly served upon the respondent; pursuant to the West Virginia Code, Chapter 27, Article 11. Section 1, the respondent being unable to appear; there further appearing Carl Harris, whom the County Commission hereby appoints as guardian ad litem of Mary Eugenia Kennedy, the court ORDERS the petition, notice and affidavit filed by the Clerk of the Commission. The hearing set for December 28, 1983, being continued as the County Commission did not meet that day and all matters having been continued to this date.

It appearing to the Court by an affidavit of Dr. Roberto DeOcampo that the respondent, Mary Eugenia Kennedy, would be unable to appear at the hearing and it further appearing that proper notice has been served upon Mary Eugenia Kennedy by a credible person, the Commission proceeded to hear the testimony.

Thereupon, the Commissioners heard the testimony of the petitioner, Nathaniel Kennedy, who is a son of the respondents and who is a dentist

and examined the affidavit of the physician, and the recommendation of the guardian ad litem.

From the testimony of all parties, including the statement and investigation of the guardian ad litem, the Court finds as follows:

1. That the respondent is unable to manage her business affairs in that she has the inability to know and appreciate the nature and effect of her business transactions and that she is presently a resident of the Heartland Nursing Home of Charleston.

2. The respondent is unable to care for her physical well-being.

3. That the respondent is therefore incompetent.

The Commission hereby appoints as joint committee for the respondent, Mary Eugenia Kennedy, Carl Lee Kennedy and Nathaniel Kennedy, with all the powers and duties conferred upon them as joint committee under the applicable laws of the State of West Virginia.

It is further ADJUDGED and ORDERED that the committee shall post bond with recognized corporate surety in the amount of Forty-Thousand Dollars said bond to be given upon the condition that Carl Lee Kennedy and Nathaniel Kennedy, will well and truly account for all money and properties that come into their hands by virtue of such appointment, and will well and truly preserve the value of the estate of the respondent to the best of their ability, and it is ORDERED that the County Clerk shall refer this committee to a Commissioner of Accounts according to the laws regarding such appointment of Commissioners of Accounts.

Carl Harris is hereby awarded a fee of _____ to be paid from the estate of Mary Eugenia Kennedy. George Vickers designated as Commissioner of Accounts.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

January 25, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, W. Va. 25840

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

The Fayette County Commission met on January 25, 1984. Appearing before the Commission was Gary Harding, from the Zoning Commission, requesting change in land classification. PLEASE TAKE NOTICE that on the 25th day of January, 1984, 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-259-84-1: Request of Lowell E. Cogar, Jr. & George S. Pilato, owners for a change in land classification for RR-1, Agricultural and Rural Residence, to I-2, Heavy Industrial District, on 3.11 acres, Jones-Scarbro Property, Woodland Avenue, Plateau District. Mr. Pilato was present and informed the Commission that a 15,000, sq. ft. building was proposed for the site. The Zoning Officer informed the Commission that there was no opposition to the proposed site and that the Planning Commission did recommend that this be approved unanimously. 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.

Z-260-84-1: Request of Samuel W. & Nancy M. McKinney, Owners for a change in land classification for R-R, Agricultural and Rural Residence, to B-2, General Business District, on ½ acre, Glade Creek, Route 31, Danese, New Haven District. Fred Jesser was present representing the applicants. The County Commission was informed by the Zoning Officer that this request was unanimously recommended to be denied. Mr. Jesser presented petitions with over 100 signatures for this request and requested that the County Commission refer this back to the Planning Commission for further discussion. A motion was made by Mr. Lopez that this be referred back to the Planning Commission. Motion was seconded by Mr. Lively and passed by a vote of 3-0.

Z-257-83-1 (deferred): 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. The County Commission was informed by the Zoning Officer that the Planning Commission did go view the property and that a petition was submitted with 28 signatures requesting that this be turned down. After viewing the immediate area the Planning Commission did recommend unanimously that this be denied. Mr. Lopez made a motion that this be denied as recommended. Motion was seconded by Mr. Lively and passed by a vote of 3-0.

Mr. William Harris, District Conservationist, and Paul Brant, representing Soil Conservation--Resource Conservation & Development appeared before the County Commission. Resource Conservation Plan as presented by Paul Brant, to provide leadership, support, technical assistance and financial assistance in developing and implementing a plan to meet area objectives, which include improved water management and conservation and better land use decisions. This motion passed and to be included .

The County Commission also approved and held public hearing for the purpose of redrawing the Magisterial districts. The county boundaries are to be redrawn as per map presented by Leon Spencer, County Surveyor, This is also for voting purposes, magisterial districts. The Magisterial districts shall be known as Valley-- Voting District 1 New Haven-- Voting District 2 Plateau-- Voting District 3. Whereas, the County Commission of Fayette County, West Virginia, did heretofore receive an order issued by A. James Manchin, Secretary of State of the State of West Virginia, directing said Commission to bring the magisterial districts of Fayette County into compliance 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;

WHEREAS, the County Commission of Fayette County hath proceeded to accumulate accurate census data and to solicit public participation in this endeavor;

WHEREAS, the County Commission of Fayette County has examined the current boundaries of the New Haven , Valley, and Plateau Magisterial Districts and has determined that said districts should be brought into equal apportionment

of representation as indicated by the current census data.

Further, the Clerk of the County Commission of Fayette County, West Virginia, is hereby ordered to forward a copy of this order and said attachments to the Office of the Secretary of State of the State of West Virginia.

Public Notice was issued stating: As per order from the Office of the Secretary of State of West Virginia, the Fayette County Commission intends to redraw the boundaries of the New Haven, Valley, and Plateau Magisterial Districts. This action is tentatively scheduled to take place during the regularly scheduled Commission meeting of January 25, 1984. This meeting was held on January 25, 1984, and approved.

The Commission scheduled a special meeting for 9:00 A. M. February 1, 1984, for the Board of Equalization and Review.

Motion was made for Charles M. Vickers and John H. Lopez to excuse themselves: reason Armstrong Public Service District hearing for removal of Don Taylor as member of Public Service District. John H. Lopez, no; Charles M. Vickers, yes.

The Commission sent letters to all members of the Board of Regents and to Fayette County State Legislative delegation stating the Commission's opposition to the West Virginia Board of Regents, plans to modify the curriculum at West Virginia Institute of Technology.

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

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 23rd day of January, 1984, 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 25th day of January, 1984, 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-259-84-1: Request of Lowell E. Cogar, Jr. & George S. Pilato, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence, to I-2, Heavy Industrial District, on 3.11 acres, Jones-Scarbro Property, Woodland Avenue in Scarbro, Plateau District.
- Z-260-84-1: Request of Samuel W. & Nancy M. McKinney, Owners, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on $\frac{1}{2}$ acre, Glade Creek, Route 31, Danese, New Haven District.
- Z-257-83-1 (deferred): 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-256-83-2 (deferred): 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.

Gary E. Harding
Zoning Officer

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, JANUARY 25th, 1984.

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-259-84-1: Request of Lowell E. Cogar, Jr. & George S. Pilato,
Owners, for a change in land classification from RR-1, Agri-
cultural and Rural Residence, to I-2, Heavy Industrial
District, on 3.11 acres, Jones-Scarbro Property, Woodland
Avenue in Scarbro, Plateau District.

Mr. Cogar was present and informed the Commission that a
15,000 sq. ft. building was proposed for the site. The Zoning
Officer informed the Commission that there was no opposition to
the proposed site and that the Planning Commission did recommend
that this be approved unanimously. 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.

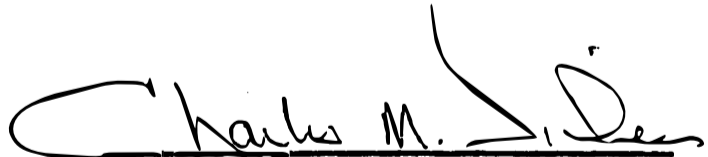
Z-260-84-1: Request of Samuel W. & Nancy M. McKinney, Owners, for
a change in land classification from R-R, Agricultural and
Rural Residence, to B-2, General Business District, on $\frac{1}{2}$ acre,
Glade Creek, Route 31, Danese, New Haven District.

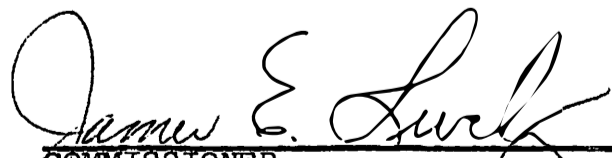
Fred Jesser was present representing the applicants. The
County Commission was informed by the Zoning Officer that this
request was unanimously recommended to be denied. Mr. Jesser
presented petitions with over 100 signatures for this request and
requested that the County Commission refer this back to the Planning
Commission for further discussion. A motion was made by Mr. Lopez
that this be referred back to the Planning Commission. Motion was
seconded by Mr. Lively and passed by a vote of 3 - 0.

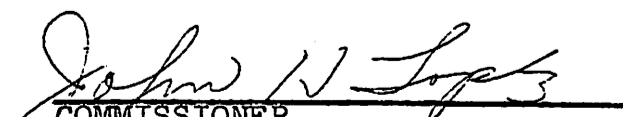
Z-257-83-1 (deferred): Request of Lawrence B. & Tana Higginbotham,
Owners, for a change in land classification from R-2, Residence
District, to B-2, General Business District, on Lot 1, and part
of Lot 2, Burnside Subdivision, Burnside Street off Summerlee
Road, Rosedale, Plateau District.

The County Commission was informed by the Zoning Officer that
the Planning Commission did go view the property and that a petition
was submitted with 28 signatures requesting that this be turned down.
After viewing the immediate area the Planning Commission did recommend
unanimously that this be denied. Mr. Lopez made a motion that this
be denied as recommend. Motion was seconded by Mr. Lively and
passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

SPECIAL SESSION OF THE FAYETTE COUNTY COMMISSION

February 1, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met on February 1, 1984 as the Board of Equalization and Review. The Commission entered the following resolutions:

RE: Emergency Purchase of Equipment for Solid Waste Operations

The Fayette County Commission was notified by the Southern West Virginia Regional Health Council, Inc. that on October 31, 1983 said Council would not renew its contract for management of solid waste operations in Fayette County.

The Fayette County Commission, on November 1, 1983, did assume responsibility for solid waste operations including management, administration, and equipment operations.

The Fayette County Commission was advised that only one piece of heavy machinery was operable and that said Commission was further advised that contrary to West Virginia Department of Natural Resources regulations two pieces of heavy equipment must be available at each of the Fayette County Landfill Sites 1 & 2.

Now therefore be it hereby resolved that:

The Fayette County Commission acting on an emergency basis and specific guidelines for the purchase of used equipment not being available does hereby approve the purchase of one D977 Tractor Loader and one D-8 Dozer for immediate use at Fayette Landfills 1 & 2.

Given this 1st day of February, 1984, Charles M. Vickers, President, John H. Lopez, Commissioner, James E. Lively, Commissioner.

In: The County Commission of Fayette County

Re: President of Fayette County Commission to enter into agreements on behalf of Fayette County.

Whereas:

The Fayette County Commission is a local government body organized under the statutes and Constitution of the State of West Virginia.

The Fayette County Commission by order entered into record on January 4, 1984, elected Charles M. Vickers, County Commissioner from New Haven District, to serve as President of the Fayette County Commission for the year 1984.

The Fayette County Commission has agreed to lease certain items of heavy machinery.

Now therefore be it hereby resolved;
That pursuant to the laws of the State of West Virginia, Charles M. Vickers, President of the Fayette County Commission, is hereby authorized to enter a lease agreement for one D53S-16 Tractor.

Given this 1st day of February, 1984. Fayette County Commission by:
John H. Lopez, Commissioner James E. Lively, Commissioner
In: The County Commission of Fayette County
Re: Lease-Purchase of Landfill Equipment
Whereas:

The Fayette County Commission was notified that an agreement between said Commission and the Southern West Virginia Regional Health Council, Inc. for said Council's services as manager of solid waste operations in Fayette County would be terminated on October 31, 1983.

That during the term of said agreement the Southern West Virginia Regional Health Council, Inc. acting on behalf of Fayette County and after having followed proper purchasing procedures did enter into a lease agreement for one D53S-16 Tractor.

The Fayette County Commission having assumed responsibility for landfill operations on November 1, 1983.

Now therefore be it hereby resolved that:

Pursuant to the terms and conditions contained within the quotation attached hereto, the Fayette County Commission does agree to assume the lease of the aforementioned equipment for a period of twelve (12) months at a monthly payment of \$3,333.00 at zero (0) rate of interest; and be it further resolved that the Fayette County Commission will encumber within the 1983-84 budget funds sufficient fund, that being \$23,335.00, to pay all remaining lease payments.

Given this 1st day of February, 1984. Fayette County Commission by:
Charles M. Vickers, President, John H. Lopez, Commissioner, James E. Lively
Commissioner.

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

REGULAR SESSION OF FAYETTE COUNTY COMMISSION

February 8, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, W. VA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met on the 8th of February, 1984.

On the 8th day of February, 1984, at a regular meeting of said Commission consideration was given to the appointment of a new Commissioner of the Armstrong Public Service District to serve in the place of Mr. Howard Hypes whose resignation has been heretofore tendered and accepted, and after giving due consideration to the same it is hereby ordered that Mr. Thomas Bowen, whose name has been recommended, be appointed to fill the unexpired term of Mr. Howard Hypes, said term expiring April 1, 1987.

A hearing date of February 29, 1984 at 1:30 has been scheduled with the Commission for the Armstrong Creek Public Service District for the removal of Don Taylor as Commissioner of Armstrong Creek Public Service District.

Mr. Doug Maddy, representing Plateau Chamber of Commerce appeared before the Commission requesting assistance for Fayette County brochures. The cost of the brochures was \$9,000.00 for 50,000.

The Commission sent letters to owners of the properties under consideration for use as Magistrate Court Offices advising each that a representative from the West Virginia Supreme Court of Appeals has planned to attend February 15, 1984 meeting of Fayette County Commission to inspect said premises of each site and requesting each owner to make arrangements to have his building open at approximately 10:30 A. M. on said date.

A proposal from Life Line Ambulance Service for participation in the County Funding Program was presented by Steve and Tammy Bowen.

Mr. Clinton Gallaher, Attorney appeared before the Commission for the committee appointment of Harold Grose for Minnie Grose. This day came the Petitioner, Harold S. Grose, in person and by counsel, D. Clinton Gallaher, IV, and ask lead to file a petition in this matter, which said petition, after having examined and found to be in proper form, was Ordered filed.

It is further ORDERED that the issues raised in said petition be set for hearing before the County Commission of Fayette County, West Virginia, in its Court room in the Fayette County Courthouse, Fayetteville, W. VA. at 10:00 A. M. , on the 8th day of February, 1984.

It is further ORDERED THAT THE Clerk of the said Commission give notice of said hearing accompanied by copy of the aforesaid petition of the said Minnie Grose and to William B. Grose, her son, at least ten days prior to such hearing date, which notice shall state the purpose of the hearing and shall advise the said Minnie Grose of her rights with respect thereto.

After the consideration of the circumstances, the County Commission further orders that Wayne D. Inge, an attorney, be appointed as guardian ad litem for the said Minnie Grose, to represent her and to protect her rights and interest, which guardian ad litem shall file his answer herein on behalf of the said Minnie Grose and shall be present in person at all hearings and other proceedings herein.

Appearing before the Commission was Rev. John W. Shropshire and Mrs. Lillie Pearl Taylor: RE: Funding for United Community Services. This was took under consideration by the Commission.

Revisions to Revenue Sharing Budget for FY83-84 was set for public hearing, no one appeared. Re. Public Use Hearing for Revenue Sharing for FY84-85 was set, no one appeared.

Mr. Charles Puckett, appeared before the Commission for the Review of Property Assessments.

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

SPECIAL MEETING OF THE FAYETTE COUNTY COMMISSION

February 17, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, W. VA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met on February 17, 1984, as the Board of Canvassers. The quorum was not presented, therefore the meeting was scheduled for February 21, 1984

The meeting was adjourned.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

February 21, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met on February 21, 1984 as the Board of Canvassers .

We, the Board of Canvassers of the County of Fayette, State of West Virginia having carefully and impartially examined the returns of the special election held in said County, in each district thereof, on the eleventh day of February, one thousand nine hundred eighty-four, do certify that the result of the special election in said County, on the question of the renewal of existing additional County levy is as follows:

Purpose Number 1 -- Fire Protection Services and Equipment

For the Fire Protection Levies -- Two Thousand, nine hundred, ~~fifty-two~~
(2,952) votes.

Against the Fire Protection Levies -- Three hundred, three (303) votes

Given under our hands this twenty-third day of February, one thousand nine hundred eighty, four. Board of Canvassers, Charles M. Vickers, John H. Lopez, James E. Lively. Filed this 23rd day of February, 1984.
H. E. Janney, Clerk County Commission of Fayette County

We, the Board of Canvassers of the County of Fayette, State of West Virginia having carefully and impartially examined the returns of the special election held in said County, in each district thereof, on the eleventh day of February, one thousand nine hundred eighty-four, do certify that the result of the special election in said County, on the question of the renewal of existing additional County levy is as follows:

Purpose Number 2 -- Libraries

For the Libraries Levies-- Two Thousand, seven hundred, eighty
(2,780) votes

Against the Livraries Levies-- Three hundred, sixty-five
(365) votes.

Given under our hands this twenty-third day of February, one thousand nine hundred eighty-four. Board of Canvassers, Charles M. Vickers, John H. Lopez, James E. Lively. Filed this 23rd day of February, 1984. Howard E. Janney, Clerk County Commission of Fayette County.

Mr. W. H. Johnson appeared before the Commission, for the purpose of Board of Equalization & Review application.

Mr. Herman S. Hawver, appeared before the Commission bringing application for Board of Equalization and Review.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

February 29, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met in regular session on February 29, 1984.

The Commission received a copy of Annual Audit from Salem-Gatewood Public Service District.

The Commission forwarded a copy of the Supreme Court letter to the four (4) finalist: RE: Site for magistrate office in Fayetteville. The Commission requested that each finalist submit dollar amount of the lease. Requested to receive reply by March 6, 1984.

The Commission received budget proposal from the Fayette County Library Committee. Presenting this was Jane Hughes.

The Commission sent a letter of support for Senate Bill 685.

Appearing before the Commission was Ann Graney, RE: Review of property Assessment for Ventures, Inc.

Mr. Gary Harding appeared before the Commission, requesting change in land classification. PLEASE TAKE NOTICE that on the 27th day of February, 1984, 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.

The following cases were presented to the commission for a disposition :

Z-261-84-1: Request of Lowell R. Kincaid, Owner by Erwin Conrad, for a change in land classification for R-1, Residence District, to B-2 General Business District, on part of 2.77 acres, Chestnutburg, Fayette Mine Road at Corridor "L" New Haven District.

The County Commission was informed by the Zoning Officer that the Planning Commission did by a vote 7-0 recommend that this be approved for P-D and that the plan as submitted be approved for the 2 acre indicated. After a general discussion a motion was made by John H. Lopez that this be approved as recommended. Motion was seconded by Mr. Lively and passed by a vote of 3-0.

Z-262-84-1: Request of W. L. & Louise Shepherd, Owners, by Marvin Dilley, for a change in land classification for RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on .26 acre, White Oak, on Route 16 across from the Skyline Drive in at Hilltop, Plateau District.

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

Z-263-84-1: Request of Price Property-Sun/Fayette A Limited Partnership, Owners, by Lee Shiflett, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-2 Heavy Industrial District to operate a junk yard on Price Heirs' property in front of Lots 160 thru 165, Sun Hollow, Plateau District.

The County Commission was informed by the Zoning Officer that this was a request to open a junk yard on the old slate dump up Sun Hollow and that the Planning Commission did recommend 7-0 that it 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 3-0.

Z-264-84-1: Request of Cyrus E. & Amy C. Holly, Owners for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2 General Business District, on Lot 53, Harvey-Prudence Subdivision, Route 19/11 Prudence Road, Plateau District.

The County Commission was informed by the Zoning Officer that this request was recommended to be denied by a vote of 7-0 by the Planning Commission. Motion was made by Mr. Lively to accept the Planning Commission's recommendation. Motion was seconded by Mr. Lopez and passed by a vote of 3-0.

The next item to be considered was the proposed amendment and re-enactment of Article VII, Section 700, Subsection 2, Permitted Uses, and Article VIII, Section 800, Subsection 2, Permitted Uses to regulate the location of restaurant with ABC Sales. The County Commission was informed by the Zoning Officer that the Planning Commission did by a vote of 7-0 recommend that this be approved. 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.

Z-260-84-1: Request of Samuel W. & Nancy M. McKinney, Owners, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on ½ acre, Glade Creek, Route 31, Danese, New Haven District.

The County Commission was informed by the Zoning Officer that this request was withdrawn by the applicant.

Z-256-83-2: Request of Robert J. & Barbara Kincaid, Owners, for a change in land classification for R-1, Residence District, to B-1, Neighborhood Business District, on Lot 9, Denmoor Subdivision, Nickelville Road, New Haven District.

The County Commission was informed by the Zoning Officer that this request had been tabled pending some inquiries of the Prosecuting Attorney and that after receiving them the Planning Commission did by a vote of 7-0 recommend that this request be denied. Motion was made by Mr. Lopez that this be denied as recommended. Motion was seconded by Mr. Lively and passed by a vote of 3-0.

Mr. Fred Jesser, Attorney appearing before the Commission for appointment of Rhonda Kincaid for Bobby Joe Evans.

This matter came on for hearing this the 29th day of February, 1984, at 10:00 a.m., upon the petition of Edward C. Ashworth, duly verified and filed and upon the proper service of the petition, together with a notice of this hearing upon the respondent. The petitioner, Edward C. Ashworth, appearing in person and by counsel, Fred A. Jesser, III, and the respondent appearing in person, and by D. Clinton Gallaher, IV, his GUARDIAN AD LITEM, duly appointed by this Commission, and all proceedings being transcribed by Teresa Minkie, certified court reporter of the 12th Judicial Circuit of West Virginia.

Whereupon, the Commissioners heard statements of counsel for the petitioner, including the statement that the purpose of this hearing was to seek an Order from the Commission appointing a Committee for the respondent inasmuch as the respondent was unable to manage his business affairs.

Thereupon, the Commission heard the testimony of the petitioner, Edward C. Ashworth, who testified from personal knowledge of the respondent's inability to handle his business affairs.

Thereupon, the Commission heard testimony of D. Clinton Gallaher, IV, the GUARDIAN AD LITEM who stated his studied belief that the appointment of Edward C. Ashworth as Committee for Michael Ashworth was in the said Michael Ashworth's best interest.

Whereupon, the Commission having carefully considered the petition and the testimony of the petitioner and the GUARDIAN AD LITEM, finds that the said respondent, Michael Ashworth, is unable to manage his business affairs, and does hereby appoint the petitioner, Edward G. Ashworth, as Committee for the said respondent, Michael Ashworth, subject to the posting of a \$20,000.00 bond to secure the faithful performance of his duties. T. E. Myles designated as Fiduciary Commissioner.

Payroll was presented and approved by the Commission.

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

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 27th day of February, 1984, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex, thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard, the Planning Commission will hold a Public Hearing on the following amendments (changes in land classification) to the Zoning Ordinance, referred by the County Commission to the Planning Commission for its recommendation.

ALSO, PLEASE TAKE NOTICE that on the 29th day of February, 1984, 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-261-84-1: Request of Lowell R. Kincaid, Owner, by Erwin Conrad, for a change in land classification from R-1, Residence District, to B-2, General Business District, on part of 2.77 acres, Chestnutburg, Fayette Mine Road at Corridor "L", New Haven District.
- Z-262-84-1: Request of W. L. & Louise Shepherd, Owners, by Marvin Dilley, for a change in land classification From RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on .26 acre, White Oak, on Route 16 across from the Skyline Drive In at Hilltop, Plateau District.
- Z-263-84-1: Request of Price Property-Sun/Fayette A Limited Partnership, Owners, by Lee Shiflett, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-2, Heavy Industrial District to operate a junk yard on Price Heirs' property in front of Lots 160 thru 165, Sun Hollow, Plateau District.
- Z-264-84-1: Request of Cyrus E. & Amy C. Holly, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on Lot 53, Harvey-Prudence Subdivision, Route 19/11, Prudence Road, Plateau District.

Gary E. Harding
Zoning Officer

Court House Annex
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 27th day of February, 1984, 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 VII, Section 700, Subsection 2, Permitted uses, and Article VIII, Section 800, Subsection 2, Permitted uses.

ALSO, PLEASE TAKE NOTICE that on the 29th day of February, 1984, 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 VII, Section 700, Subsection 2, Permitted uses, and Article VIII, Section 800, Subsection 2, Permitted uses.

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

Gary E. Harding
Zoning Officer

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, FEBRUARY 29th, 1984.

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-261-84-1: Request of Lowell R. Kincaid, Owner, by Erwin Conrad, for a change in land classification from R-1, Residence District, to B-2, General Business District, on part of 2.77 acres, Chestnutburg, Fayette Mine Road at Corridor "L", New Haven District.

The County Commission was informed by the Zoning Officer that the Planning Commission did by a 7 - 0 vote recommend that this be approved for P-D and that the plan as submitted be approved for the 2 acre site indicated. After a general discussion a motion was made by John Lopez that this be approved as recommended. Motion was seconded by Mr. Lively and passed by a vote of 3 - 0.

Z-262-84-1: Request of W. L. & Louise Shepherd, Owners, by Marvin Dille, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on .26 acre, White Oak, on Route 16 across from the Skyline Drive In at Hilltop, Plateau District.

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

Z-263-84-1: Request of Price Property-Sun/Fayette A Limited Partnership, Owners, by Lee Shiflett, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-2, Heavy Industrial District to operate a junk yard on Price Heirs' property in front of Lots 160 thru 165, Sun Hollow, Plateau District.

The County Commission was informed by the Zoning Officer that this was a request to operate a junk yard on the old slate dump up Sun Hollow and that the Planning Commission did recommend 7 - 0 that it 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 3 - 0.

Z-264-84-1: Request of Cyrus E. & Amy C. Holly, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on Lot 53, Harvey-Prudence Subdivision, Route 19/11, Prudence Road, Plateau District.

The County Commission was informed by the Zoning Officer that this request was recommended to be denied by a vote of 7 - 0 by the Planning Commission. Motion was made by Mr. Lively to accept the Planning Commission's recommendation. Motion was seconded by Mr. Lopez and passed by a vote of 3 - 0.

The next item to be considered was the proposed amendment and re-enactment of Article VII, Section 700, Subsection 2, Permitted Uses, and Article VIII, Section 800, Subsection 2, Permitted Uses to regulate the location of restaurant with ABC Sales. The County Commission was informed by the Zoning Officer that the Planning Commission did by a vote of 7 - 0 recommend that this be approved. 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.


Z-260-84-1: Request of Samuel W. & Nancy M. McKinney, Owners, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on $\frac{1}{2}$ acre, Glade Creek, Route 31, Danese, New Haven District.

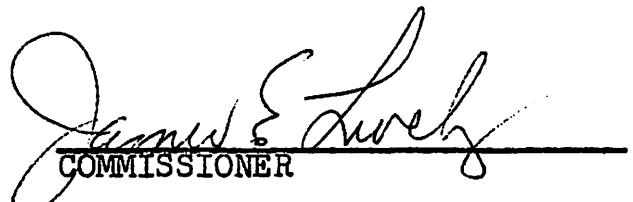
The County Commission was informed by the Zoning Officer that this request was withdrawn by the applicant.

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.

The County Commission was informed by the Zoning Officer that this request had been tabled pending some inquiries of the Prosecuting Attorney and that after receiving them the Planning Commission did by a vote of 7 - 0 recommend that this request be denied. Motion was made by Mr. Lopez that this be denied as recommended. Motion was seconded by Mr. Lively and passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

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

ARTICLE VII. THE NEIGHBORHOOD BUSINESS DISTRICTS B-1.

Section 700. Permitted uses and buildings and other structures.

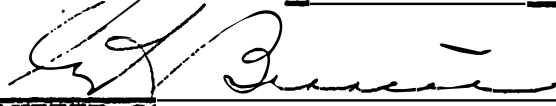
Subsection 2. add restaurants, excluding ABC Sales,

ARTICLE VIII. GENERAL BUSINESS DISTRICTS B-2.

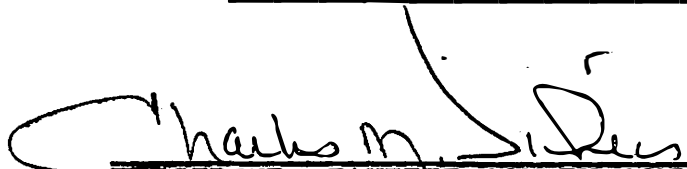
Section 800. Permitted uses and buildings and other structures.

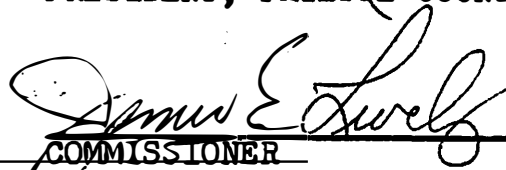
Subsection 2. add restaurants, with ABC Sales,

RECOMMENDATION: APPROVED


FAYETTE COUNTY COMMISSION

ACTION APPROVED


PRESIDENT, FAYETTE COUNTY COMMISSION


COMMISSIONER


COMMISSIONER

February 29, 1984

DATE

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

ARTICLE VII. THE NEIGHBORHOOD BUSINESS DISTRICTS B-1.

Section 700. Permitted uses and buildings and other structures.

Subsection 2. add restaurants, excluding ABC Sales,

ARTICLE VIII. GENERAL BUSINESS DISTRICTS B-2.

Section 800. Permitted uses and buildings and other structures.

Subsection 2. add restaurants, with ABC Sales,

RECOMMENDATION: _____

FAYETTE COUNTY PLANNING COMMISSION

ACTION _____

PRESIDENT, FAYETTE COUNTY COMMISSION

COMMISSIONER

COMMISSIONER

DATE

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

March 7, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met in regular session on March 7, 1984. Appearing before the Commission was Mr. Charles Wooten of White Oak Public Service District. Mr. Wooten appeared for Budget request. Mr. Wooten presented information stating need improvements at water plant. He stated that they had received 25,000 Emergency grant from West Virginia Governor's Office Economic Community Development. Mr. Wooten especially noted the need of Laboratory equipment, in line repairs of \$18,000,00. Mr. Wooten presented budget material and informed the Commission that the district had gotten a small rate increase. The Commission will consider request during budget sessions.

Mr. David Akers appeared before the Commission in regard to the Magistrate Building. Mr. Dave Akers presented quotation for magistrate building as follows: \$11,500.00 annual rental cost, 2030 square feet. Entire building is being offered for magistrates site. Mr. Akers stated that they would not object to the Commission cutting doorway from 1st floor area to interior stairway.

Mr. Richard Bragg presented quotation for which had been received from Mr. Matt Edwards for lease of Magistrate Court Site.

Mr. Mike Walbrown appeared before the Commission on behalf of Tom Louisos, to be made public record, as presented a lease agreement.

The Commission reviewed all proposals of the magistrates buildings: Zimm Building, Akers Building, Theater Building. Mr. James E. Lively moved that the Zimm's building quote be accepted, because of parking ability. This move was denied because of lack of 2nd-motion. Voted no for Akers building. Mr. John H. Lopez moved for motion of Akers Building, due to low price and for square footage and more space. Mr. Charles M. Vickers seconded the Akers Building. The Commission to contact Ted Philgram, judge for response.

Appearing before the Commission Philip Tissue, in RE: Appointment of a Committee for Lou Dealia Kelly, ORDER: It appearing to the Commission that the Respondent, Lou Dealia Kelly, may be an incompetent person. It is therefore ORDERED, ADJUDGED and DECREED that Gene Carte, a discreet and competent Attorney at Law be appointed to represent her interests in this matter. MOTION: Comes, the Petitioner through her attorney, who represents the following to the Court:

That the Respondent, Lou Dealia Kelly, is allegedly incompetent and is unable physically and mentally to manage her business affairs and care for her physical well being.

Petitioner therefore moves that a Guardian Ad Litem be appointed to represent her interests herein. By Phillip J. Tissue.

On this 7th day of March, 1984, at a regular meeting of said Commission, consideration was given to the appointment of a new Commissioner of the Salem-Gatewood Public Service District to serve in the place of Loren, J. Fox, whose resignation has been heretofore tendered and accepted, and after giving due consideration to the same it is hereby ordered that Mr. Joe Idleman, whose name has been recommended, be appointed to fill the unexpired term of Mr. Loren J. Fox, said term expiring September 1, 1984.

Appearing before the Commission came Michael Anderson, Attorney; RE: Commitee appointment for Rodney Pennington, Convict. RE: THE APPOINTMENT OF CAROLYN S. PENNINGTON AS COMMITTEE FOR RODNEY K. PENNINGTON.

PETITION : Your Petitioner, Carolyn S. Pennington respectfully represents as follows:

(1) That she is 36 years of age and resides at 105 Lavendar Street, Oak Hill, Fayette County, West Virginia. She is the wife of Rodney K. Pennington.

(2) That her husband, Rodney K. Pennington is a person confined in the penitentiary of this State under sentence for one (1) year or more and that your petitioner is proceeding, pursuant to Chapter 28, Article 5, Section 33 of the Official Code of West Virginia as amended.

(3) That the estate of Rodney K. Pennington consists of an undivided one-half (1/2) interest in and to the following, to-wit: the following described real estate, together with all improvements thereon, all rights incidental thereto and all appurtenances thereunto belonging, situate in the City of Oak Hill, Plateau Distirct, Fayette County, West Virginia, and being more particularly bounded and described as follows:

BEGINNING at a stake at the intersection of Second Avenue with Third Street (Lavinder Street) and running with said Third Street N 50-15 E 61 feet to a stake on said Third Street which is a common front corner to Lot No 21 and Lot No.22 of the map hereinafter mentioned; thence, leaving such street and running with the dividing line between Lot No. 21 and Lot No 22 South 26-56 E 111.5 feet to a stake that is the common back corner to said Lots: thence, running S60-23 W 47 feet to a stake on the East side of Second Avenue; thence, running with said Avenue N 29-37 W 100 feet to the point of beginning, All bearing being with reference

to the magnetic meridian of 1955 and a lot containing about 0.13 of an acre and being known as Lot No 21, as shown on a map of Broadview Addition to the City of Oak Hill, West Virginia, recorded in Map Book 13, at Page 139 in the Office of the Clerk of the County Court of Fayette County, West Virginia.

And being the same tract or parcel of surface land which was conveyed to the parties of the first part herein by New West Virginias. Inc. a corporation, by deed dated November 17, 1973, and recorded in the office of the Clerk of Fayette County Commission in Deed Book No. 319 at Page 103.

The said Rodney K, Pennington is possessed of no personal property of any significant value.

There exist as liens against the above described property a lien in favor of Farmers Home Administration in the present sum of Seventeen Thousand Eighty Dollars (\$17,080.00) and a lien in favor of Merchant's and Miner's National Bank, Oak Hill, West Virginia, in the approximate sum of Fifteen Thousand Dollars (\$15,000.00).

(4) Said Carolyn S. Pennington is a fit and proper person to be appointed as committee for her husband, Rodney K. Pennington.

(5) That the said Rodney K. Pennington consents and joins in the request as set forth below by virtue of his written consent attached hereto and made a part hereof by reference marked "Exhibit A".

WHEREFORE, PETITIONER PRAYS that she may be appointed as Committee for Rodney K, Pennington, after having given bond as may be required by this honorable Commission to have charge and management of the estate of the said Rodney K, Pennington until the said Rodney K. Pennington is discharged from confinement or dies and to grant unto your petitioner such other relief as may be appropriate.

Ms. Terri West , of Women's Resources appeared before the Commission with a request of \$10,000.00.

Mr. T. E. Myles , Attorney, appeared for committee appointment of L. B. Lancaster for Grace B. Lancaster.

On this the 7th day of March, 1984, came L. B. Lancaster in person and by T. E. Myles, his attorney, which said attorney presented to the Commission and asked leave to file the Petition herein, and it appearing proper so to do it is ORDERED that said Petition be and the same is hereby filed. Thereupon counsel for the petitioner exhibited to the Commission a copy of Notice with Petition attached, which said notice and petition according to the registered mail receipts attached hereto were duly mailed to Ann Crawford and William May Lancaster, the two other children of Grace B. Lancaster. Counsel for the

petitioner further presented to the Commission and ask leave to file a letter dated February 6, 1984, signed by Sue S. Carey, D. O., to the effect that in her personal opinion the said Grace B. Lancaster is unable to manage her personal and financial affairs due to her having recently suffered a cerebrovascular accident.

Thereupon the Commission heard the evidence abduced on behalf of the petitioner and from said evidence and the aforementioned letter, the Commission doth find that Grace B. Lancaster is an incompetent person; that she is paralyzed on both sides of her body; that she has virtually lost her memory, and that she is wholly unable to manage her financial affairs or care for her personal needs.

It appearing to the Commission proper so to do it is ordered that L.B. Lancaster shall be and he is hereby appointed as Committee for his mother, Grace B. Lancaster; however, before entering upon his duties as said Committee he shall post a bond in the penalty of \$10,000.00 to be approved by the Clerk of this Commission.

Thereupon L. B. Lancaster as principal and Mary R. Lancaster as surety entered into a bond in the penalty of \$10,000.00 to secure the faithful performance of the duties of L. B. Lancaster as Committee for Grace B. Lancaster, and the appointment of L. B. Lancaster for Grace B. Lancaster is now in full force and effect. T. E. Myles Fiduciary Commissioner.

Mr. Gordon Billheimer, Sr., Attorney appeared before the Commission for the committee appointment of Richard Norford for Anna Norford.

On March, 7, 1984 upon continuance from February 29, 1984, came the petitioner, Richard Norford, in person and by counsel, Gordon Billheimer, upon notice duly served upon the respondent pursuant to the West Virginia Code, Chapter 27, Article II, Section 1, the respondent being unable to appear, there further appearing Carl Harris whom the County Commission hereby appoints as guardian ad litem of Anna Lucille Norford. The Court orders the Petition, Notice, and Physician's Affidavit filed by the Clerk of the Commission.

It appearing to the Court by an affidavit of a physician that the respondent, Anna Lucille Norford, is confined to the Care In Nursing Home in Ripley, West Virginia, and is unable to appear at the hearing and it further appearing to the Court that proper notice has been served upon Anna Lucille Norford by a credible person, the Commission proceeded to hear the testimony.

Thereupon the Commissioner heard the testimony of the petitioner, Richard Norford, who is the son of the respondent, and the Commission examined the Affidavit of the Physician and the recommendation of the Guardian ad litem.

From the testimony of all the parties, including the statement of the Guardian ad litem, the Court finds as follows:

1. That the respondent is unable to manage her business affairs in that she has no ability to know and appreciate the nature and effect of her business transactions, and that she is a resident of the Care In Nursing Home in Ripley, West Virginia.

2. The respondent is unable to care for her physical well-being.

3. That the respondent is therefore incompetent.

The Commission hereby appoints as Committee for the respondent, Richard Norford, her son, with all the powers and duties conferred upon him as a Committee under the applicable laws of the State of West Virginia.

It is further ADJUDGED and ORDERED that the Committee shall post bond with recognized corporate surety in the amount of Five Thousand Dollars (\$5,000.00), said bond to be given upon the condition that Richard Burford will well and truly account for all money and properties that come into his hands by virtue of such appointment, and will well and truly preserve the value of the estate of the respondent to the best of his ability, and it is ORDERED that the County Clerk shall refer this Committeeship to a Commissioner of Accounts according to the laws regarding such appointment of Commissioners of Account. George Vickers is designated as Commissioner of Accounts.

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

REGULAR SESSION OF FAYETTE COUNTY COMMISSION

March 15, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met in regular session on March 15, 1984.

The Commission returned acknowledgment of service to Federal Court. Papers were served on Charles M. Vickers, John H. Lopez, James E. Lively, Jack Manning, Sheriff of Fayette County.

The Commission discussed the appointment of members of the Fayette County Historical Landmarks Commission. Mrs. Robert Beckelheimer, Fayette Historical Secretary, Pat Wendell, Steven Matthews, Danny Wright.

The Commission heard reports on budget hearing.

Herb Mann appeared before the Commission. Herb ask to equalize salaries in his Circuit Clerk Office. He also ask to remodel and re-do the front counter. Herb advised needed smaller desks in the working area, and ask for a new typewriter, IBM Select II.

Mr. Bob Arthur from the West Virginia Extension Office appeared before the Commission.

The Commission approved a raise in salary for Mr. Larry Dotson. The salary was increased to \$14,500.00 as of July 1984.

Mr. Paul Blake, Prosecuting Attorney, presented budget material and comments in addition to written proposal. Staff Attorney's - part time according to Federal Government is 20 hours or less. Requested pay raise in accordance with duties & training & hours. Requested additional staff officer to handle magistrate court only, 12,500.00. Needs additional court room. Significant pressure:
(a) Juvenile work (b) magistrate court

Payroll was approved.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

March 28, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers

Mr. James E. Lively

The Fayette County Commission met in regular session on March 28, 1984. Appearing before the Commission was Amy Vernon, representing the Humane Society.

Public hearing was held on March 28, 1984 at 11:00 A. M. for the 1984-85 budget, in the Office of the County Commission, for the purpose of hearing written and oral comment from the public concerning the annual budget for fiscal year. The budget was then submitted to the State Tax Department for approval.

A notice was sent to all commercial haulers and users from the Commission stating that pursuant to reports and recommendations received from the West Virginia Department of Natural Resources regarding permanent deficiencies in landfill design, the Fayette County Landfill Site # 2 (South of U. S. Route 60 near Hopewell) cannot accommodate any further dumping by commercial haulers. Therefore, commencing March 28, 1984, it will be necessary for all commercial haulers to utilize landfill site # 1 located near Brooklyn/Cunard.

The Commission realizes the problems which this change will present. However, no alternatives presently exist.

On this the 28th day of March, 1984, it appearing to the Commission that the term of office of Hobart Booth of Oak Hill, West Virginia, as a member of the Fayette County Planning Commission expired on August 3, 1983, and upon recommendation of the Commission it is hereby ordered that Hobart Booth be and he is hereby reappointed to serve on the Fayette County Planning Commission for a period of three years, said term to expire August 3, 1986.

On this the 28th day of March, 1984, it appearing to the Commission that the term of office of Guy Dooley of Montgomery, West Virginia, as a member of the Fayette County Planning Commission expired on August 3, 1983, and upon recommendation of the Commission it is hereby ordered that Guy Dooley be and he is hereby reappointed to serve on the Fayette County Planning Commission for a period of three years, said term to expire August 3, 1986.

On this the 28th day of March, 1984, it appearing to the Commission that the term of office of W. R. Bennett, Sr. of Oak Hill, West Virginia, as a member of the Fayette County Planning Commission expired on August 3, 1983, and upon

recommendation of the Commission it is hereby ordered that W. R. Bennett, Sr. be and is hereby reappointed to serve on the Fayette County Planning Commission for a period of three years, said term to expire August 3, 1986.

On this the 28th day of March, 1984, it appearing to the Commission that the term of office of Albert E. Deligne, Jr. of Ansted, West Virginia, as a member of the Fayette County Planning Commission expired on August 3, 1983, and upon recommendation of the Commission it is hereby ordered that Albert E. Deligne, Jr. be and he is hereby reappointed to serve on the Fayette County Planning Commission for a period of three years, said term to expire August 3, 1986.

On this the 28th day of March, 1984, at a regular meeting of said Commission, it was brought to the attention of the Commission that the term of office of Fred Waugh, Oak Hill, West Virginia, as a member of the Fayette County Board of Zoning Appeals expired on January 1, 1984. It is necessary and advisable that said position be filled, and upon recommendation of the Fayette County Board of Zoning Appeals, it is hereby ordered that Fred Waugh be and he is hereby reappointed as a member of the Fayette County Board of Zoning Appeals as and of January 1, 1984, to serve for and during a period of three years, said term to expire January 1, 1987.

On this the 28th day of March, 1984, at a regular meeting of said Commission, it was brought to the attention of the Commission that the term of office of Roy Young, Gauley Bridge, West Virginia, as a member of the Fayette County Board of Zoning Appeals expired on January 1, 1984. It is necessary and advisable that said position be filled, and upon recommendation of the Fayette County Board of Zoning Appeals, it is hereby ordered that Roy Young be and he is hereby reappointed as a member of the Fayette County Board of Zoning Appeals as and of January 1, 1984, to serve for and during a period of three years, said term to expire January 1, 1987.

Mr. Kevin Burgess, Attorney, appeared before the Commission for committee appointment of Iona Burgess for Roxie Miller. Notice still pending.

Mr. Doug Mooney, Attorney, appeared before the court. RE: Committee appointment of Jerry W. Webb for Sally Webb. ORDER: This cause came on to be heard on this the 28th day of March, 1984, upon the Petition of Jerry Webb, to have himself appointed as Committee for Sally A. Webb. The petitioner appeared in person and by counsel, Philip D. Mooney, the respondent not appearing, upon notice duly served upon the respondent, Sally A. Webb, and her adult next of kin, John Webb.

At which time the petitioner moved that Mark Neil, a practicing attorney before the Bar of this Court, be appointed guardian da litem for the said Sally A. Webb. And it appearing proper so to do, the same is so ORDERED.

Whereupon, the Commission proceeded to hear the sworn testimony of the petitioner, Jerry Webb, testifying to the condition of the said Sally A. Webb and the honesty and integrity of the petitioner, and received into evidence the affidavit of Doctors Gosien and Hasan, which affidavits stated that said Sally A. Webb was unable to manage her business affairs and unable to care for her physical well being.

And based upon the testimony and evidence adduced hereto, including the answer of the guardian ad litem, it is the finding of this Commission that the said Sally A. Webb is not able to manage her business affairs and is unable to personally care for her physical well being and therefore, is incompetent, and further that the said Jerry W. Webb should be appointed Committee for the said Sally A. Webb.

Therefore, it is the ORDER of this Commission that Jerry W. Webb be and he is hereby appointed Committee for Sally A. Webb, an incompetent, to manage her business affairs, and further provide for the care of her physical well being, until such time the said Sally A. Webb may be able to show that she is able to manage her own business affairs and care for her own physical well being.

It is further ORDERED that Philip J. Tissue, Commissioner of Accounts, be appointed to oversee said estate and that Jerry W. Webb be required to post bond in the Office of the Clerk of the Fayette County Commission, Fayette County, West Virginia, in the amount of \$10,000.00.

Mrs. Opal Leggett appeared before the Commission with a request for a van for Headstart.

There being no further business to come before the Commission, the payroll and all bills were approved.

There being no further business, the meeting was adjourned.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

April 4, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

James E. Lively

John H. Lopez

The Fayette County Commission met in regular session on April 4, 1984. The following cases were presented to the County Commission for disposition.

Z-265-84-1: Request of Karen K. Toombs, Owner, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on Lot 37, Martha Subdivision, Route 17/1, Rocklick, Plateau District.

The applicant did not appear and the Zoning Officer informed the County Commission that this was a request for a beer joint and that a petition with 65 signatures had been submitted opposing this request. The Planning Commission did by a vote of 6-0 recommend this be denied. Mr. Lopez made a motion that this request be denied as recommended. Motion was seconded by Mr. Lively and passed 3-0.

Z-266-84-1: Request of Rennie Tipton, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence, to I-2, Heavy Industrial District to operate a junk yard on Lots 31 & 72, Harlem Heights 2, off Clay Street near Oak Hill, Plateau District.

The applicant did not appear. The Zoning Officer informed the County Commission that the Planning Commission did by a vote of 6-0 recommend this be denied. Mr. Lively made a motion this be denied as recommended. Motion was seconded by Mr. Lopez and passed by 3-0.

Z-267-84-; Request of Billy F. Cole, Owner, for a change in land classification from R-R, Agricultural and Rural Residence to B-2, General Business District, or part of 2.5 acres, Dogwood Ridge, located on Smales Branch Road off Corridor "L" near Hico, New Haven District.

The County Commission was informed that the Planning Commission did by a vote of 6-1 recommend an area 100'X200' be approved to operate a private club. Mr. Lopez made a motion that this be approved as recommended. Motion was seconded by Mr. Lively and passed 3-0.

Z-268-84-1: Request of Hubert and Rose Judy, Owners, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2 General Business District, on part of 2.9 acres, Schultz-Gwinn Land (Old Springdale Elementary School, Route 20, Springdale, New Haven District.

The County Commission was informed that the Planning Commission did by a vote of 7-0 did recommend an area of 100' X 200' to be used to operate a private club. Mr. Lively made a motion that this be approved as recommended. Motion was seconded by Mr. Lopez and passed 3-0.

Kevin Burgess, Attorney, for committee appointment for Mary Kidd for Nannie Sparks appeared before the Commission.

This cause came to be heard on this the 4th day of April, 1984, upon the Petition of Mary Kidd, to have her appointed as committee for Nannie Sparks. The petitioner appeared in person and by counsel, Kevin B. Burgess, the respondent not appearing, upon notice duly served upon the respondent, Nannie Sparks, and her children, Nannie Lovejoy and Martha Crist.

At which time the petitioner moved that Mark Neil, a practicing attorney before the Bar of this Court, be appointed guardian ad litem for the said Nannie Sparks. And it appearing proper to do so, the same is so ORDERED.

Whereupon the Commission proceeded to hear the sworn testimony of the petitioner, Mary Kidd, testifying to the condition of the said Nannie Sparks and the honesty and integrity of the petitioner, and received into evidence the affidavit of Dr. Curtis H. Thomas, Jr., which affidavit stated that said Nannie Sparks was unable to manage her business affairs and unable to care for her physical well being.

And based upon the testimony and evidence adduced hereto, including the answer of the guardian ad litem, it is the finding of this Commission that the said Nannie Sparks is unable to personally care for her physical well being and, therefore, is incompetent, and further that the said Mary Kidd should be appointed Committee for the said Nannie Sparks. It is further the finding of this Commission that the respondent if unable to personally appear and to do so would endanger her health.

Therefore, it is the ORDER of this Commission that Mary Kidd be and she is hereby appointed Committee for Nannie Sparks, an incompetent, to manage her business affairs, and further provide for the care of her physical well being, until such time the said Nannie Sparks may be able to show that she is able to manage her own business affairs and care for her own physical well being.

It is further ORDERED that Philip D. Mooney, Commissioner of Accounts, be appointed to oversee said estate and that Mary Kidd be required to post bond in the Office of the Clerk of the Fayette County Commission, Fayette County, West Virginia, in the amount of \$10,000.00.

Mr. Jerry Wright, Attorney, appeared before the Commission for the appointment for Mary Hess.

This day came Danny McCarthy upon petition stating that Mary A. Hess is incompetent and unable to manage her business affairs and asked the Commission to appoint him as committee for the said Mary A. Hess.

On consideration of the evidence, the Commission is of opinion to and doth hereby appoint Danny McCarthy as committee for the said Mary A. Hess.

Then came the said Danny McCarthy and took the oath as committee for Mary A. Hess and qualified as such committee by giving a corporate surety bond in the amount of \$25,000.00 with Aetna Casualty and Surety Company as surety thereon.

Thereupon this estate was referred to T. E. Myles, one of the Commissioners of Accounts of this Commission to be further dealt with in accordance with law.

A representative of the Humane Society presented to the County Commission w/copy of Contract between Raleigh County Commission and Raliegh County Humane Society; requested Fayette County Commission to review paid contract as a guideline for a contract between Fayette County Commission and Fayette County Humane Society.

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

66-9765

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON WEDNESDAY, APRIL 4th, 1984.

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-265-84-1: Request of Karen K. Toombs, Owner, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on Lot 37, Martha Sub-division, Route 17/1, Rocklick, Plateau District.

The applicant did not appear and the Zoning Officer informed the County Commission that this was a request for a beer joint and that a petition with 65 signatures had been submitted opposing this request. The Planning Commission did by a vote of 6 - 0 recommend this be denied. Mr. Lopez made a motion that this request be denied as recommended. Motion was seconded by Mr. Lively and passed 3 - 0.

Z-266-84-1: Request of Rennie Tipton, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence, to I-2, Heavy Industrial District to operate a junk yard on Lots 31 & 72, Harlem Heights 2, off Clay Street near Oak Hill, Plateau District.

The applicant did not appear. The Zoning Officer informed the County Commission that the Planning Commission did by a vote of 6 - 0 recommend this be denied. Mr. Lively made a motion this be denied as recommended. Motion was seconded by Mr. Lopez and passed 3 - 0.

Z-267-84-1: Request of Billy F. Cole, Owner, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on part of 2.5 acres, Dogwood Ridge, located on Smales Branch Road off Corridor "L" near Hico, New Haven District.

The County Commission was informed that the Planning Commission did by a vote of 6 - 1 recommend an area 100' x 200' be approved to operate a private club. Mr. Lopez made a motion that this be approved as recommended. Motion was seconded by Mr. Lively and passed 3 - 0.

Z-268-84-1: Request of Hubert and Rose Judy, Owners, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on part of 2.9 acres, Schultz - Gwinn Land (Old Springdale Elementary School, Route 20, Springdale, New Haven District.

The County Commission was informed that the Planning Commission did by a vote of 7 - 0 did recommend an area of 100' x 200' to be used to operate a private club. Mr. Lively made a motion that this be approved as recommended. Motion was seconded by Mr. Lopez and passed 3 - 0.

THE FAYETTE COUNTY COMMISSION

Charles M. Vickers
PRESIDENT

John H. Lopez
COMMISSIONER

James E. Lively
COMMISSIONER

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

April 13, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

The regular session of the Fayette County Commission was called to order by the President. Sheriff Jack Manning appeared before the Commission to discuss a order issued by the Civil Service Commission. The order was for Sheriff Manning and County Commission to pay back pay for David Brown and Leland Dempsey. The discussion was in compliance with order, as to whether should be paid. Sheriff Manning stated that in his opinion the County Commission should appeal. Mr. Vickers stated that in his opinion they should comply with the order, as administrative body ordered to pay. The Commission will contact the Sheriff and ask how much they should pay, from when to what date. Then the Sheriff may refuse to pay and appeal. Thn Sheriff should consult the prosecuting attorney requesting an appeal. Charles Vickers stated County Commission is not a party in action.

The County Commission will contact sheriff and officially notify Sheriff of order to pay; rquest how much to pay then the Sheriff can decide is he wants to pay or not or appeal.

The County Commission approved Milam Engineering for Gauley River Public Service District. The tentative approval purchase was formerly approved by Gauley River Public Service District Board.

The County Commission approved \$6,000.00 for training for the Assessors Office.

On the 13th day of April, 1984, the Commission approved the appointment of Mr. Richard "Rick" Vickers, as submitted by the Town of Fayetteville, to fill the unexpired term of Mr. Wallace R. Bennett, Jr., whose resignation has heretofore been tendered and accepted, as a member of the Fayette County Planning Commission. Upon the recommendation of the Planning Commission it is hereby ordered that Mr. Richard Vickers be and he is hereby appointed a member of the Fayette County Planning Commission, said term to expire August 3, 1984.

The payroll was approved.

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

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

WEDNESDAY, APRIL 25, 1984

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.

Bids were received by the Commission for one D7G track-type tractor for use at the Fayette County Landfill. Cecil I. Walker Machinery Co. and Rish Equipment Company each presented a bid for the equipment. The Commission will present the bids received to Jack Gannon for evaluation before awarding the bid.

The Commission received bids for radio communication equipment for the Fayette County Landfill. Only one bid was received; therefore, the Commission awarded the bid for this equipment to Wildwater Expeditions Unlimited, Inc. as submitted.

The Commission received bids for a 4-wheel drive vehicle for use at the Fayette County Park. King Coal Chevrolet of Oak Hill, West Virginia, submitted the only bid which was received, and the Commission awarded the bid to King Coal Chevrolet.

The Commission received a request from Frank McKown, New Haven Executive Committeeman, that through the recommendation of the Board of Precinct 67 at Lookout the polling place be moved from Nuttall Middle School to the Nuttall Middle School Gymnasium in order to eliminate the large number of steps that lead up to the Middle School. The Commission took this request under consideration.

Gary Harding appeared before the Commission and presented the following request: Jack Clark, Owner, for a change in land classification

from B-2, General Business District, to B-3, Highway Business District on Lots 18,19,21,22,24 & 25 Home Seekers Truck Farms, off Route 38, Summerlee Road, near Corridor "L", Plateau District. The County Commission was informed by the Zoning Officer that the Planning Commission did by a vote of 9-0 recommend that this request be approved for the location of a kennel for the Humane Society. Mrs. Carol Perdue submitted a petition with 31 signatures opposing this request. After a general discussion, the Commission deferred the request back to the Planning Commission for an on-site inspection and further recommendations. Also, advertised was an amendment to Article XIV, Section 1400, Subsections 1,2,3 and 4 for the purpose of requiring a special Use Permit for a kennel and to Article II, Definition of a kennel. The County Commission was informed by the Zoning Officer that the Planning Commission did unanimously recommend these amendments be approved. After a general discussion, a motion was made by Mr. Lively that these amendments be approved as recommended. Motion was seconded by Mr. Lopez and passed by a vote of 3-0.

The Commission did upon recommendation of the Zoning Officer of Fayette County adopt a policy relating to notification of adjoining property owners in any land reclassification application being processed. From this date, all adjoining property owners abutting the land being advertised for change or within a 500 foot radius of the proposed change be notified by mail with a copy of the Public Notice relating to that change. All additional cost for this notification to be paid for by the applicant requesting said change as a part of his filing fee.

Mrs. Bea Burgess, Vice-President of the Fayette County Emergency Food Coalition, presented a report from that organization to the Commission regarding the expenditures of grant monies totaling \$30,000.00 which

the Commission had previously awarded to the Food Coalition. Mrs. Burgess made another request of the Commission to allocate funds in the amount of \$10,500.00 per month to supplement the food coalition program. The Commission approved an amount totaling \$10,500.00 for the fiscal year ending June 30, 1984, to be granted to the Fayette County Food Coalition from Coal Severance Tax monies. However, no action was taken on the total request as presented.

Mr. Aubrey Riner of the Southern Soil Conservation Office appeared before the Commission to request that the Commission fund the purchase of trees and the planting of said trees at the Fayette County Landfill as offered through the West Virginia Department of Natural Resources in an effort to prevent the erosion of the soil in that area. The Commission agreed to this request.

The Commission approved training for three attendees for the IAAO course to be held in Chicago, Illinois, in July, 1984.

The Commission directed Richard Bragg to contact Mr. Lee Massey, Fayette County Health Department officer, to arrange a meeting on May 1, 1984, at 9:00 A.M. to discuss landfill operations and the transfer of landfill permits from the Southern West Virginia Regional Health Council.

On motion of James E. Lively and seconded by John H. Lopez, the County Commission of Fayette County, West Virginia, does hereby approve and authorize the adoption of the resolution authorizing Charles M. Vickers to execute, to have acknowledged, and to have delivered on behalf of the County, an application with the State of West Virginia for Community Development Block Grant Funds.

Mr. Fred Jesser, Attorney for the Town of Fayetteville, appeared before the Commission to voice the town's objection to the selection

of the Akers's building as the site for the magistrates' office in Fayetteville. Mr. David Akers was also present to hear this objection. No action was taken.

Pursuant to the August 6, 1980, Land and Water Conservation Fund Assistance Agreement between the Fayette County Commission and the Governor's Office of Economic and Community Development, the Commission made a formal request for the payment of \$4,252.00 as reimbursement for the completion of the project under the terms of the agreement during the period of June 27, 1980, through October 13, 1981. Also, a final audit report was forwarded with the request.

The payroll for the period of April 16 through April 30, 1984, was approved. Also, the bills presented to the Commission were approved for payment.

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

REPORT FROM THE FAYETTE COUNTY EMERGENCY
FOOD COALITION

April 25, 1984

Received from Fayette County Commission, Oct, Nov. \$30,000

Smithers - 2 areas (Montgomery and Gauley Bridge)

Families	People	Meals
690	2742	23,117

Meadow Bridge-Ansted - 2 areas

829	3153	28,377
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Oak Hill - other funds included - distributes twice monthly

1082	3744	19,533
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Mt. Hope - No statistics available

Fayetteville United Methodist Church

326	1118	10,042
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TOTALS

Families	People	Meals
2,927	10,757	81,069

Request for four areas - \$10,500 per month to feed 750 families

Respectfully submitted,

Bea Burgess

Vice-President
Fayette County Emergency
Food Coalition

Court House
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 23rd day of April, 1984, 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 25th day of April, 1984, 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-269-84-2: Request of Jack Clark, Owner, for a change in land classification from B-2, General Business District, to B-3, Highway Business District, on Lots 18, 19, 21, 22, 24, & 25, Home Seekers Truck Farms, off Route 38, Summerlee Road, near Corridor "L", Plateau District.

Z-270-84-1: Request of Jesser and Harrington, Owners, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Business District, on Lots 16, 17, 18, 19, 20, 21, 22, & 23, Johnson Subdivision, Lochgelly Road, Plateau District.

Gary E. Harding
Zoning Officer

Court House Annex
Fayetteville, WV

PLEASE TAKE NOTICE that on the 23rd day of April, 1984, 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 for the purpose of requiring kennels to obtain a Use Permit and meet certain requirements.

ALSO, PLEASE TAKE NOTICE that on the 25th day of April, 1984, 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 for the purpose of requiring kennels to obtain a Use Permit and meet certain requirements.

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

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, APRIL 25th, 1984.

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-269-84-2: Request of Jack Clark, Owner, for a change in land
classification from B-2, General Business District, to B-3,
Highway Business District, on Lots 18, 19, 21, 22, 24, & 25,
Home Seekers Truck Farms, off Route 38, Summerlee Road, near
Corridor "L", Plateau District.

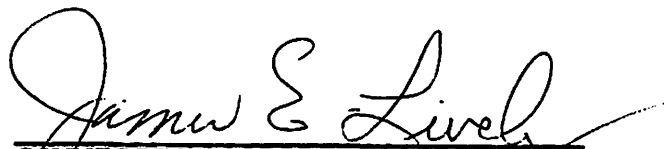
The County Commission was informed by the Zoning Officer that
the Planning Commission did by a vote of 9 - 0 recommend that this
request be approved for the location of a kennel for the Humane
Society. Mrs. Carol Perdue submitted a petition with 31 signatures
opposing this request. After a general discussion the County
Commission deferred the request back to the Planning Commission
for on site inspection and further recommendations.

Also, advertised was an amendment to Article XIV, Section 1400,
Subsections 1, 2, 3 and 4 for the purpose of requiring a special
Use Permit for a kennel and to Article II, Definition of a kennel.
The County Commission was informed by the Zoning Officer that the
Planning Commission did unanimously recommend these amendments be
approved. After a general discussion a motion was made by Mr.
Lively that these amendments be approved as recommended. Motion
was seconded by Mr. Lopez and passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

ARTICLE II. DEFINITIONS

Kennel. Any establishment including cages, dog runs and structures wherein more than five dogs which are over six months old are harbored.

ARTICLE XIV. EXCEPTIONS AND SPECIAL PROVISIONS

Section 1400. Uses permitted as special exceptions.


Subsections 1, 2, 3, & 4

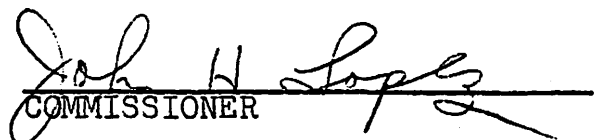
After public notice and hearing and under conditions set forth below, the Board of Zoning Appeals may authorize the issuance of a special permit for any of the following buildings and uses:

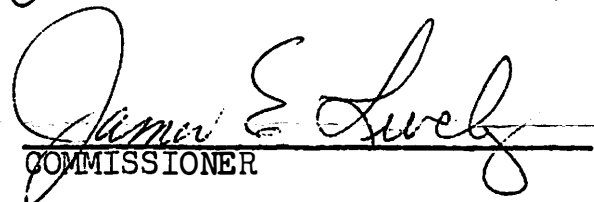
ADD: Kennel provided that no structure for the confinement, care or breeding of dogs shall be located at a distance of less than one hundred (100) feet from any property line, and further provided that any kennel approved in accordance with the conditions set out below adhere to United States Humane Society Guidelines dated April 1982.

Conditions: Such special permits, however, may be authorized by the Board of Appeals only upon satisfaction in each instance of such conditions as to the general character, height and use of structure or structures; as to the provision of surrounding open space and the treatment of the grounds; as to the general fitness of the structure or use to its proposed location; as to the provisions for automobile parking or storage; and as to street capacity and use as, in the opinion of the board, may be necessary to safeguard public health, comfort and convenience, and as may be required for the prevention of the general character of the neighborhood in which such building is to be placed or such use is to be conducted.

THE FAYETTE COUNTY COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

APPROVED: April 25th, 1984
(Date)

R E S O L U T I O N

RESOLUTION BY THE COUNTY COMMISSION OF THE COUNTY OF FAYETTE, WEST VIRGINIA, AUTHORIZING AN APPLICATION WITH THE STATE OF WEST VIRGINIA FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

BE IT RESOLVED BY THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. That Charles M. Vickers, the President of the County Commission of Fayette County, West Virginia, who is the official duly and legally authorized to execute agreements, be and he is hereby authorized to execute, to have acknowledged, and to have delivered on behalf of the County, 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 President Vickers to act in connection with the application and to provide such additional information as may be requested.

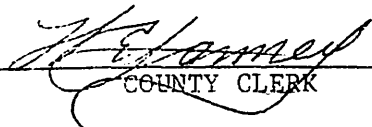
2. That the County Clerk does properly attest the signature of said official and affix the seal of the County of said agreement.

On motion duly made by James F. Lively and seconded by John H. Lopez, the County Commission of Fayette County, West Virginia, does hereby approve and authorize the adoption of said resolution.

STATE OF WEST VIRGINIA

COUNTY OF FAYETTE

I, Howard E. Janney, COUNTY CLERK of said County, do hereby certify that the foregoing are true copies from the records or order made and entered into by the Commission of said County, on the 25th day of April, 1984.



COUNTY CLERK

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

MAY 30, 1984

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.

Mr. James Blankenship, Attorney, appeared before the Commission for Street Abandonment, for Charles E. Riser and Margot A. Riser. James C. Blankenship III, presented and asked leave to file herein their petition seeking an order of this Court closing and vacating a certain alley, road or street, situate in Summerlee, Plateau District, Fayette County, West Virginia, shown upon a map thereof attached to their petition, which petition is ordered filed. The Commission considered the matters and things in said petition application.

The request the petition of Charles E. Riser and Margot A. Riser his wife, and Sylvia M. Jarvis, Widow, Janet Marie Jarvis, Single and David Alan Jarvis, Single for the Proposed abandonment of an alley, filed in said Commission under the provisions of West Virginia Code, Chapter 7, Article 1, Section 3 H. Your petitioners respectively represent as follows: (1) That the petitioners, Charles E. Riser and Margot A. Riser, his wife, own real estate that is adjacent to certain real estate owned by Sylvia M. Jarvis, widow, Janet Marie Jarvis, single, and David Alan Jarvis, single, situate at Summerlee, Plateau District, Fayette County, West Virginia, whose properties are divided by the 12-foot alley, a more particular description of the real estate effected by the petition being more particularly set forth and described in a plat attached hereto and titled "PLAT SHOWING PROPOSED ABANDONMENT OF A 12-FOOT ALLEY SITUATE IN SUMMERLEE, PLATEAU DISTRICT, FAYETTE COUNTY, WEST VIRGINIA, Scale 1" = 30 Feet, May 15, 1984". (2) All of such property is situate in Plateau District Fayette County, West Virginia, outside of any incorporated town or city therein. Petitioners further state that upon the map on file in the office of the Assessor of Fayette County, West Virginia, describing said real estate, there is a 12-foot alley which runs between said parcels

of real estate, all parcels being contiguous; said alley has, according to the petitioners' information and belief, never been open to the public and the only lots adjoining the said portion of the alley affected by this petition are the lots above which are owned by the petitioners; the petitioner own all of the land and lots abutting said portion of the unused road as shown on the aforesaid map: that no other person, firm or corporation owns any land abutting thereon. Said alley is described as follows:

BEGINNING at an iron pin on the eastern side of the Summerlee road, and corner to August Jarvis and Sylvia M. Jarvis, his wife, parcel containing 0.021 of an acre; thence leaving said road and with said Jarvis and Charles E. and Margot A. Riser N 17-47' E 240.50 feet to an iron pin; thence crossing the 12 foot alley to be abandoned S 33-25' E 15.40 feet to an iron pin on line of August Jarvis; thence with said Jarvis S 17-47' W 247.50 feet to an iron pin on the eastern side of said Summerlee road; thence with same crossing the mouth of said alley N 18-00' W 20.52 feet to the place of beginning, and containing 2928 square feet or .0672 of an acre.

(3) That there are, according to the petitioners' information and belief, no liens upon any of said abutting land.

(4) Pursuant to the provisions of Chapter 7, Article 1, Section 3H of the code of West Virginia, as amended, petitioners, therefore pray that this petition application may be filed herein and that this Commission shall fix a time and place for hearing thereof; that before any such hearing publication and notice thereof and that upon the date fixed for such hearing, the Commission shall hear evidence relating to the use of and the rights or claims in or to such street and alley and that upon the evidence aforesaid, that this commission find that the use and rights of no person or persons in such street or alley will be impaired or lost by the closing, abandoning and vacating thereof, and that this Commission thereupon enter an order of closing or vacating such unused road, street or alley, all as permitted and authorized by the statutes of West Virginia in such cases provided that the petitioners may have such other and further general relief as the nature of their case may require.

Mr. Bill Harris, Soil Conservation Service appeared before the Commission for the Dunlop Watershed Project. Commission approved to work with Dunlop Creek Watershed Project.

Ms. Evelyn Jones and Mr. Joe McGraw appeared before the Commission concerning the food distribution in the Mt. Hope area. The Commission went on record saying that they will see that Mt. Hope gets its portion of the food.

The Commission received summons to the United State District Court Karen Sue Smith a/k/a Karen Sue Bragg vs Dave Brown, Richard Pennington, Leland Dempsey former Sheriff's Deputies of Fayette County, West Virginia in their individual and official capacities; Jack Manning in both his individual and official capacity as Sheriff of Fayette County, West Virginia; Charles Vickers, James Lively, and John Lopez, in their individual and official capacities as Members of the Fayette County, West Virginia Commission; and The Count of Fayette, West Virginia.

The Commission sent letters to the elected officials and department heads, approving their individual office budget for fiscal year 1984-85.

The Commission approved payroll and all bills that wer presented.

There being no further business the Commission adjourned its meeting.

SPECIAL MEETING OF FAYETTE COUNTY COMMISSION

June 8, 1984

COURTHOUSE

FAYETTEVILLE, WVA 25840

MEMBERS PRESENT: MR. CHARLES M. VICKERS

MR. JAMES E. LIVELY

MR. JOHN H. LOPEZ

A special meeting of the Fayette County Commission was held on the 8th day of June, 1984, by the Board of Canvassers, to declare the election as shown for voting abstract for the Democratic Party, Republican Party, and Board of Education Candidates. This was officially declared at 2:30 P. M. on June 8, 1984.

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

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SPECIAL SESSION OF THE FAYETTE COUNTY COMMISSION

Tuesday, June 12, 1984

COURTHOUSE

FAYETTEVILLE, W. VA 25840

MEMBERS PRESENT: MR. CHARLES M. VICKERS, PRESIDENT

MR. JAMES E. LIVELY

MR. JOHN H. LOPEZ

The Fayette County Commission met in special session on June 12, 1984, to certify the Canvassers Certificate of Votes Cast for Candidates at Primary Election. These were certified June 12, 1984 at 2:30 P. M.

Mr. Gordon Billheimer, presented a letter of notice that Mr. Eugene Hogan and Mrs. Margaret McKnight are going to contest the election of the Board of Education ballot vote. Mr. Billheimer enclosed a notice stating that Mr. Norman R. "Whitey" Harlan and Mr. Carroll E. Bumgarner would be served with notice. Mr. Billheimer requested that the County Commission set a date for the hearing of this matter. The Fayette County Commission set a hearing date for Monday, June 18, 1984 at 1 P. M.

The Petitioners seek to void said election in its entirety, because the Circuit Clerk of Fayette County prepared invalid ballots by violating the West Virginia Code, Chapter 3, Article 5, Section 6, which provides "each candidate seeking the office shall be identified as to the magisterial district from which he is a resident". The official ballots used in the election described above did not designate the magisterial district in which the candidate resided.

The Code section cited above further provides that only two members shall be elected from the same district and "if more persons from a magisterial district receive the highest number of votes in said election, then of such persons only, the person or persons having the highest vote who do not make the aggregate number of elected members and holdover members more than two from such magisterial district, shall be described elected, and the remaining members shall be declared from the highest from other magisterial districts...".

One incumbant member of the Board of Education was from Plateau District and thus only one candidate from Plateau District could be elected.

Because the magisterial district of each candidate was not designated on the ballot, the voters in many cases voted for Carroll Bumgarner and Margaret McKnight who were both from Plateau District. This is shown by the number of votes cast to-wit: Carroll E. Bumgarner, 7,276; Margaret McKnight

6,975; with Norman Harlan receiving 4,449. Thus, the voters were effectively disenfranchised. Thus, Norman Harlan received the most votes from the candidates from districts other than Plateau.

The Petitioners further contend that the ballot for the Fayette County Board of Education members should have had an explanation of Code Section 3-5-6 cited above to explain to the voters that only one of the candidates could be elected from Plateau District.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Commission, this 11th day of June, 1968.

REGULAR SESSION OF COUNTY COMMISSION OF FAYETTE COUNTY

JUNE 15, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: CHARLES M. VICKERS

JAMES E. LIVELY

Mr. Jesse Bane appeared before the Commission regarding air conditioning for the Courthouse Annex and the Courtroom. The Commission reviewed quotes for Appalachian Heating and from Camco Services.

Mr. Jack Gannon appeared before the Commission requesting the closing of Fayette County Landfill # 2 for all dumping. Mr. Charles M. Vickers, and Mr. James E. Lively authorized the closing as of June 15, 1984. Employees and machinery will be moved to Fayette County Landfill # 1.

Mr. Herb Mann, Circuit Clerk, appeared before the Commission and presented five (5) absentee ballots received after the canvass. These ballots were turned over to the County Clerk.

Mr. Herb Mann inquired to the status of his request for IBM typewriter. Charlotte Holly reported that she had checked with Walt Farrish on June 13, 1984. Mr. Farrish is to check into the matter of the typewriter.

Mr. Jack Gannon stated to the Commission that the Department of Natural Resources ok'd for the Page-Kincaid Public Service District to deposit sludge on emergency basis at Fayette County Landfill #1.

Mr. Charles M. Vickers reported that Mr. Charles Wiggins wants written lease agreement between Rush Creek Land Company and the Commission or he will have to close the Landfill #1.

Mr. James E. Lively reported that he is unable to obtain pollution liability insurance.

Charlotte Holly informed the Commission that Lois Crites will be court reporter for hearing Monday: Reason Special Election.

Due to recent inquiry the Commission restated that Jack Gannon is to schedule activities for Camp Abbott.

The Commission received a list of delinquent property taxes as certified from Fayette County Tax Department.

The Commission approved revision to the approved budget for fiscal year 1983-1984 for general county, coal severance, and revenue sharing accounts.

The Commission received the resignation of A. H. Baughman as member of the Mossy Public Service District, effective August 1, 1984.

The Commission received a letter for Sheriff Jack Manning, advising that Chief Deputy Joe Carelli is to receive a supplemental pay of \$2,000 for fiscal year 1983-1984.

The Commission received a letter from Sheriff Jack Manning advising of the hiring of R. C. Godsey and Garland Burke as deputy sheriffs effective June 15, 1984.

The Commission received a letter from National Sheriffs Association acknowledging receipt of claim, re: Karen Sue Bragg. Attorneys for underwriter will contact commission.

Bea Burgess appeared before the Commission requesting funds for other five (5) areas of county. Ms. Burgess requested \$13,125 from Fayette County Food Coalition.

The Commission sent a letter to West Virginia Department of Human Services approving request for use of shelter # 4 at Fayette County Park on July 18, 1984, at no charge for picnics for residents of nursing homes, personal care homes, and adult family care homes and for day care recipients and providers.

The Commission signed a contract with Department of Health, Office of Emergency Medical Service, for a 1984 Ford Ambulance for use by Valley Emergency Medical Service.

The Commission sent a letter of certification to Governors Office of Economic and Community Development for small cities, block grant application for Page-Kincaid Public Service District.

The Commission signed an order appointing members to the Fayette County Historic Landmarks Commission. The provisions of Chapter 8, Article 26A of the West Virginia Code empowers municipalities or counties to establish historic landmarks commissions, IT IS THEREFORE ORDERED: That the Fayette County Commission does hereby appoint the following named individuals to the Fayette County Historic Landmarks Commission for the terms as specified: Mr. Daniel Wright, 3 years, Mr. Stephen Matthews, 3 years, Mrs. Pat Wendell, 3 years, Mrs. Robert Beckelheimer 1 year, Vacant 1 year.

The Commission received a copy of amendment from the West Virginia Department of Highways, to Chapter 17, Article 23, Section 4 of Code of West Virginia, 1931, as amended, which relates to areas where salvage yards may be established, requirements as to screening from public view and county planning commissioner, or an agency designated by county commission to issue salvage yard permits with out charge

The Commission received a request from Resource Unit of Fayette County Office of West Virginia Department of Human Services for funding of \$20,000 to help with food pantry, dental program to assist need Fayette County residents. Appointment to make presentation was set for June 27, 1984 at 11:00 A. M.

The Commission received copy of authorization to Dr. Syed Zahir, from Workers' Compensation Fund to assume care and treatment of Paul Tygrett, Jr., per claimants request of June 3, 1983.

The Commission approved the payroll and all bills presented.

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

REGULAR SESSION OF THE COUNTY COMMISSION OF FAYETTE COUNTY

June 27, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: James E. Lively

John H. Lopez

Charles M. Vickers

Mr. Charles Steele appeared for Baker, Watts & Company to consider inducement resolution for single family bonds. Mr. Steele requested signing of inducement resolution for issuance of Single Family Home Mortgage Bonds. The Commission requested report of need, demand for such prior to any inducement resolution. Mr. Steele is to reply.

Mr. Steve Cruikshanks and Mr. Mike Rutledge appeared before the Commission requesting the County Commission to serve as guarantor for lease/purchase agreement for purchase of "tankers" for department members of Fayette County Firemans Association. The Commission ok'd contingent upon inspection of lease agreement.

Mr. Gary Harding appeared before the Commission requesting change in land classification-- David L. Neal, Owner and Roosevelt Calhoun, Owner. Z-271-84-1 Request of David L. Neal, Owner, for a change in land classification from R-R Agricultural and Rural Residence, to I-2, Heavy Industrial District, on 3.035 acres, Sunday Road, to operate a junk yard on Miller Ridge Road off, Corridor "L" near Hico, New Haven District. Mr. Neal was present and there was no opposition. The County Commission was informed by the Zoning Officer that the adjoining property owners had been informed by mail and that the Planning Commission did by a vote of 9-0 recommend that this be approved. 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.

Z-272-84-1: Request of Roosevelt Calhoun, Owner, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business district, on part of 3.98 acres, Wolf Creek, to operate a private club on Route 38, Summerlee Road, Plateau District. Mr. Calhoun was present and there was no opposition. The County Commission was informed by the Zoning Officer that the adjoining property owners had been notified by mail of these hearings and that the Planning Commission did by a vote of 7-2 recommend that this request be approved. 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 Commission set a hearing date of July 25, 1984 for 1:00 P. M. for

hearing for Armstrong Public Service District. This hearing in regard to petition for removal of Public Service District Commissioner.

The Commission replied to a request from the community of Minden. Ms. Carol A. Jones informed the commission by letter that the community of Minden had been given approximately 2 acres of land by the Berwind Land Company, for a playground project for the children. The community committee members- Carol Jones, Ioma Watts, Christine Lynch, Joretta Thompson, and Sam Calloway stated that they hoped the Commission would fulfill their special request. The Commission approved Richard Bragg to purchase up to \$2,000.00 with playground equipment for site located at old Minden School pursuant to request. Mr. Bragg also is to see the Board of Education and Vo-Tech Center concerning backloader.

The Commission received a letter that was received from the West Virginia Department of Human Services (Welfare) concerning a Resource Unit to help supply needy Fayette County residents with some of the necessities of life they are being deprived of due to the economic situation in our county. The unit stated that it was a non-profit organization and solely dependent on donations. Connie Dempsey, Chairman of the Resource Unit stated that the churches and civic groups had been very generous to the unit. The Moose Lodge in Oak Hill has funded a prescription program which is administered through the unit. The Unit is working with the American Legion Post, in Fayetteville, to fund a dental program to be administered through the unit. The food that is given from the pantry is given in an emergency situation only. The food is given to last a period of three days. These are one time service situations. A needy person does not have to be a recipient of public assistance to qualify for the service of this project. They need only be : (1) a resident of Fayette County (2) they must show a true need (3) Have no other available resources to meet their need. The income guidelines that are used to determine the eligibility are the same as for the Emergency Assistance Program. They are as follows: 1 Person Household \$334.00
2 Person Household \$458.00 3 Person Household \$566.00 4 Person Household \$711.00
5 Person Household \$819.00. All the donations received are audited by the auditors from the state office and would be open to the Commission anytime they would wish to conduct an audit. The Resource Unit requested \$20,000.00 from the Fayette County Commission to help keep the program going. The Commission asked if separate entity incorporated. The Commission stated that this may not be a proper expenditure. The Commission is to check with auditor of State Tax Department.

Mr. Guy Waugh, representing the Veterans of Foreign War, requested a \$5,000.00 donation for construction of monument. The Commission requested the legality of expenditure. The Commission stated it would check into this.

The Commission took action on the letter received from the Town of Gauley Bridge. This letter was requesting the release of the remainder of the fifty thousand dollars (\$50,000.00) which the commission allocated the town in 1981. This money to be used for a much needed recreation facility for the Valley Area of Fayette County as well as for the people on the border of Nicholas and Clay Counties. The Commission stated that it must have inter-government agreement for voucher and have resolution authorizing such agreement and expenditure.

Mr. Jack Manning, Sheriff appeared to request more cruisers, stating to many demands for number of vehicles used. Mr. Manning also gave a status report on vehicles verbally.

The Commission noted to renew Pennco Insurance and also ask for bids for insurance.

The Commission o'kd air conditioners for probation, zoning, and jail kitchen.

The Commission approved expenditure of \$11,029.31 (50% of cost) for purchase of emergency service vehicle for Jan Care Ambulance, Inc.

The Commission approved matching funds of \$13,487.50 for Emergency Medical Service Vehicle for Valley Emergency Medical Service Inc.

The Commission approved uniform agreement with West Virginia State Tax Department for remote batch processing of Sheriff's Real and Personal Property Tax Collections.

The Commission approved the appointment of Frank Hill as board member of New Haven Public Service District to fill unexpired term of Larry Harrah, whose term is to expire October 29, 1984.

The Commission entered resolution pursuant to Chapter 7 of Code of West Virginia appropriating sufficient funds for tuition and expenses for the series of courses offered by the International Association Assessing Officers Assessment and Appraisal Institute.

The Commission received notice of award from State Tax Department appointing Trainer, Wright and Associates to conduct audit of Fayette County Commission for period of July 1, 1983 to June 30, 1984. Work to be completed no later than December 1, 1984 at a cost of \$9,620.00.

The Commission entered resolution pursuant to Chapter 7, Article 7, Section 7 of Code of West Virginia, the Commission submitted its Budget Statement to the Clerk of the Fayette Court Commission for fiscal year beginning July 1, 1984 to June 30, 1985.

The Commission entered an order designating and approving the following incorporated bank institutions of Fayette County as Depositories of Public Monies of said county: Fayette County National Bank, Merchants and Miners National Bank, Bank of Mount Hope, New River Banking and Trust Co., Montgomery National Bank, Merchants National Bank and Gauley National Bank. Said banks shall file their bonds as required by law on or before July 1, 1984.

The Commission scheduled special meeting to be held June 29, 1984 at 11:00 A. M. to discuss Fayette County landfill operations.

The Commission received a letter from the City of Oak Hill, requesting permission to develop a recreation area on Fayette County property located on the southeast side of the intersection of Rt 21 and Broadway Avenue. A map was included. City manager Kurt Ankrom, noted that the city planned to have assistance from several organizations to develop a softball field and a playground area. Mr. Ankrom noted that the development may take several years to complete and would like to have a long term agreement to use the property for recreational programs in the future. The Commission noted to advise that need to have intergovernment agreement. Also a letter sent to Mayor Fred Neudek giving approval of request. This was approved by the Commission.

Mr. Gordon Billheimer, Jr. Attorney, appeared for Contested hearing of Estate of Jay Parker, Walter J. Hale Petitioner, vs Frank Parker, Respondent. On the 27th day of June, 1984, came the parties in person and by counsel for hearing upon petition duly filed by petitioner and served upon the respondent; upon answer filed by the respondent and served upon the petitioner; upon notice of hearing served upon the respondent; upon stipulation of the parties.

The Commission proceeded in the taking of testimony under oath of the witnesses presented by the parties and upon conclusion of the evidence presented by the petitioner, the respondent moved for directed verdict and said motion was granted by the Commission. It is ORDERED that the petition be and the same is, hereby dismissed with costs to the petitioner. It is ORDERED that the will be executed on the 28th day of May, 1985, by the testator-decedent, Jay Parker, be, and the same is, hereby declared to be valid and of legal force and effect. It is further ORDERED that the respondent proceed with the administration of the Estate. Approved by the Commission

The Commission took no action on the 1984 Single Family Mortgage Program. No action was taken on the Multi-County # 1 Bond Issue.

Their being no further business the Commission adjourned the meeting.

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, JUNE 27th, 1984.

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:

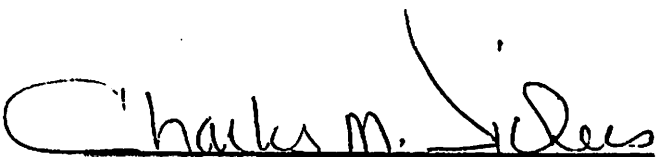
Z-271-84-1: Request of David L. Neal, Owner, for a change in land
classification from R-R, Agricultural and Rural Residence, to
I-2, Heavy Industrial District, on 3.035 acres, Sunday Road,
to operate a junk yard on Miller Ridge Road off, Corridor "L"
near Hico, New Haven District.

Mr. Neal was present and there was no opposition. The County
Commission was informed by the Zoning Officer that the adjoining
property owners had been informed by mail and that the Planning
Commission did by a vote of 9 - 0 recommend that this be approved.
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.

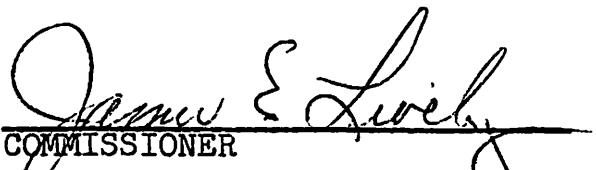
Z-272-84-1: Request of Roosevelt Calhoun, Owner, for a change in
land classification from R-R, Agricultural and Rural Residence,
to B-2, General Business District, on part of 3.98 acres, Wolf
Creek, to operate a private club on Route 38, Summerlee Road,
Plateau District.

Mr. Calhoun was present and there was no opposition. The
County Commission was informed by the Zoning Officer that the adjoin-
ing property owners had been notified by mail of these hearings and
that the Planning Commission did by a vote of 7 - 2 recommend that
this request be approved. 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

SPECIAL SESSION OF FAYETTE COUNTY COMMISSION

June 30, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M Vickers

John H. Lopez

James E. Lively

A special session of the Fayette County Commission was held on the 30th day of June, 1984 to discuss landfill operations; solid waste.

Mr. Leonard "Butch" Joyce , Solid Waste Engineer Consultant, from the Waste Resources, Inc. appeared before the commission. Also appearing was Mr. Jack Gannon and Richard Bragg.

The lease agreement was discussed as follows:

Specific Acreage

Term

Rental

Indemnification

Insurance

Mr. Joyce is to correct the lease agreement and complete contents of the lease and return to the County Commission and present to the Prosecuting Attorney.

Mr. Joyce and Mr. Bragg are to prepare a letter to notify Department of Natural Resources that Landfill #2 is to be closed. Letter is to be sent from the County Commission to Southern West Virginia Regional Health Center.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

July 13, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

The Fayette County Commission met on July 13, 1984, and the Budget Hearing on General Revenue Sharing for 1983-84 was held at 10:00 A. M. The notice was published in the Fayette Tribune for hearing of written or oral comment from public.

The Commission also filled the vacancy on the New Haven Public Service District as a vacancy was created by the resignation of Larry Harrah. On the 13th day of July, 1984, at a regular meeting of said Commission consideration was given to the appointment of a new commissioner of the New Haven Public Service District to serve in the place of Larry Harrah who has resigned, said resignation having been tendered and accepted and after giving due consideration to the same it is hereby ordered that Frank Hill, whose name has been recommended, be appointed to fill the unexpired term of Larry Harrah said term to expire October 29, 1984.

The Commission filled a vacancy that was expired on the Fayette County Board of Health, On the 13th day of July, 1984, it was brought to the attention of the Fayette County Commission that the term of Robert Stephens of Charlton Heights, West Virginia, on the Fayette County Board of Health expired on June 30, 1984 and it appearing further that the Fayette County Board of Health has recommended that he be reappointed, it is hereby ordered that Robert Stephens be appointed for a five (5) year term to be effective July 1, 1984, said term expiring June 30, 1989.

Mr. Edward O. Coleman appeared before the Commission requesting to be sworn in for the Deepwater Public Service District. The Commission approved the appointment of Mr. Edward O. Coleman. On the 13th day of July, 1984, at a regular meeting of said Commission consideration was given to the appointment of a new Commissioner of the Deepwater Public Service District to serve in the place of Larry Joe Bragg, whose resignation has been heretofore tendered

and accepted. After giving due consideration to the same, it is hereby ordered that Mr. Edward O. Coleman, whose name has been recommended by the Board of Deepwater Public Service District, be appointed to fill the unexpired term of Mr. Larry Joe Bragg, said term to expire March 1, 1985.

The Fayette County Commission approved \$20,000 for the fiscal year 1984-85, to the Office of Behavioral Health Services, West Virginia Department of Health, for the establishment, operation and maintenance of a local mental health program," 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).

A letter was sent from the Commission to Mr. Timothy F. Laraway, P. E. Supervisor, Solid Waste Division, West Virginia Department of Natural Resources. This letter advised that effective June 15, 1984 ordered that all dumping be terminated at the Fayette County #2 Landfill located near Ansted, W. Va. All citizens and county haulers formerly using the facility have been notified to take all garbage to the Fayette County #1 Landfill located near Cunard W. Va.

President of the Commission Mr. Charles M. Vickers, being duly authorized to make affidavit for the County Commission of Fayette County: and further depose and say that Valley Medical Service, Inc., Drawer 358 Alloy, West Virginia 25002-0358 is either a bona fida volunteer fire department, non profit ambulance service or emergency rescue service within the County of Fayette. This was taken, sworn and subscribed on the 13th day of July, 1984.

The Fayette County Fireman's Association appeared before the Commission. Mr. Steve Cruikshanks, and Mr. Mike Rutledge representing the association told and ask about distributing the excess levy funds that were not allocated in the past three years. The association stated that they had established guidelines for the spending of excess levy funds that were not allocated during the past three years. Mr. Rutledge stated that a financial statement had been sent to agency and should have response soon. Mr. Rutledge and Mr. Cruikshanks also talked about the idea of a County Fire Co-Ordinator, and stated they would present a proposal in the near future. They also noted that the departments must present a written request and that the request must be approved by the association officers before money would be distributed. They stated several departments have had letters approved and are in need of the funds. They therefore requested the county to disburse these funds to the fire departments that have been certified by the association and having met all requirements. The Commission ask if the spending of money would be in line with levy guidelines.

The Commission also received a letter from the Danese Volunteer Fire Department and Rescue Squad, Inc. They noted that one of their newest ambulances was involved in an accident on February 6, 1984, and that there was extensive damage to this unit which has not yet been repaired. The estimate we obtained from the local Ford garage was \$954.25. This did not include 1 running board and 2 new tires replaced on the right side of this unit. The department noted that the ambulance is in use daily and while there is no mechanical defects due to this damage, it has become increasingly apparent that the condition of the body is rapidly deteriorating from the damage already sustained. The letter also noted that the department wished to ask if the Commission was going to pay and be responsible for these repairs. The department also stated that at this time the department is not financially able to pay for these repairs, as their funding has been cut. They also stated that all of the fund raising events have been quite disappointing. The Danese department noted that they would greatly appreciate any assistance from you on this matter as the unit is the main stay of the operation. The Commission approved for repair bills be sent to Fayette County Commission. It was also noted that running board would cost \$200.00 and \$104.94 each for tires. Copy of insurance form and estimate was enclosed also.

Mr. Lopez ask to talk to the Commission on the behalf of Mr. Joe Craffy from Kanawha Falls, concerning the painting of tank. Mr. Lopez noted that he understood that \$36,500 was needed. The Commission stated to stand by the original committment of \$21,500.

Mr. Vickers stated that Ann Covington, on behalf of the Fayetteville High School Band, ask if they could use the courthouse lawn for a yard sale. The Commission said this has not been allowed before, and therefore should stand the same. The Commission said they could use the parking lot, or any graveleled or Memorial Building lot or area that the County has.

The payroll was presented and approved.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

July 25, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers

Mr. John H. Lopez

The Fayette County Commission met in regular session on July 25, 1984. Appearing before the Commission was Mr. Joe Rozell of Danese, in reference to property that they own in Danese. This property has on it a church, and was appraised at \$248,000. Mr. Rozell stated that they have \$110,000 in this property. Mr. Rozell stated they wish to sell the property, as they are moving the church. Mr. Rozell stated that they wanted to see if the County might want the property for county purpose before offering it to the public. Mr. Vickers and Mr. Bragg stated that they knew of no use for the county. They suggested that Mr. Rozell contact the Danese Fire Department and see if they might be interested.

Appearing before the Commission was Mr. T. E. Myles, representing the Mossy Public Service District. Mr. Myles wanted the Commission to help out the Mossy Public Service District, as they are in dire need. Mr. Myles stated that they would need in the range of \$65,000, and they want the Fayette County Commission to contribute half and try to get the other half from the Governor's Office. Mr. Myles stated that this was a one million and a quarter water works. Mr. Myles stated the condition of the system was absolutely terrible.

Ms. Sue Sowder of Wingrove appeared before the Commission stating that she has a problem with flooding where she lives, and she wonders who might help her in the situation. She was referred to the Department of Natural Resources.

Mr. Lee Massey and Mr. Tim Laraway, who represents the Department of Natural Resources, Solid Waste Supervisor, told the Commission that they had not ordered for Landfill # 2 to be closed. Mr. Laraway stated that now applications would be sent out and would be clarified in writing. They stated that the lease for #2 Landfill would be continued.

Mr. Wayne Inge, representing Mr. Don Taylor, for hearing of Armstrong Public Service District. Mr. Inge stated that he was informed by Mr. Steve Vickers that the meeting was cancelled. The representative for the Armstrong Public Service District informed the Commission that Mr. Vickers had told them he would no longer represent them, so they ask for a new hearing date as they would be retaining Mr. Pat Hamilton as a lawyer. Mr. Inge and Mr. Hamilton are to get together and set a new date, to be scheduled with the Fayette County Commission.

The resolution for the White Oak Public Service District that was already in the budget was presented to the Fayette County Commission as follows:

RE: APPROVAL of GRANT FUNDS for the WHITE OAK PUBLIC SERVICE DISTRICT
SCARBRO, WEST VIRGINIA

WHEREAS: Members of the Board of Commissioners of the White Oak Public Service District did appear before the Fayette County Commission to request grant funds for essential repairs and improvements to the White Oak Public Service District water system:

WHEREAS: The Fayette County Commission did investigate the physical condition of the said water system and duly found that repairs were essential for the continued operation of said system:

WHEREAS: The Fayette County Commission did include within the 1984-85 levy estimate a sum in the amount of \$18,500.00 for such repairs:

Now therefore be it hereby resolved that ;

a grant in the amount of \$18,500.00 be approved for the White Oak Public Service District, and be it further resolved that as a condition for the granting of said funds, the Commissioners of the White Oak Public Service District shall abide by county purchasing practice and procedures as prescribed by the West Virginia Code.

A letter was sent to the West Virginia Department of Human Services from the Commissioners stating they had completed the review for their request for funding for the Resource Unit established by the Fayette County office of the West Virginia Department of Human Services for fiscal year 1984-85. The Commission told the department that due to the increased obligations and responsibilities of the County, funding for the Resource Unit could not be approved.

The Commission approved contingently \$2,850.00 to the Bellwood Community Facilities Improvement Corporation up to the state bid.

The Commission also sent a letter to Fayette County Food Coalition-Beatrice R. Burgess, Vice-President, to state that they had reviewed their request for additional funding for the Food Coalition for fiscal year 1984-85. The Commission stated that they had decided that a final appropriation of \$13,500.00 would be made available to the Coalition. However, due to the increased obligations and responsibilities of the County, ongoing further funding for the Coalition could not be approved.

A letter was received from Prosecuting Attorney, Paul M. Blake, Jr.,
RE: Department of Human Services Agreement. Mr. Blake stated that this

agreement appeared very similar to the agreement previously assigned by all the parties which expired on June 30, 1984. Mr. Blake stated that he would recommend that the County enter into such agreement with the Department of Human Services for the reasons previously assigned.

NOW THEREFORE, in consideration of the mutual understanding and covenants hereinafter set forth, Department, County and Prosecutor agree as follows:

- (1) Scope of Services Provided by County and Prosecutor
- (2) Duration of Program
- (3) State Office of Child Support Enforcement
- (4) Payment By Department To County
- (5) Additional Conditions Pertaining to Payments
- (6) Cancellation and/Or Amendment
- (7) Recoveries and Records
- (8) Confidentiality
- (9) Resolution and Disputes.

The Commission received a letter from Hudgins, Coulling, Brewster, Morhous & Cameron. RE: Unpaid account with Shelton-Witt Equipment Corporation. The letter stated that invoices from the client with instructions to take appropriate action to secure payment of same expeditious manner. The letter stated: we hereby give you formal notice that unless your representative has contacted the undersigned within ten (10) days following your receipt of this notice and made firm and satisfactory arrangements for the payment of this obligation, we will have no alternative than to pursue appropriate legal proceedings. Mr. Butch Joyce is to meet with Hudgins, Coulling, Brewster, Morhous & Cameron in regard to suit of unpaid account with Shelton-Witt Equipment Corporation. The Commission will contest invoices #366181911, for \$918.40, invoice # 366190411 for \$348.75.

At the regular meeting of the Fayette County Commission this 25th day of July, 1984, the following named persons are hereby reappointed as members of the Fayette County Soldiers and Sailors Memorial Board for a term of four (4) years, said term beginning July 1, 1984, and expiring June 30, 1988. Mr. Claude B. Bess from Fayetteville, New Haven District, Mr. William J. Carter, Prince, Plateau District, Dr. Carl Lee Kennedy, Montgomery, Valley District.

General Ambulance requested purchase of ambulance on 50/50 basis. The Commission approved this request.

Mr. Jack Gannon wanted to know if it could be approved that he could sell the remainder of the season passes for swimming to Senior Citizens for the month of August for the sum of \$5.00. This was rejected by the Commission.

Mr. Jack Gannon wanted to know if the Life Guards could give swimming lessons after the pool closes at 6 P. M. They would charge \$20.00 for the lessons and would be solely for the benefit of the lifeguards. The Commission left this to be under advisement.

Mr. Bragg requested a raise for Mr. Jack Gannon for his portion of work for the Landfill operations that he has maintained. Mr. Gannon was approved a raise of \$100.00 per month for landfill work.

Mr. Bragg noted that he needed to go to a schooling in October or November for Personnel Policy. He stated that this would be held in Pittsburgh and would be for two days. This was approved by the Commission

All bills and payroll was presented to the Commission and this was approved.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

August 8, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

James E. Lively

The Fayette County Commission met in regular session on August 8, 1984. Mr. Jack Thompson appeared before the Commission as attorney for Committee appointment of Edgar Lee for James D. Lee.

This day came Edgar Lee upon petition stating that James D. Lee is incompetent and unable to manage his business affairs and asked the Commission to appoint him as committee for the said James D. Lee.

On consideration of the evidence, the Commission is of opinion to and doth hereby appoint Edgar Lee as committee for the said James D. Lee.

Then came the said Edgar Lee and took the oath as Committee for James D. Lee and qualified as such committee by giving a corporate surety bond in the amount of \$10,000.00 as surety thereon.

Thereupon this estate was referred to T. E. Myles, one of the Commissioners of Accounts of this Commission to be further dealt in accordance with law.

Mr. Thompson also appeared for committee appointment of Emily C. Lee incompetent.

This day came Edgar Lee upon petition stating that Emily C. Lee is incompetent and unable to manage her business affairs and asked the Commission to appoint him as committee for the said Emily C. Lee.

On consideration of the evidence the Commission is of opinion to and doth hereby appoint Edgar Lee as committee for the said Emily C. Lee.

Then came the said Edgar Lee and took the oath as committee for Emily C. Lee and qualified as such committee by giving a corporate surety bond in the amount of \$10,000.00 as surety thereon.

Thereupon this estate was referred to T. E. Myles, one of the Commissioners of Accounts of this Commission to be further dealt in accordance with law.

The Commission received a letter from Gary Harding, Zoning Officer.

The following persons were recommended for the Fayette County Planning Commission. Mr. Jack Holt, Mr. Richard Vickers, Mr. Robert Honaker.

On this the 8th day of August, 1984, it appearing to the Commission that the term of office of Robert Honaker of Fayetteville, West Virginia, as a member of the Fayette County Planning Commission expired on August 3, 1984, and upon recommendation of the Commission it is hereby ordered that Robert Honaker be and he is hereby reappointed to serve on the Fayette County Planning Commission for a period of three years, said term to expire August 3, 1987.

On this the 8th day of August, 1984, it appearing to the Commission that the term of office of Richard Vickers, for Fayetteville, West Virginia, as a member of the Fayette County Planning Commission expired on August 3, 1984, and upon recommendation of the Commission it is hereby ordered that Richard Vickers be and he is hereby reappointed to serve on the Fayette County Planning Commission for a period of three years, said term to expire August 3, 1987.

On this the 8th day of August, 1984, it appearing to the Commission that the term of office of Jack Holt of Oak Hill, West Virginia, as a member of the Fayette County Planning Commission expired on August 3, 1984, and upon recommendation of the Commission it is hereby ordered that Jack Holt be and he is hereby reappointed to serve on the Fayette County Planning Commission for a period of three years, said term to expire August 3, 1987.

The Commission received a letter from Gary Harding, Zoning Officer stating that it is recommended that George Carson, Glen Ferris, W. Va. be appointed to a term on the Fayette County Board of Zoning Appeals to fill the unexpired term of Sam Shumate, Charlton Heights, expiring on January 1, 1985. Mr. Shumate resigned effective August 7th, 1984.

Appearing before the Commission was Mr. Larry Bradford, Director, Region 4, for New Haven Public Service District. Also appearing was Eugenia Davis. They ask for New Haven to be next application under small business loan. With general service area between Lookout and Stringtown Road.

Mrs. Bea Burgess for the Fayette County Food Coalition appeared before the Commission. Ms. Burgess stated that they are serving between 250 to 300 persons. She stated that the coalition needs more money. She also ask if consideration could be given to doing different than the Federal Food Funding. If so they would like to be able to give soap powder, clorox, and cleaning supplies, which are not allowed under Federal guidelines.

The Commission directed Mr. Richard Bragg to approach Mr. Dave Akers regarding having lease for rental building for Magistrate building in Fayetteville, on Main Street.

Mr. Vickers requested the examination to solicit more people from non incorporated areas for the Planning and Zoning Commission.

All bills presented to the Commission were approved.

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

REGULAR SESSION OF THE COUNTY COMMISSION
August 15, 1984
FAYETTE COUNTY COURTHOUSE
FAYETTEVILLE, WEST VIRGINIA 25840
MEMBERS PRESENT: Charles M. Vickers
John H. Lopez

The Fayette County Commission met in regular session on the 15th of August. Payroll was approved.

A letter was received from Charles C. Steele, of Baker, Watts & Co. : Subject: Statue Report : To: Issuers and Lenders shown on distribution sheets 1984 Mortgage Bond Program.

This was a report to alert to the status of various aspects of the proposed bond program.

1. Joint Issuers
2. Participating Lenders
3. Funds Available
4. Projected Interest Rate
5. Time Schedule
6. Program Standards and Requirements
7. Trustee

A letter was received from the Salem-Gatewood Public Service District requesting that Mr. Joe Idleman be reappointed to serve as Board Member of the Salem-Gatewood Public Service District. This was approved.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

August 29, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers

Mr. John H. Lopez

Mr. James E. Lively

The Fayette County Commission met in regular session on August 29, 1984. Appearing before the board was Mr. Gary Harding and Mr. Randall Ballard. This was to present a map and to show the Commission the use of one acre of land for a rafting company office. The following case was presented to the Commission for a disposition: Z-273-84-1: Request of Randall L. Ballard, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2 General Business District, on 1 acre, Locust Grove, part of 74.93 acre tract located on old G. F. & K. Turnpike, near Oakridge, New Haven District.

Mr. Ballard was present and informed the County Commission of his plans for the area. The Zoning Officer informed the County Commission that the Planning Commission did by a vote of 8-0 recommend that a one acre tract be rezoned to B-2 to accomdate the headquarters of a rafting firm. Linda Tury spoke in opposition to the request. After a general discussion a motion was made by Mr. Lively that this be approved as recommeded by the Planning Commission. Motion was seconded by Mr. Lopez and passed by a vote of 3-0.

On this the 29th day of August, 1984, it appearing before the Commission that the term of office of Joe Idleman, Rt. 1 Fayetteville, West Virginia, as a Commissioner of the Salem-Gatewood Public Service District will expire on September 1, 1984 and upon recommendation of the board it is hereby ordered that Joe Idleman be and he is hereby appointed as a Commissioner of said Salem-Gatewood Public Service District as and of September 1, 1984 to serve for and during a period of six years, said term to expire on September 1, 1990.

A representative from Baker-Watts for Single Family Mortgage Housing appeared before the Commission to have copies signed and sealed.

Mr. Paul Clay attorney for Bellwood Community Facilities Improvement Corporation appeared with two residents of the area. Mr. John Goddard and Mr. Lee Austin. Mr. Goddard is the Secretary-Treasurer and Mr. Austin is the Vice-President. Mr Clay says Mr. Goddard and Mr. Austin live in the Bellwood Area and have operated the water system. Mr. Clay stated that they needed \$19,000.00 for a water tank and that they have received a amount of \$16,750 from a contingency fund from the government, and they are \$2,800.00 short of what they need. All 41 customers are from Fayette County. The Commission approved the remainder to be used for the Bellwood system.

Richard Bragg appeared before the Commission on the behalf of Jack Gannon requesting \$7,500.00 for a Road Grader. The Commission approved this motion.

Mr. Bragg also noted to the Commission that there seemed to be a mix up on the Food Coalition on the part of Bea Burgess. Mrs. Burgess received a letter from the Commission that they had distributed all money they could for the Coalition. Mrs. Burgess neglected to read the letter and she ordered more food. The Commission noted that they would pay for this shipment but they would not furnish money again to get out of a bind. There will be no more available money for the Food Coalition.

Andy Keenan, Attorney appeared before the Commission with Brownie G. Milam and Virginia M. Frazier, Petitioners versus Vada McCutcheon and Evelyn McCutcheon, Respondent.

This order came on to be heard this 29th day of August, 1984, upon the Petition of Brownie G. Milam and Virginia M. Frazier to be appointed committee for the person and estate of Vada McCutcheon, the Petitioners appearing in person and by counsel, C. Andy Keenan, the Respondent not appearing pursuant to an Affidavit from Eleanor N. Navarro, M. D. stating that she was physically unable to attend, she appearing by her Guardian

ad Litem, DWANE L. TINSLEY, an attorney at law, a copy of the Petition and written notice of hearing thereon having been served upon the Respondent at least ten days prior to the date of hearing and notice given to the adult next of kin of the Respondent Vada McCutcheon.

WHEREUPON, the Commission proceeded to hear the sworn testimony of the Petitioners, Brownie G. Milam and Virginia M. Frazier, attesting to the condition of the said Vada McCutcheon and the honesty and the integrity of the Petitioners and received into evidence a written certificate from Eleanor N. Navarro, M. D., the physician of the Respondent, Vada McCutcheon, certifying that she had examined the said Vada McCutcheon 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, Dwane L. Tinsley, which said recommendation was that the Petitioners, Brownie G. Milam and Virginia M. Frazier be appointed to manage the business affairs of the said Vada McCutcheon and to have custody of the said Vada McCutcheon to enable them 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 Vada McCutcheon is unable to manage her business affairs and unable to care for her physical well-being and, therefore, incompetent, and that the said Brownie G. Milam and Virginia M. Frazier should be appointed committee for the said Vada McCutcheon, incompetent, to manage her business affairs and, further, should be granted custody of the said Vada McCutcheon, incompetent, to enable them to care for her physical well-being.

Therefore, it is the ORDER of this Commission that Brownie G. Milam and Virginia M. Frazier, be, and they are, appointed Committee for Vada McCutcheon, incompetent, to manage her business affairs, and, further, is granted custody of the said Vada McCutcheon, incompetent, to enable them to provide care for her physical well-being, until such time the said Vada McCutcheon 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 Brownie G. Milam and Virginia M. Frazier be required to post bond in the office of the Clerk of Fayette County Commission, Fayette County, West Virginia, in the amount of \$100,000.00.

Brownie G. Milam and Virginia M. Frazier, Petitioners, vs Evalena McCutcheon, Respondent. This came on to be heard this 29th day of August, 1984 upon the Petition of Brownie G. Milam and Virginia M. Frazier to be appointed committee for the person and estate of Evalena McCutcheon, the Petitioners appearing in person and by Counsel, C. Andy Keenan, the Respondent not appearing pursuant to an Affidavit from H. Fathy, M. D., stating that she was physically unable to attend, she appearing by her Guardian ad Litem, Dwane L. Tinsley, and attorney at law, a copy of the Petition and written notice of hearing thereon having been served upon the Respondent at least ten days prior to the date of hearing and notice given to the adult next of kin of the Respondent, Evalena McCutcheon.

Whereupon, the Commission proceeded to hear the sworn testimony of the Petitioners, Brownie G. Milam and Virginia M. Frazier, attesting to the condition of the said Evalena McCutcheon and the honesty and the integrity of the Petitioners and received into evidence a written certificate from H. Fathy, M. D., the physician of the Respondent, Evalena McCutcheon, certifying that she had examined the said Evalena McCutcheon 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, Dwane L. Tinsley, which said recommendation was that the Petitioners, Brownie G. Milam and Virginia M. Frazier be appointed to manage the business affairs of the said Evalena McCutcheon to enable them 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 Evalena McCutcheon is unable to manage her business affairs and unable to care for her physical well-being and therefore, incompetent, and that the

said Brownie G. Milam and Virginia M. Frazier should be appointed committee for the said Evalena McCutcheon, incompetent, to manage her business affairs and, further, should be granted custody of the said Evalena McCutcheon, incompetent, to enable them to care for her physical well-being.

Therefore, it is the ORDER of this Commission that Brownie G. Milam and Virginia M. Frazier, be, and they are, appointed Committee for Evalena McCutcheon, incompetent, to manage her business affairs, and further, is granted custody of the said Evanlena McCutcheon, incompetent, to enable them to provide care for her physical well being, until such time the said Evalena McCutcheon may be able to show that she is unable 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 Brownie G. Milam and Virginia M. Frazier be required to post bond in the office of the Clerk of Fayette County Commission, Fayette County, West Virginia, in the amount of \$100,000.00.

A letter was filed with James Elzey, Fical Officer, for mental health, stating that Fayette County has spent \$20,000.00 for mental health,

All bills presented were approved and payroll was approved.

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

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON
WEDNESDAY, AUGUST 29th, 1984.


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

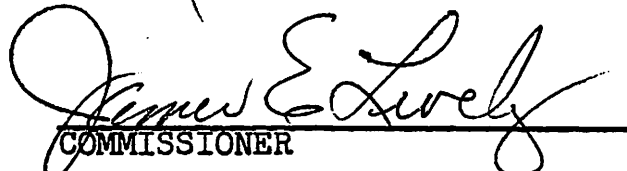
The following case was presented to the County Commission
for a disposition:

Z-273-84-1: Request of Randall L. Ballard, Owner, for a change in
land classification from RR-1, Agricultural and Rural Residence
District, to B-2, General Business District, on 1 acre, Locust
Grove, part of 74.93 acre tract located on old G. F. & K. Turn-
pike, near Oadridge, New Haven District.

Mr. Ballard was present and informed the County Commission of
his plans for the area. The Zoning Officer informed the County
Commission that the Planning Commission did by an 8 - 0 vote recommend
that a one acre tract be rezoned to B-2 to accomodate the head-
quarters of a rafting firm. Linda Tury spoke in opposition to the
request. 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 THE FAYETTE COUNTY COMMISSION

September 5, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

James E. Lively

The Fayette County Commission met in regular session. Bill presented were approved.

Appearing before the Commission was Pat Hamilton, Attorney and Lynn Pollard, Attorney, for the Armstrong Public Service District. Also appearing was Mr. Wayne Inge, representing Mr. Don Taylor, of the Armstrong Public Service District. After presentation by counsel for both parties, Mr. Lively and Mr. Lopez voted to hold a hearing on motion and a hearing for removal on September 14, 1984. The Commission requested the County Clerk to verify the petition of registered voters in the Armstrong Creek Public Service District through voters registration. The Commission requested that they report back to both parties by September 7, 1984.

Mr. James Love and Mr. Tom Aiello appeared before the Commission. The date of September 14, 1984, was tentatively set regarding the location of the new Magistrate Office.

Mr. Richard Bragg appeared before the Commission to discuss the problems of the Cunard Landfill. The Commission told Mr. Bragg to draw up a set of specifications for publication for equipment operation (labor).

Mr Wayne Inge appeared before the Commission for the Closure of Old State Route 15, at Mossy, Fayette County, West Virginia. A hearing was scheduled for October 3, 1984.

Mr. Wayne Inge also appeared before the Commission for the Closure of An Abandoned Alley-way Near Rosedale, Fayette County, West Virginia for Alber Barlow and Pearl Barlow.

A hearing is scheduled for October 3, 1984.

Pursuant to Section 51.55 (d) of the Administrative Requirements of Revenue Sharing Handicapped Discrimination Regulations, the Fayette County Commission resolved to adopt and implement a "Grievance Procedure".

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

FAYETTE COUNTY COURTHOUSE

September 14, 1984

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers, President

Mr. John H. Lopez

Mr. James E. Lively

The Fayette County Commission met in regular session Friday, September 14, 1984. The meeting was called to order by Mr. Vickers. Mr. Vickers opened the meeting of the Armstrong Creek Public Service District. Mr. Vickers stated that the Commission voted to accept the petition with 278 registered voters on the list in the district. This was voted and approved 3-0. Mr. Lopez made a motion that Mr. Taylor be removed and this was seconded by Mr. Lively. Mr. Lopez and Mr. Lively voted for the removal of Mr. Taylor and Mr. Vickers voted against the removal of Mr. Taylor. Mr. Inge spoke up and stated that he was not aware that the Commission would handle the hearing that way. Mr. Lively made a motion that the Commission's motion be voted upon and accepted as stood. Mr. Lopez voted for removal of Mr. Taylor and Mr. Lively voted for removal for Mr. Taylor. Mr. Vickers voted against the removal of Mr. Taylor.

Mr. Tom Aiello and Mr. James Love appeared before the Commission regarding the office building for the Magistrates. Discussion was held on the renovation of building or ground for a new building. The prospect of purchasing a piece of

land located by the Prosecuting Attorney's office was discussed and Mr. Lively will check with the owner Mrs. Neeley.

The payroll was approved and all bills brought before the Commission were approved.

There being for further business to come before the Commission the meeting was adjourned.

In: COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA
Re: ESTATE OF CECIL HICKS

On the 29th day of August, 1984, appeared J. Michael Anderson, Attorney, and submitted to the Commission an affidavit and copy of the Last Will and Testament of Cecil Hicks, both of which set forth that it was the intention of the said Cecil Hicks to revoke his Will dated December 14, 1981, as of September 12, 1983 at 3:15 P. M.

The Commission having considered these instruments does find and so order that the Last Will and Testament of Cecil Hicks dated December 14, 1981, be revoked in accordance with this proceeding.

Entered this 14th day of September, 1984.

County Commission of Fayette County

Charles M. Vickers, President

John H. Lopez, Commissioner

James E. Lively, Commissioner

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

September 26, 1984

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 September 26, 1984. Appearing before the Commission was Steve Cruikshanks and Mike Rutledge representing the Fayette County Firemen Association. They talked to the Commission about the operating expenses over a three year period which amounted to \$75,000.00. This amount broken down to the different departments \$23,000.00 to Oak Hill and Montgomery, \$18,000.00 to Fayetteville and Ansted and \$15,000.00 to the rest of the departments. They also discussed a county co-ordinator with the Commission as well as a director of emergency service for the county. They noted that certain guidelines have been set for the person hired to fill this position. They also ask if the person would be covered under the insurance and compensation from the county. They wanted to know just how far the Commission would go. They also stated that they would make recommendations to the Commission about the person or persons to be hired. This hiring would be left up to the Commission. They also ask about a vehicle for this person. The representatives stated that they hope to get this started the 1st of January, 1985.

Mr. Luther Boyd appeared before the Commission about the Landfill funding for Montgomery. Mr. Boyd stated that they would need \$50,000.00 and would like the Commission to contribute \$25,000.00. Mr. Boyd stated that they hoped to get the remaining \$25,000.00 from the Kanawha County Commission. Mr. Boyd stated if refused by the Kanawha County Commission that they would try to raise the money. Mr. Boyd stated that the Landfill is run by the City of Montgomery. The Commission informed Mr. Boyd that they would consider and inform as soon as possible.

A representative from IBM appeared before the Commission presenting information about a computer set up for the Commission. Mr. Michael Manley representing IBM told the Commission about the advantages of the IBM computer and the size of computer that would be suitable for what they needed it for. He also told them some of the prices for the extra software and hardware. The Commission thanked them for the time that they spent in coming before the Commission and noted to them that they would keep in touch.

Mr. Wayne Inge and Ms. Lynn Pollard appeared before the Commission to file order on the removal of Don Taylor of the Armstrong Public Service District, as Commissioner.

On September 14, 1984 came the petitioners, Thomas Bowen and William Black, and their counsel, Lynn B. Pollard, and the respondent, Donald Taylor, and his counsel, Wayne D. Inge, upon that certain petition seeking the removal of Don Taylor as Commissioner of the Armstrong Public Service District for cause and further upon that certain petition bearing 501 signatures and calling for the removal of Donald Taylor as Commissioner of the Armstrong Public Service District.

Whereupon, the Commission considered that certain written petition bearing 501 signatures and calling for the removal of Donald Taylor as Commissioner of the Armstrong Public Service District. Thereupon, the Commission, having previously directed its clerk to compare the signatures of said petition to the registered voters record, did certify that 278 of the signatures contained in said petition were registered voters who resided within the limits of the Armstrong Public Service District. The Commission did further find that 278 signatures exceeded 25% of the registered voters in said district, and the Commission voted unanimously to accept said petition. Thereupon, upon motion made and duly seconded, the Commission voted 2 to 1 to remove Don Taylor as Commissioner of the Armstrong Public Service District based upon that certain petition containing 501 signatures. In consideration of all of which, it is hereby the Order and Judgment of the Commission that Donald Taylor be and is hereby removed as Commissioner of the Armstrong Public Service District.

The Commission having passed upon and ruled that certain petition containing 501 signatures as aforesaid, finds that that certain petition seeking the removal of Donald Taylor as Commissioner of the Armstrong Public Service District for cause is moot and so the

same should be dismissed. Accordingly, it is hereby the Order and Judgment of the Commission that that certain petition seeking the removal of Donald Taylor as Commissioner of the Armstrong Public Service District for cause be and is hereby dismissed.

Enter: Order: Charles M. Vickers, Commissioner

John H. Lopez, Commissioner

James E. Lively, Commissioner

Presented by Wayne D. Inge, Counsel for Don Taylor

Tunney Hunsaker, Chief of Police appeared before the Commission in regard to a screen from one of the old police cars from the county. Mr. Hunsaker wants the screen to put in one of the city cruisers. The Commission approved this request.

Ms. Marion Seeley, representing Drug Education Program appeared before the Commission wanting to know if they would repeat the amount that they gave last year which was \$3,000.00. The Commission suggested that Ms. Seeley approach the Board of Education and ask for help as this program is presented in the schools. Ms. Seeley noted that she had approached the Board of Education but had no luck getting appointment. Mr. Vickers told Ms. Seeley that he felt that the program had merit and would hate to see this program not continued. Mr. Lively stated that he felt that the board should have input in this program. Mr. Vickers ask Ms. Seeley to get back to them after she hears from the board. The Commission will fix a letter for Ms. Seeley to present to the board. The letter is to be sent to the Fayette County Board of Education. Mr. Vickers told Ms. Seeley to let him know if she had any trouble getting an appointment with the board and he would help her get in.

Mr. John Lopez, Commissioner received a letter from U. S. Department of Housing and Urban Development. The letter stated that the purpose of the said bond issuance was to stimulate the housing market in your area by providing mortgage funds at below market rates to the low and moderate income residents of the area. The letter stated that was understood that the Commission recently participated in the issuance of tax exempt mortgage revenue bonds.

The Commission received a letter from the Armstrong Public Service District wanting to know when someone would be appointed to fill the vacancy created by Don Taylor. They recommended Homer Lundy of Kimberly and stated they felt they could work with Mr. Lundy. The Commission

stated that the vacancy could not be filled until the appeal time is up for Mr. Taylor.

The Commission also received a letter from the Page-Kicaid Public Service District, in regard to Small City Community Development Block Grant. The letter stated that they were not chosen for a Small City Community Development Block Grant during round 1 in the award cycle. They stated that they hoped that they would be funded in round 2, and hoped that the Commission would continue to sponsor the application for that period. The letter was received from commissioners Kenneth Fox, Chairman Pete Lange, Treasurer, John David, Secretary.

The Commission received a letter form Mr. James R. Casebolt, Sr. ABE Project Coordinator of Fayette Plateau Vocational-Technical Center stating they were going to offer an Adult Basic Class in the Danese area this year. The Commission granted the use of the building at no charge.

The Commission received a letter from the White Oak Public Service District with a request that Mr. Herbert Gore be appointed as a Commissioner to fill the unexpired term of Mr. Charles Wooten. The Commission made no motion on this.

The Commission received a letter from the City of Mt. Hope. The letter was in reference to property that is owned by the Commission. Mrs. Menei on Michigan Avenue owns the property that adjoins and is located at the dead end of Grimmett Avenue. Mr. Davis, the Mayor, stated in his letter that the lots are growing up and are encroaching on her property by brush hanging over onto her property. Mr. Davis ask if the Commission would check on this as the owners of the property next to it are very upset over the conditions of the lots.

A letter was received from Waste Power Corporation for an alternative to landfilling municipal solid waste. This is known as the Sigoure System.

Information was sent to the Commission pertaining to the 1984 20 County and City of Wheeling Single Family Mortgage Program. A program summary was enclosed.

All bills presented and the payroll were approved. There being no further business to come before the Commission the meeting was adjourned.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION
FAYETTE COUNTY COURTHOUSE

October 3, 1984

FAYETTEVILLE, W. VA 25840

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

The Fayette County Commission met in regular session October 3, 1984. Appearing before the Commission was Mr. Wayne Inge, Attorney, appearing for Teddy Gray and Charlotte Gray, Clyde Gray and Leona Gray, for closure of road at Mossy. Appearing in protest were neighbors. Therefore the petition was dropped.

Appearing before the Commission was Mr. Wayne Inge, Attorney appearing with Mr. Inge was Mr. Albert Barlow. On 5th of September came the petitioners, Albert Barlow and Pearl Barlow, husband and wife, by their counsel, Wayne D. Inge, and presented unto the Commission their verified petition praying for the closure of an abandoned alley-way near Rosedale, Fayette County, West Virginia, and moved that the same be filed with the Clerk of the Commission and that a hearing thereon be scheduled. It appearing proper to do so, it is hereby the Order and Judgment of the Commission that the petition seeking the closure of an abandoned alleyway near Rosedale, Fayette County, West Virginia be and is hereby filed with the Clerk of the Commission; and that a hearing thereon be held on the 3ed day of October, 1984 at 10:00 A. M. This hearing was held and approved October 3, 1984.

Gladys Gray appeared before the Commission on behalf of the Senior Citizens, Committee on Aging. The only proposal presented was from Beckley Belt Service and Roofing Co. This amount was \$121,517.00. The Committee on Aging will present the bids to the Commission and recommend if they should reject or accept the bids. A proposal was presented for the security systems. Masterguard Security Systems, Inc. proposed a bid of \$2,670.00 and to install the burgular alarm another \$250.00.

The Commission sent a letter to Mr. George Campbell, Manager and Commissioners of the Danese Public Service District, telling them they are aware of the impending need for additional funds

to update the water system, to prevent the possible contamination of Danese Public Service District. The Commission also stated that due to the fact that they are in the middle of the budget year and due to a large number of commitments which were made during the budgetary process, they could not commit any funds to the project. The Commission ask to be kept informed of the progress of the project. The Commission also told the Danese Public Service District that should current commitments not be utilized the Commission would definitely reconsider the request.

The Commission sent a letter to Mr. David Tincher, Senior Buyer of The Department of Finance and Administration stating that they would like to participate in the up coming state bid for the purchase of 6 new police cruisers.

The Fayette County Commission entered a resolution as follows:

Pursuant to Office of Management and Budget Circular A-102 (Uniform Requirements for Grants to State and Local Governments and pursuant to the guidelines for the Administration of Small Cities Block Grant Projects as compiled by the West Virginia Office of Economic and Community Development and acting pursuant to Chapter 7 Article 6 Section 1 of the Code of West Virginia as amended, the Fayette County Commission does hereby resolve to name the New River Banking and Trust Company of Oak Hill, West Virginia as a depository for the purpose of creating a separate, non-interest bearing, depository account for the receipt and disbursement of all funds, grants, and income received on behalf of the Fayette County Small Cities Block Grant project. Dated this 3ed day of October, 1984.

The Commission approved repairs to the Sheriff's office on Emergency basis.

The Commission approved Gary Harding to attend the seminar concerning flood insurance.

The Commission approved guidelines for position of Fire Service Co-ordinator & Operation Emergency Service officer as submitted by the Fayette County Firemen Association pending final submission to Fayette County Firemen Association.

The Commission approved depository for Small Cities Block Grant at New River Banking and Trust.

The Commission approved the lists of Election Officials, Democrat and Republican, to be appointed for the 11/06/84 election.

The Commission approved fire department contract as presented however, with held any FY 84-85 fire levy fund until entered departmental agreement between Fayette County Commission and any funding to municipalities in the county could be written and executed and approved by the Attorney General Office.

Mr. Phil Tissue appeared before the Commission in RE: Appointment of a Committee for Eliza P. Holcomb. This matter came on for hearing on the 3ed day of October, 1984 and 11:30 a. m. upon the petition of Joan M. Walker for the appointment of a committee for Eliza P. Holcomb. This was based upon the testimony of Joan M. Walker, upon the letter of Dr. M. Khalid Hasan relating to the mental condition of the respondent, upon the report of Gene Carte, Jr., Gauardian ad litem for the respondent and upon the record as a whole.

It is therefore the ORDER AND JUDGMENT of this Court that Joan M. Wlaker be appointed, and she is hereby appointed committee for the said Eliza P. Holcomb and the the said Joan M. Walker be required to post a \$5,000.00 bond to insure the faithful performance of her duties. Philip J. Tissue was appointed as Fiduciary Commissioner.

Mr. Tissue also appeared before the Commission for the Committee appointment of Ola Jean Seletyn for Ocie Seletyn. This case to be continued October 15, 1984 at 10:00A.M.

Mr. James Blankenship, Attorney, appeared before the Commission for the Estate of John Pete Fragale. This case to be continued October 31, 1984, at 11:00 A. M.

Bills presented were approved.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

October 15, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles Vickers, President
Mr. John H. Lopez, Commissioner
Mr. James E. Lively, Commissioner

The Fayette County Commission met in regular session on October 15, 1984.

The Commission received a letter from David W. Knight Prosecuting Attorney of Mercer County in Re: State vs Brown, Dempsey and Pennington - to the attention of Charles Vickers. In response to a telephone conversation, Mr. Knight made the following proposal in the above cases. Mr. Knight would handle cases in their entirety for a maximum fee of \$4,050.00 based on the following:

1. \$1,500.00 for all investigative and pre-trial matters in each and every case, some of which has already been preformed and for any further work.
2. \$300.00 for the Grand Jury to be conducted on November 13, 1984.
3. \$750.00 for pre-trial conducted.

These figures submitted include mileage and any other expenses which Mr. Knight has personally but does not include the necessity of his purchasing transcripts and he would expect the County Commission to pay those type of expenses.

Mr. Knight noted under this proposal if the Grand Jury on November 13, 1984 did not indict the defendants the total bill owed to Mr. Knight would be \$1,800.00.

If the Grand Jury indicts the defendants you would have a grand total bill of \$1,800.00, plus \$750.00 for each trial regardless of its length, so that if he tried all 3 cases the maximum for the trials would be \$2,250.00, making a total outlay by the County Commission of \$4,050.00.

The Commission decided to pay the \$1,500.00 for all pre-trial matters now and then pay the \$300.00 following the Grand Jury and the \$750.00 following each trial. This was accepted by the Commission pursuant to October 15, 1984.

The Commission received a letter from the City of Mount Hope, from Jonas A. Davis, Mayor. Mr. Davis stated that since Mt. Hope has a Voluntary Fire Department, which receives money from the County Levy, for this purpose Mr. Davis wants to know if they aren't suppose to have an Audit of their accounts annually or ever so often to advise the City Council as to how they are using their money. Mr. Davis stated he felt they were due an accounting of their transactions once a year. He stated the firemen act as though it is none of their business.

The Commission received a letter from the Co-operative Extension Service. This letter stated that it had approved an out of state trip for Bob Arthur. This was to notify the Commission of the upcoming expenditure of funds previously appropriated by the Fayette County Commission.

The Commission received a letter from Robert K. Holliday stating that John Moses who lives in the White Oak Public Service District has expressed a real interest in getting fire hydrants located with in the Public Service Commission jurisdiction. Mr. Moses stated the location of these hydrants should be placed every 1,000 feet. This would improve greatly the aid of fire fighting and insurance rates would be lower.

The Commission received a letter from the W. Va. State Tax Department. This was to inform of the State Tax Department's intent to begin the reappraisal field work in the county the week of October 8, 1984.

The Commission received a letter from Jack Manning, Sheriff, stating the resignation of Jackie Thompson Robinson who resigned October 5, 1984 from the Tax Office.

A letter was received from Home Insurance Company, due to complaint made by John Kevin England.

A letter was received from the Women's Resource Center. This letter was received asking for funding.

A preliminary evaluation for the new prosecuting attorney's office was discussed and presented to the Commission from Donald H. Stark of Beckley. This was in reference to the new Magistrate Building and the Prosecutors Office.

An administrative order from Supreme Court of Appeals

of West Virginia was received from the Circuit Clerk.

RE: Assignment of the Honorable John H. Frazier To The
Twelfth Judicial Circuit .

Payroll and all bills presented were approved.

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

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

October 31, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

The Fayette County Commission met in regular session on the 31st day of October. Appearing before the Commission was T. E. Myles, Attorney, for the appointment of Emmette Spade for Ethel Spade. Emmette Spade and his attorney, T. E. Myles presented to the Commission and ask leave to file the petition of Emmette Spade wherein he seeks to be appointed Committee for his wife, Ethel Spade. Counsel for the petitioner further presented to the Commission and asked leave to file the affidavit of Dr. George L. Fischer and copies of certified mail receipts indicating that a copy of the petition herein and notice of this hearing has been duly served upon the children of Ethel Spade, they being her nearest next of kin.

The Commission examined the said petition, the aforementioned affidavit and the return receipts and a copy of the notice duly mailed to the nearest next of kin of Ethel Spade, and it is ORDERED by the Commission that said documents be and they are hereby ordered filed.

The Commission doth find that Ethel Spade is 73 years of age; that she is suffering from dementia; that she is totally out of touch with reality, and is wholly incapable of managing her financial affairs or caring for her personal needs; that she cannot count money or dress or undress herself, and acts as a person would act at the age of two years.

It appearing to the Commission proper so to do, it is ORDERED that Emmette Spade shall be and he is hereby appointed Committee for Ethel Spade;

Mr. Spade shall designate to the Commission three appraisers to appraise the Estate of Ethel Spade and he shall post bond in the penalty of \$10,000.00 with surety to be approved and take the necessary oath. Noel Fox, Robert Surface, and Charles Brown of Meadow selected to appraise the estate and Thelma Richmond as surety on said bond.

Phil Tissue, Attorney appeared for David L. and Phylis Miller, for closure of Alley, Deed Book # 410 at Page 22. The applicant desires to fence said alley way making their two lots into one large one. The applicants state the alley way has not been used for over twenty years, and no one will be adversely affected thereby. Wherefore the applicants request the following action of the County Commission: 1- That it close and vacate the alleyway which is referred to herein by order entered of record; 2- For such other and further relief as the facts and circumstances of case may warrant.

Gary Harding appeared before the Commission for Cecil H. and Martha J. O'Dell and Billy Aliff. This was tabled indefinite because of opposition.

Butch Joyce from Solid Waste Resources made presentation before the Commission on the proposed plan of landfill sites for transfer station. Mr. Joyce presented three plans and alternatives. The Commission is to start looking for sites for possible location of three transfer points.

The Commission o'ked the acquisition of IBM computer system. This will be accepted if can get approval from State Tax Department if approval of accounting system from State Tax Department.

Mr. Bragg and Mr. Gannon noted the Landfill at Cunard will have new open and close hours beginning November 19, 1984. The hours will be 8 A. M. to 5 P. M. .

Pursuant to request from Armstrong Public Service District, for Homer Lundy to be appointed to replace Don Taylor. The Commission approved this move. Mr. John Lopez made the motion and Mr. Jim Lively seconded the motion.

Order for the approval of check for Food Coalition was approved to be paid.

There being no further business and all bills presented were approved and payroll approved, the meeting was adjourned.

The Commission proceeded then to go to visit the new shelter built by the Fayette Humane Society.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

November 7, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

The Fayette County Commission met in regular session on November 7, 1984. The Commission heard a representative from Goodwin & Goodwin, about change in Federal Law of low mortgage homes. New law requires County to put in a local paper, to publish compliance report or past present of bond. The new law requires one local paper to publish prior to January 1, 1985. The County Commission will not incur the cost, the bonding company of Goodwin & Goodwin will pick up cost.

Mr. T. E. Myles appeared before the Commission with Mr. George W. Tolley, seeking to be appointed committee for Olive Hinkle. Mr. Tolley is the son-in-law of Olive Hinkle. Mr. Tolley and his wife who is the daughter of Olive Hinkle, took oath before the Commission stating that this was for the purpose of getting help for Ms. Hinkle, who is in a nursing home in Rainelle. The children of Olive Hinkle had been notified. This was approved by the Commission and bond was set and filed with the County Clerk on September 7, 1984.

The Commission approved to pay election workers for the polls and schools This is not to exceed \$99.99.

Gary Harding presented a map to the Commission and a report on land, for closure of a alleyway, from the October 31, 1984 meeting, for David and Phylis Miller. Mr. J. C. Prather, Box 159, Page noted concern about fire hydrant. Therefore the Commission did not approve the closure of this alleyway.

The canvas of the election will be held Wednesday, November 14, 1984, beginning at 8:30 A. M.

There being no further business to come before the Commission and all bill approved the meeting was adjourned.

Mr. Gary Harding from Zoning Commission appeared before the Commission. The following cases were presented to the County Commission for a disposition.

Z-276-84-1: Request of Sammy Joe Fragale, Owner, by James Blankenship, Attorney for a change in land classification from RR-1, Agricultural and Rural Residence District, to I-1, Light Industrial District, on .45 acre, White Oak (J. M. Ellis Estate Property), Greentown, Plateau District.

Z-277-84-1: Request of Raymond E. Gravely, Owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District on part of .96 acre, near Court House, located at Fayette Heights, New Haven District.

The applicant was not present on either case and the Zoning Officer informed the County Commission that by a vote of 7-0 recommend that the request be denied. These were for a welding shop and a used car lot.

The Fayette County Commission received bids for county property and casualty insurance coverage. Mountain State Insurance Agency, Inc of Montgomery presented the only proposal.

There being no further business to come before the Commission the meeting was adjourned. Payroll and bills presented were approved.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

November 28, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Charles M. Vickers

John H. Lopez

The Fayette County Commission met in regular session on November 28, 1984. Mr. John H. Lopez made a motion and Mr. Vickers said that as President of the Fayette County Commission that the county will approve guarantee agreement for purchase of fire trucks on condition that capital outlay would take preference over the fire levy expenditures. Mr. Vickers stated the agreement would be signed. The motion was unanimously approved. Mike Rutledge appeared on behalf of the Fayette Firemens Association.

Mayor Fred Neudek on behalf of the Mayor's Association contacted Mr. Vickers and asked the County Commission to take no action on the fire co-ordinator hiring, until the Mayor's Association could review the co-ordinators resume. Mr. Vickers informed Mayor Neudek that the firemen's association had requested the position and the Fayette County Commission would not take any further action until a request was placed before the Commission.

The Commission approved two layoffs of 2 employees of the Fayette County Landfill due to shorter hours and inclement weather, effective January 1, 1985 if necessary.

The Commission approved matching funds application for Life Line Ambulance.

Mr. Lopez notified the Fayette County Commission of his resignation from FMRB Board of Directors. Richard Bragg notified Commission that two vacancies existed on FMRS for Fayette County. The Commission appointed James Keenan and Jean Carte.

Appearing before the Commission from Exit Conference 1983-84 Audit from Trainer-Wright Associates on behalf of audit was the following present: C. M. Vickers, John H. Lopez, Howard E. Janney, Richard W. Bragg, Jack Manning, Ann Berry.

The Commission approved the purchase of 16 Goodyear Tire at stated bid price - plus installation.

The Commission approved continuation of snow removal with Jack Gannon as in previous years.

The Commission approved payment of EEO and personnel seminars for Mr. Bragg.

Mr. Bragg presented the bid for roofing of jail from Beckley Roofing Company in the amount of \$7,760.00. The Commission accepted the bid and the project is to be monitored.

The audit report was presented and the Commission accepted the invoice on the audit. Mr. Vickers ask that the audit be accepted and the vote was 3-0 in favor.

A letter was received by the Commission from the Twelfth Judicial Circuit of West Virginia, J. Zane Summerfield, Judge, in reference to the Magistrate Office Building. The Commission made note that the letter was received. The Commission requested that they receive estimate and plan for discussion at a later date.

Mr. Bragg ask if possible to purchase certain equipment for shop. Affirmative o'k by Mr. Vickers. This is not exceed \$2,000.00.

The Courthouse will close on December 24th and 25th for Christmas Holiday as this goes along with state offices. The Courthouse will also close on December 31 and January 1, 1985 as also state holidays.

A dinner will be held by the lawyers of the Bar Association for the workers of the courthouse on December 21, 1984. The scheldule of the time to go will be worked out among the workers themselves.

The County Commission made motion to put Shirley Love on the Correctional Officer Civil Service Board.

Payroll was approved and all bills paid to the end of the year.

The Commission will meet on January 9, 1985 for the first meeting of the year.

John H. Lopez will preside as President of the Commission.



FAYETTE COUNTY COMMISSION

December 14, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. Charles M. Vickers, President
Mr. John H. Lopez, Commissioner
Mr. James E. Lively, Commissioner

The Fayette County Commission met in regular session on December 14, 1984. Mr. Bob Jackson visited the Commission and made appearance on behalf of "WE CARE" Program that was initiated in the Valley last year. Mr. Jackson stated that the program last year helped 79 people and reached the goal it has set. Mr. Jackson also stated the utility companies stated they would not turn off utilities of these people in need if one third of the bill could be paid. Dr. Nelson, from West Virginia Institute of Technology is treasurer. Mr. Jackson stated they are not asking for a certain amount, but for whatever the Commission could give, and it would be appreciated. Mr. Vickers thanked Mr. Jackson for appearing before the Commission and stated to Mr. Jackson that they would get back in touch with him. The Commission informed Mr. Bragg to check into the legality of the We Care Program for contribution.

Mr. Paige Skaggs from the Committee on Aging appeared before the Commission and stated that he agreed and approved of the bid from Lou Morgan builders. Mr. Skaggs stated that if the money was not used by July 1, 1985, he was afraid they might lose the money. Mr. Lively made motion and Mr. Lopez seconded the motion in favor of Lou Morgan Builders bid and it was approved 3-0.

Mr. Skaggs also spoke on behalf of the fire departments. Mr. Skaggs stated of conflict with fire co-ordinator and fire chief. Mr. Skaggs stated the co-ordinator should not be chief of the fire department. The fire departments submitted the name of Steve Cruikshanks, to be hired as co-ordinator.

Mr. Skaggs also made comment on the Fire Levy Funds. He stated that the departments are having financial situations. Mr. Skaggs ask for money to be given so the departments could operate through January and February. The Commission approved the amount of \$2,500.00 for each department. Mr. Lively made motion and Mr. Lopez seconded the motion. The motion was approved 3-0.

Mr. Bragg told the Commission that Mr. Gannon and Mr. Joyce would like to see the landfill hauling limited to once or twice a week to individuals. The Commission decided to leave landfill hauling as it is now

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

December 5, 1984

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

The Fayette County Commission met in regular session on December 5, 1984. The Commission received two resumes in response to the County Co-ordinator job for the Fire Departments. Resumes received from Johnny R. McComas and Chris Martin.

The Commission received a letter from the City of Montgomery. The letter stated that the request received from the Fayette County Commission had been voted on and approved at the Solid Waste Authority Board Meeting.

1. The first Wednesday of every month has been designated for Fayette County Citizens as the day when they can bring household type trash and garbage to the Montgomery Landfill and dump free of charge. (When this goes into effect it will be advertised in the Montgomery Herald.)

2. If it becomes necessary for the commission to place a transfer station in this county which would need to be dumped at the Montgomery Landfill, the Solid Waste Authority will be more than willing to negotiate terms.

This letter was received from the office of James F. Higgins, Jr. Mayor.

Appearing before the Commission was Myles Harrington, representing Russell, Rea & Zappala, Inc., Investment Bankers, with Inducement Resolution concerning bonds for hospitals. The inducement would be for Hospital Improvement and Equipment Acquisition Revenue Bonds. Mr. Vickers ask why the county would want to participate. Mr. Lively questioned why no one from Montgomery Hospital was present for the meeting. Mr. Vickers thanked Mr. Harrington for appearing before the Commission and stated that at a future meeting they would act upon this presentation. Mr. Vickers stated if Montgomery General was interested they should contact the Commission.

Appearing before the Commission was Gladys Gray of the Senior Citizens Program. Mr. Lou Morgan of Lou Morgan Builders appeared with Ms. Gray and presented a bid on work to be done for remodeling on building for the Senior Citizens.

The bid was for the amount of \$89,400.00. This consist of remodeling kitchen and dining room for the nutrition center. This bid is to include all labor and materials to complete all work on remodeling of the Senior Citizen Center in Oak Hill. The Committee on Aging will meet with Ms. Gray on December 6, 1984, concerning the plans.

Mr. Lacy A. Flint appeared before the Commission in regards to application for a job that he filed with the Commission for janitorial work. Mr. Flint told the Commission he had been out of work for some time and that he had filed application before and had no response from it. He wondered if he could be considered for the next job opening in janitorial service.

Appearing before the Commission was a representative from Summersville RSVP - Region 4. Ms. Evelyn O'Dell and Pastor McCutcheon. The area of Region 4 is headed by Mr. Larry Bradford. Ms. O'Dell and Mr. McCutcheon appeared before the Commission asking for a contribution of \$1,500.00 from Commission stating they will ask each county for a contribution. The Commission approved this action 3-0.

Appearing before the Commission was Mr. Erwin Conrad, Lawyer and Mr. Vince Evans, representing Steptoe & Johnson for Issuance of Industrial Development of Revenue Bonds. The delegation made presentation to the commission and then the Commission heard pro and con of the issue. Citizens of the Boomer area who opposed expressed opposition. Mr. Harold Lewis Coe, Pastor, of the Boomer Baptist Church presented a resolution unanimously passed by the members on December 2, 1984. The Boomer Baptist Church requested that the Commission deny permission of the Fayette Dock Corporation to set up a coal loading dock at the old Exxon Bulk Plant site located next to the Boomer Baptist Church in Boomer, West Virginia. The resolution stated that they feel such a truck-in coal loading dock would be very bad for Boomer and disasterous for the Church in particular, for the following reasons:

1. The extreme danger of turning off Route 60 into the road to the loading site. This is in a large dip and stopping and turning is already dangerous.
2. Because of the dirt and coal that would come off the vehicles as they exit Route 60 on the only entrance going by our church and to their site as it passes our church.
3. Because we have a Kindergarten through Twelfth grade School that would be hindered by noise as trucks would have to pass within 15 feet of classrooms (our school is from 8:00 A. M. -3:00 P. M.)

Beginning on January 2, 1985, the landfill will be closed on Sundays.

The Commission informed Mr. Bragg to go ahead and get final plans on the IBM computer system for the county.

Names were submitted for the Fayette County Correcitonal Officers Civil Service Committee. The Committee to have regular member from the Bar Association. Names submitted for the Committee as follows:

Roy Withrow, Judson Wallace, Athol Burgess, Carolyn Paul. Action will be taken at a later date.

Mr. Lopez, Commissioner discussed the possibility of contribution to the Kanawha Falls Public Service District. Mr. Joe Craffey is to obtain document and final bid and verification of matching fund by Local Public Service District. This will be taken up at a later date.

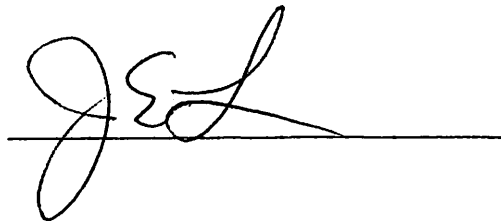
The Commissioners received a letter from Montgomery Chamber of Commerce, Upper Kanawha Valley, Economic Summit Conference, December 19, 1984, at West Virginia Institute of Technology, Tech Center Ballroom.

The Commission ask Mr. Bragg to contact Don Start, Architect, referring to magistrate building and the prosecutor building. The Commission wants to look at plans for two buildings. This is to be estimates for the job.

The Commission decided not to hold a meeting on December 26, 1984. All bills and payroll will be approved on the 14th of December, 1984.

A letter was received from Circuit Clerk, Herbert A. Mann, in regard to the change in his office. Catherine Britt moved to North Carolina and Mr. Mann stated the changes in his office and salaries he wished his employees to receive. He also ask for Linda Myers to be added to his staff.

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



A handwritten signature in cursive script, appearing to read "J. E. L.", is written over a horizontal line.