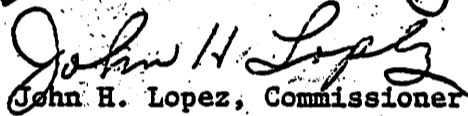


FAYETTE COUNTY COMMISSION

On this the 31st day of July, 1985, the County Commission of Fayette County meeting in a regularly called session and finding it necessary to so act does hereby order that a sum in the amount of \$100,000.00 be transferred from the Fayette County Coal Severance Tax Fund to the General Fund of Fayette County.

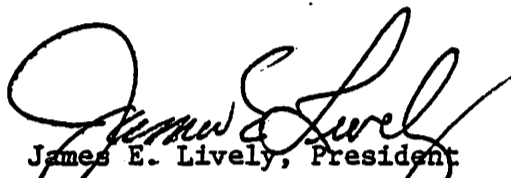
  
James E. Lively, President

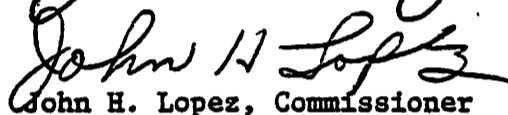
  
John H. Lopez, Commissioner


  
John L. Witt, Commissioner

FAYETTE COUNTY COMMISSION

On this the 31st day of July, 1985, the County Commission of Fayette County meeting in a regularly called session and finding it necessary to so act does hereby order that a sum in the amount of \$200,000.00 be transferred from the Fayette County Building & Improvement Fund to the General Fund of Fayette County.

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
Jenn L. Witt, Commissioner

At a regular session of the County Commission of Fayette County, held on the 31st day of July, 1985, the following order was made and entered:

SUBJECT: The revision of the 1985-86 General Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John L. Witt:

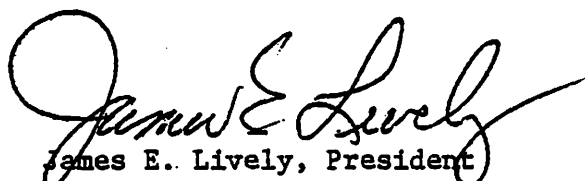
RESOLVED: That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number one (1), a copy of which is entered as part of this record.

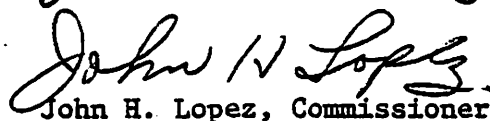
The adoption of the foregoing resolution having been moved by John L. Witt, and duly seconded by John H. Lopez, the vote thereon was as follows:

James E. Lively	Aye;
John H. Lopez	Aye;
John L. Witt	Aye.

Whereupon, James E. Lively, President, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED stated above, and the same is, hereby adopted as so stated above, and the President is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the 1985-86 General Fund budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

REQUEST FOR REVISION TO APPROVED BUDGET

(\$ 11-8-26a)

STATE TAX COMMISSIONER  
LOCAL GOVERNMENT RELATIONS DIVISION  
DRAWER 2389  
CHARLESTON, W V 25305

CONTROL NUMBER 85-86  
FY 01  
REV. NO. 1  
PAGE NO. 1

County Commission of Fayette County

07-31-85

P. O. Box 307

ENTITY APPROVAL DATE

STREET OR RQ. BOX

Fayetteville, WV 25801

WV 25801  
ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
299		\$ 50,000	-0-	-0-	\$ 50,000
322		209,500	\$100,000		309,500

NET INCREASE/(DECREASE) \$100,000

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
402	01-10	\$143,190		\$ 7,500	\$150,690
404	01-10	169,498		38,385	207,883
405	01-10	250,865		15,000	265,865
431	11-40	50,000		5,000	55,000
456	01-10	377,663	\$24,093		353,570
532	01-10	-0-		100	100
999		2,475		58,108	60,583

NET INCREASE/(DECREASE) \$100,000

TAX DEPARTMENT USE ONLY

RECEIVED \_\_\_\_\_  
 POSTED \_\_\_\_\_ BY \_\_\_\_\_  
 APPROVED FOR THE STATE TAX COMMISSIONER BY:  
 \_\_\_\_\_  
 DIRECTOR-LOCAL GOVERNMENT RELATIONS

*[Signature]* 07-31-85  
 AUTHORIZED SIGNATURE: \_\_\_\_\_, DATE OF REQUEST  
 FOR GOVERNING BODY Fayette County Commission  
 SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE  
 ACCOMPANIED BY A STATEMENT CONTAINING  
 SIGNATURES OF ALL COUNTY COMMISSIONERS (7-1-9)

WHITE COPY - TAX DEPT.  
PINK COPY - APPROVED COPY  
BLUE COPY - TAX DEPT.  
YELLOW COPY - RETAIN

SUBMIT WHITE, PINK, AND BLUE COPIES  
TO TAX DEPARTMENT. RETAIN YELLOW  
COPY AS RECORD OF SUBMISSION.

LGR. BR 1180

REQUEST FOR REVISION TO APPROVED BUDGET

STATE TAX COMMISSIONER  
LOCAL GOVERNMENT RELATIONS DIVISION  
DRAWER 2389  
CHARLESTON, W V 25305

(\$ 11-8-26a)

CONTROL NUMBER 95-86 03 I I of 2  
REV. NO. PAGE

County Commission of Fayette County

07-31-85

GOVERNMENTAL ENTITY

P. O. Box 307

ENTITY APPROVAL DATE

STREET OR P.O. BOX

Fayetteville,

WV 25840-0307

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
299		\$800,000	\$438,876		\$1,238,876

NET INCREASE/(DECREASE) \$438,876

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
401	01-10	\$54,533	\$53,125		\$ 1,408
401	11-40	120,000		\$100,000	220,000
441	11-40	12,870		50,000	62,870
441	56-65	178,500		200,000	378,500
448	66-70	62,500		11,722	74,222
460	56-65	75,000		27,154	102,154
456	01-10	43,515		53,125	96,640
532	01-10	39,906		40,000	79,906
540	11-40	10		5,000	5,010

NET INCREASE/(DECREASE) \$438,876

TAX DEPARTMENT USE ONLY

RECEIVED \_\_\_\_\_  
 POSTED \_\_\_\_\_ BY \_\_\_\_\_  
 APPROVED FOR THE STATE TAX COMMISSIONER BY:  
 \_\_\_\_\_  
 DIRECTOR-LOCAL GOVERNMENT RELATIONS

*James E. Lingo* 07-31-85  
 AUTHORIZED SIGNATURE DATE OF REQUEST  
 FOR GOVERNING BODY Fayette County Commission  
 SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE  
 ACCOMPANIED BY A STATEMENT CONTAINING  
 SIGNATURES OF ALL COUNTY COMMISSIONERS 7-1-1

WHITE COPY - TAX DEPT.  
PINK COPY - APPROVED COPY  
BLUE COPY - TAX DEPT.  
YELLOW COPY - RETAIN

SUBMIT WHITE, PINK, AND BLUE COPIES  
TO TAX DEPARTMENT. RETAIN YELLOW  
COPY AS RECORD OF SUBMISSION.



C O N T R A C T

THIS CONTRACT by and between the Fayette County Commission, the Fayette County Board of Health, and Dr. Donald C. Newell, Jr., D.O., wherein, the Fayette County Commission along with the Fayette County Board of Health are employing Dr. Donald C. Newell, Jr., D.O., to act as Health Officer of Fayette County. This employment is effective as of this date, June 4th, 1985, and extends for a period of four (4) years.

WHEREAS, Dr. Donald C. Newell, being a licensed physician in the State of West Virginia, does agree to act as the Executive Officer of the Fayette County Health Department, and under the supervision of the Fayette County Board of Health, shall enforce the provisions of Article 16-2A-5 of the State Health Laws of West Virginia.

WHEREAS, Dr. Donald C. Newell, does agree to act as Supervisor to the Professional Nursing Staff of the Fayette County Health Department, and also all other employees of the Fayette County Health Department.

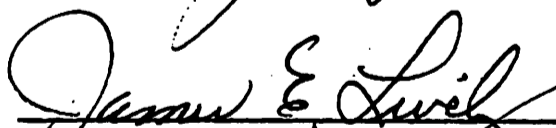
WHEREAS, Dr. Donald C. Newell, does agree to attend all Board of Health Meetings, but may not vote.

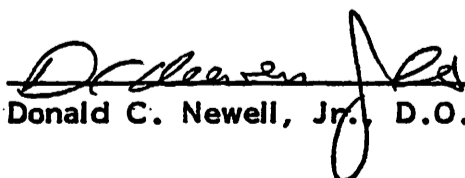
WHEREAS, Dr. Donald C. Newell, does agree to provide malpractice insurance to cover such duties as he may perform as Health Officer.

WHEREAS, the said Dr. Donald C. Newell, will receive as compensation for his services, one thousand dollars, (\$1,000.00) per month, plus one hundred dollars, (\$100.00) per month to help pay the additional cost of his malpractice insurance, to cover his duties at the Fayette County Health Department, and reasonable expenses incurred as an employee of the Fayette County Board of Health.

DATED this the 1st day of July, 1985.

  
\_\_\_\_\_  
Chairman, Fayette County Board of Health

  
\_\_\_\_\_  
President, Fayette County Commission

  
\_\_\_\_\_  
Donald C. Newell, Jr., D.O.

The County Commission of Fayette County will hold a public hearing at 9:30 A.M. on Wednesday, July 31, 1985, in the Office of the County Commission, Courthouse, Fayetteville, West Virginia, for the purpose of hearing written and oral comment from the public concerning the revision of the annual budget for fiscal year 1985-86 and the use of revenue sharing funds as contained in that proposed budget, summarized below.

All interested citizens, groups, senior citizens and organizations representing the interest of senior citizens are encouraged to attend and to submit comments. Handicapped persons needing assistance or aids should contact the County Commission office before the meeting. The proposed budget may be examined on weekdays at the Office of the Fayette County Commission between 9:00 A.M. and 3:00 P.M.

SUMMARY OF REVISED 1985-86 BUDGET  
COUNTY OF FAYETTE

REVENUES

<u>Source</u>	<u>Revenue Sharing</u>	<u>Coal Severance &amp; General County</u>	<u>Total</u>
Ad Valorem Taxes		\$1,822,714	\$1,822,714
Prior Years Taxes		60,000	60,000
Supplemental Taxes		10,000	10,000
Tax Penalties & Interest		20,000	20,000
Commissions		500	500
Sheriff's Commission		13,000	13,000
Motor Vehicle License Fees		12,000	12,000
Jail Fees		4,000	4,000
Parks & Recreation		35,000	35,000
Sheriff's Earnings		15,000	15,000
County Clerk's Earnings Fees		60,000	60,000
Circuit Clerk's Earnings		15,000	15,000
Contributions to Other Funds		209,500	209,500
Wine & Liquor Tax		2,000	2,000
Interest Earned on Investment	\$ 50,000	53,000	103,000
Rents & Concessions		6,000	6,000
Insurance Claims		3,000	3,000
Refunds		2,000	2,000
Reimbursements		5,000	5,000
Miscellaneous Revenue		2,000	2,000
Unencumbered Balance	1,238,876	969,871	2,208,747
Revenue Sharing Entitlements	486,438		486,438
Coal Severance Tax		150,000	150,000
<b>TOTAL OPERATING BUDGET</b>	<b>\$1,775,314</b>	<b>\$3,469,585</b>	<b>\$5,244,899</b>
Excess Levy (Separate Fund)			764,456
<b>TOTAL</b>			<b>\$6,009,355</b>

EXPENDITURES

<u>Activity</u>	<u>Revenue Sharing</u>	<u>Coal Severance &amp; General County</u>	<u>Total</u>
County Commission	\$ 282,734	\$ 699,370	\$ 982,104
County Clerk		154,815	154,815
Circuit Clerk	7,504	102,843	110,347
Sheriff-Treasurer		170,498	170,498
Prosecuting Attorney		281,365	281,365
Assessor		282,016	282,016
Agricultural Agent		25,265	25,265
Magistrate Court		18,480	18,480
Circuit Court		1,000	1,000
Planning & Zoning		51,562	51,562
Elections	25,000	58,500	83,500
Data Processing	107,746	55,500	163,246
Courthouse	530,246	313,037	843,283
County Health	20,000		20,000
Dog Warden		58,748	58,748
Mental Health	5,000	1,000	6,000
Ambulance Authority	62,500		62,500
Sheriff-Law Enforcement	43,515	411,224	454,739
County Jail	245,000	300,271	545,271
Water & Sewer		208,000	208,000
Landfill	339,906	150,000	489,906



<u>Activity</u>	<u>Revenue Sharing</u>	<u>Coal Severance &amp; General County</u>	<u>Total</u>
Parks	\$ 56,773	\$ 93,666	\$ 150,439
Libraries	10,000		10,000
Public Transit	5,000		5,000
Snow Removal		3,450	3,450
Beautification	2,500		2,500
Flood Control/Soil Conservation	250		250
Emergency Services	6,640		6,640
Social Services	20,000		20,000
Aging Program	5,000		5,000
Reappraisal Costs		26,500	26,500
Contingencies		2,475	2,475
<b>TOTAL OPERATING BUDGET</b>	<u>\$1,775,314</u>	<u>\$3,469,585</u>	<u>\$5,244,899</u>
Excess Levy (Separate Fund)			764,456
<b>TOTAL</b>			<u>\$6,009,355</u>

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

January 9, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

On the 9th day of January, 1985, the County Commission of Fayette County, West Virginia, met in Regular Session and proceeded to organize for the year 1985. Thereupon three members being present and voting, James E. Lively was unanimously elected President of said Commission for the year 1985 and John H. Lopez was elected Purchasing Agent and Charlotte N. Holly designated Assistant Purchasing Agent for the year 1985.

The Constitution of this State requiring that four regular sessions of the County Commission shall be held each year, but the Commission deeming it to be in the best interest of the general public, it is therefore ordered that a regular session of the Commission be held on the first Wednesday after the first Monday of each month; the 15th of each month unless such date should be on a Saturday, Sunday or legal holiday, then said Commission meeting will be held on the next preceding work day; and the last Wednesday of each month during the calendar year 1985, and that the Clerk of this Commission issue calls for Special Sessions as deemed necessary, or whenever directed by the Commission of this County. Courthouse hours are to be 8 A. M. to 4 P. M. Monday thru Friday.

Mrs. Betty Blizzard appeared before the Commission with her letter, advising the Commission of her retirement on January 31, 1985. Mrs. Blizzard noted she had turned in her request of the West Virginia Public Employees Retirement System. Mrs. Blizzard stated she was grateful to the Commission for her thirty-one years of employment as Secretary of the Fayette County Extension Office, and appreciated their consideration and kindness through out the years. Mary Lou Schmidt appeared before the Commission asking the Commission about the opening to be in her office due to the retirement of Betty Blizzard. The Commission voted 3-0 in regard of application of Ms. Deborah Ann Berry. The Commission approved Ms. Berry to start work in the Extension Office, January 21, 1985. Letters were sent to Ms. Schmidt and Mrs. Deborah Berry.

Mr. Lively noted that there needed to be vacancies filled on the following boards; Fayette County Extension Agent, Region 4 Committee, Planning Committee,

Mr. John Lopez will be on Fayette County Extension Board, Region 4 Committee will be filled by John L. Witt and Planning Committee by James E. Lively.

Adam Toney, Sheriff of Fayette County appeared before the Commission.

Mr. Toney brought his budget revision to the Commission. Mr. Toney stated that he would ask for no additional money next year. Sheriff Toney ask that the balance from the Revenue Sharing, Salaries and Benefits for Process Servers, be transferred to the General County Fund, Tax Office and Law Enforcement. Sheriff Toney submitted the following salary revisions and employees: Allen Workman, Chief Deputy, Law Enforcement, \$1,800.33 monthly; Randy Epperly, Chief Records Clerk, Law Enforcement \$1,600.00 monthly. Effective January 1, 1985 Jane Toney, Chief Office Deputy, \$1,600.00 monthly, Tom Woodrum, Office Deputy \$1,200.00 monthly, Christy Workman, Office Deputy \$1,100.00 monthly, Ruth Steel, Office Deputy \$975.00 monthly, Ann McGuffin, Office Deputy, \$975.00 monthly, Danity Young, Office Deputy \$975.00 monthly, Max Elkins, Ass't Sheriff, \$1,600.00 monthly, and one vancancy, Office Deputy \$900.00 to be filled at a later date.

Mr. toney stated this set salaries for the next two years. Mr. Toney also stated they have two shifts for 3 detachments. Therefore the assistant sheriff will serve for the supervision of this and to assist with tax office problems, and his job is strictly administrative. There will be no mileage for Max Elkins. Mr. Lively and the Commission advised Sheriff Toney that no purchasing can be made from Toney's Tire Service or Plateau Printing due to possible conflict of interest.

The Sheriff Settlement will be done by Ms Ann Berry as she was Chief Office Deputy under the previous sheriff and she will close out the settlement through December 31, 1984. Sheriff Toney's receipts start on January 2, 1985. Mr. Toney stated that the overtime that was not an emergency or really necessary would be cut out. If overtime worked in first part of week the remaining work week would be cut. Mr. Toney stated that he hopes to get the Civil Service Commission into action. Mr. Toney also stated that the department has 3 vehicles not worth repairing. He stated the department can get by without three vehicles. The municipalities are to be notified of first come, first serve on receiving these vehicles. Six Additional cruisers are to be ordered at the same state bid price as the other cruisers bought. The Commission will pursue this matter. The Commission approved to accept bid for 6 Police Cruisers, specified as drawn up by West Virginia Department of Finance Administration, for West Virginia Department of Public Safety.

Billy Blake the dog catcher, appeared before the Commission. Mr. Blake

stated hours he has to work with the Humane Society are not working out. Mr. Blake states they have no place for him to leave the dogs and have not fixed a place and he has only a small place at his home. He also stated the Humane Society wants only hurt, sick and no stray dogs at all. He stated he needs a place to put these dogs at any hour day or night.

Mr. Butch Joyce met with the Commission. He stated that he would meet with the DNR later in the afternoon at the landfill at Cunard. Mr. Joyce also stated that they hope in the spring to get into a long term project. The Commission informed Mr. Joyce to look into acquiring land sites for transfer stations. These sites being looked at are in different areas of the county. These sites are located at Gauley Bridge area Gauley Mountain, Hilltop and Glen Jean area, Rt. 41 Old Clifftop Road to serve that area. Also a convenience for the public somewhere in Gatewood area along Gatewood Road.

Mr. Gary Harding appeared before the Commission from the Zoning Office. The following cases were presented to the County Commission for a disposition: Z-279-85-1 Request of Russell and Patricia Workman, Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2 General Business District, on Lot 70, Section 2, Whipple, located on Route 15, Valley District.

The County Commission was informed by the Zoning Officer that this request was to locate a used car lot on the property and the Planning Commission did by a vote recommend that this be denied. Mr. Clint Gallagher spoke on behalf of the applicant and requested that this be sent back to the Planning Commission for another look. Belinda Morton spoke on behalf of the opposition and Dave Sexton spoke against the request. After much discussion a motion was made by Mr. Lopez that this be denied as recommended by the Planning Commission. Motion was seconded by Mr. Witt and passed by a vote of 3-0.

Z-278-85-1: Request of James A. & Mable Vance, Owners, by Rose Mary McClung for a change in land classification form RR, Agricultural and Rural Residence District, to B-2, General Business District, on  $\frac{1}{2}$  of Lot B, Gauley Bridge, located on route 39, Brownsville, Valley District.

The Commission was informed by the Zoning Officer that no one appeared on behalf of the applicant and that this was a request to change an existing grocery store to a beer joint and that the Planning Commission did by a vote of 6-0 recommend that this be denied. Mr. Lopez made a motion that this be denied as recommended. Motion was seconded by Mr. Witt and carried by a vote of 3-0.

The Commission approved the renovation of the Prosecuting Attorney's Office and also approved dictophone system, lighting system, paint and typewriters, and salary. They also gave go ahead for the phone system. Mr. Vickers stated he hopes to have 5 lawyer, 5 secretaries, 1 receptionist. \$24,500.00 approved for P. A.

Mr. Bragg informed the Commission in regard to the question ask at the previous meeting in December, about a contribution to the WE CARE PROGRAM, that no statutory authority exists for such an appropriation, so the Commission advised Mr. Bragg to notify Bob Jackson of this.

The contracts were presented to the Commission for the Fire Departments of the County. This contract is the same as the one prepared 3 years ago. This contract was passed and approved by the Firemen Association. This contract was made up by the Firemen Association on behalf of Fayette County Commission. Motion was made to accept the agreement by John Lopez and seconded by John Witt, and approved 3-0.

The Commission approved a proposal from Government Services of West Virginia. Ron Preast, Manager/Consultant for preparation and evaluation. This is for estimated 60-80 hours, at a cost of \$3,000.00. This was approved by the Commission.

Mr. Bragg brought up the subject of fire co-ordinator. This will be discussed at the January 30, meeting, as Mr. Witt requested that he have time to study and look at this proposal.

Mr. Bragg informed the Commission there seems to be some problems at the Danese detachment. The Fire hall, second floor at Danese is used for Child Development Corporation. Mr Bragg is to look into the matter and resolve.

Mr. Lively informed the Commission that the meeting time for the Commission should be set. The time decided upon is as follows; regular meeting to begin at 8:30 and schelduled appointments to begin at 9:00 A. M.

On this the 9th day of January, 1985, the Fayette County Commission met in a regularly called session and after having determined:

1. That the Montgomery Solid Waste Authority does operate a solid waste landfill for the City of Montgomery and surrounding area;
2. That said landfill has been issued a permit for operation by the West Virginia Department of Natural Resources;
3. That said landfill may be utilized, at certain specified times by residents of both incorporated and unincorporated residents of the area.

Now Therefore be it hereby ordered that a sum in the amount of \$25,000 be appropriated for Montgomery Solid Waste Authority.

On this the 9th day of January, 1985, the Fayette County Commission

meeting in regular called session and having appropriated a sum in the amount of \$6,200.00 to assist the Fayette County Committee on Aging during Fiscal year 1984-85 does hereby order the payment of said appropriation.

On this the 9th day of January, 1985, the Fayette County Commission acting pursuant to Chapter 7, Article 14 B, Section 3 of the West Virginia State Code does hereby appoint the individuals as listed herein to the Fayette County Correctional Officers Civil Service Commission for the term of years as specified. Shirley Love, Judson Wallace, Athol Burgess, Carolyn Paul.

On the 9th day of January, 1985, it appearing to the Commission that the term of office of George Carson of Glen Ferris, West Virginia, as a member of the Fayette County Board of Zoning Appeals expired on January 1, 1985, and upon recommendation of the Board it is hereby ordered that George Carson be and he is hereby appointed to serve on the Fayette County Board of Zoning Appeals for a period of three years, said term to expire on December 31, 1987.

The Commission received a letter from former Sheriff Jack Manning requesting a transfer of funds in the amount of \$19,746.00 of Revenue Sharing Funds from Jail Personal Services to Law Enforcement Personal Services, also \$19,746.00 of General County Funds from Law Enforcement Personal Services to Jail Personal Services. Effective December 14, 1984.

The Commission also received a letter from the Fayette County Civil Service, stating that the following men are promoted from the rank of Deputy to rank of Corporal. The men had successfully completed a competitive examination given by the Civil Service Commission on November 28, 1984 and earned a score of 78 or greater. The men are: Wayne Connor, Pete Lopez, Lawrence Washington, Clarence Martin and Gary Reed. Corporal Everette Steele will be assigned to Corporal of Detectives. Signed James R. Hurd Commissioner of Fayette County Civil Service.

The Fayette County Civil Service also promoted from the rank of Corporal to the rank of Sergeant. They have successfully completed a competitive examination given by the Civil Service Commission on November 28, 1984, and have earned a score of 88 or greater. The men certified for promotion are: Corporal Lawrence Boley, Corporal Joseph Carelli, Corporal Howard Hill, and Corporal Charles Bryant. Corporal Howard Hill is to be assigned to Detective Division as Sergeant of Detectives. Signed James R. Hurd, Commissioner, Fayette County Civil Service.

A letter was received from the National Bank of Commerce in REF: \$215,000 Fayette County, W. Va. I. D. R. (James De Viese & Son) National Bank of Commerce Trust Department as trustee 1979 Series., that James E. DeViese and Son is in default. This matter referred by letter to the Prosecuting Attorney.

The Commission received a statement from Paul M. Blake, Jr. former Prosecuting Attorney, for the service of free lance court reporter, Lois E. Crites, in the amount of \$59.25

The listing of official holidays for the year 1985 at the courthouse was presented to the Commission. This was approved by the Commission as follows: January 1, New Years, January 14, Inauguration (as appointed by Governor) January 15, Martin Luther King, Jr., Birthday, February 12, Lincoln's Birthday, February 18, Washington's Birthday, May 27, Memorial Day, June 20, West Virginia Day, July 4, Independence Day, September 2, Labor Day, October 14, Columbus Day, November 11, Veterans Day, November 28-29, Thanksgiving, December 24-25, Christmas Eve and Christmas Day. Courthouse hours will be 8:00 A.M. - 4:00 P. M. Monday thru Friday, except Holidays enumerated above.

An investigation report was received from the Sheriff's Department. This is to be used for Insurance Claim. On the 6th day of January, the road office was broken into and the evidence rooms also. A list of things stolen listed as follows: (1) Raven Arms 25 Auto. owner Joey Creasce #817879, 1 Model 13 357 Magnum, owner Mr. White #8D74123, \$31.00 Cecil Dillard, \$18.00 Stephen D. Abbott, \$6.00 Table, \$178.00 David Coleman, \$65.00 Table, \$94.00 Dee Lipscomb, \$4.00 Table, Steve Abbott, \$93.00, John Cafego, \$4.00 Table, \$75.20 Richard Dawson, \$50.00 Ralph O'Dell, \$348.00 Mittleman, \$110.00 Paps Do's, Total \$1,112.20.

Richard Vickers ask to be removed from the County Zoning Board. As his replacement he recommended Milton Dotterwich. This letter sent by David Hypes, Mayor, Town of Fayetteville.

Mr. John Witt ask that the Commission defer any further action on the appointment of someone for this position.

The Commission approved the publication of bids to sell any lumber or pulp wood on Fayette County Landfill lease.

The Commission approved Mr. James Kegl for the Mountain Transit Authority Board if this is acceptable by him.

Mr. Lively directed that the advertisement for labor service at Fayette County Landfill, located at Cunard be republished. The successful bidder shall provide the labor services necessary to include but not be limited to the following: (1) Implementation of site plan for solid waste disposal as prescribed by Fayette County Commission and Department of Natural Resources (including leachate controls) (2) Preparation of solid wasted disposal sites (3) Proper covering of all solid waste materials (4) Road maintenance (5) All necessary clean-up and routine maintenance on equipment. Fayette County Commission

will provide equipment. Copy of bid is on file in County Commission office.

Mr. Charles Vickers, Prosecuting Attorney presented a letter from Sayre and Sayre informing the Commission of fact that Ideal Mutual Insurance Company Law Enforcement Liability is insolvent. Letter filed in County Commission office.

The Commission approved the payment of lost bearer bond #3858, coupon #7 dated 2-1-83, interest due. (Kanawha Valley Bank n/a)

The Commission sent a letter of approval to Mr. William E. Anderson, Jr. Regional Program Co-ordinator EMSOR 3/4 Incorporated. This letter was in support of the EMSOR 3/4 Incorporated project that assists in the continuing development and co-ordination of Emergency Medical Services. In addition the Commission stated they supported the grant application prepared by EMSOR for continued financial support of EMS programs within the region and functions performed by their office for administration and implementation of the programs.

Mr. Vickers, Prosecuting Attorney submitted the following names that he intends to employ in his office. Duane L. Tinsley, Wayne Inge, Gene Carte, Martha V. Phillips, Emily Corley, Debrah Rinehart, Barbara Moorman.

Mr. Fred A. Jesser appeared before the Commission on behalf of Newassa D. Rhodes to be appointed Committee for Alice Delores Minor. The fact was brought before the Commission at Ms. Minor is 59 years old and is greatly retarded, and unable to attend to her business affairs. Newassa D. Rhodes posted bond of \$10,000.00. T. E. Myles was appointed Fiduciary Commissioner. Approved by the Commissioners, James E. Lively, John H. Lopez, John L. Witt.

Appearing before the Commission was Robert Thompson- Representative of Veterans Administration for Committee appointment for Hazel Bell for Ollie O. Wriston. Thelma Light resigning as committee for Ollie O. Wriston. No objection having been made to the resignation of the said Thelma Light as Committee of and for Ollie O. Wriston; therefore, the Commission doth hereby accept the resignation. The Commission is of opinion to and doth hereby appoint Hazel Bell, as successor committee of and for Ollie O. Wriston. Thereupon the said Hazel Bell took oath as committee of and for said Ollie O. Wriston and gave bond in the penalty of \$100,000.00 with United States Fidelity & Guaranty. T. E. Myles, Fiduciary Commissioner. This was approved by the Commission.

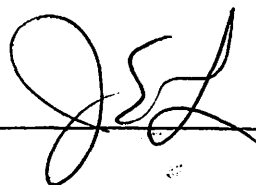
C. Andy Keenan appearing as lawyer for Patrick W. Wagner, Petitioner, vs. Melvin Guy Wagner, Respondent to be appointed Committee for the person and estate of Melvin Guy Wagner. James E. Blankenship, III an attorney at law



as his Guardian as Litem,. Written certificate from Dr. Daniel B. Doyle, M. D. certifying that he had examined the said Melvin Guy Wagner and that he is unable to manage his business affairs and unable to care for his physical well-being. Ordered that T. E. Myles, Commissioner of Accounts, be appointed to oversee said estate. Mr. Patrick W. Wagner be required to post bond in the Office of the Clerk of the Fayette County Commission in the amount of \$20,000.00. This approved by the Commission.

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

The next meeting will be held on January 30, 1985.



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MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, JANUARY 9th, 1985.

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

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

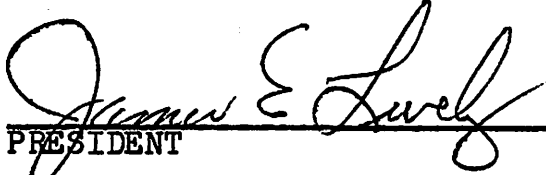
Z-279-85-1: Request of Russell and Patricia Workman, Owners, for a  
change in land classification from RR-1, Agricultural and Rural  
Residence District, to B-2, General Business District, on Lot  
70, Section 2, Whipple, located on Route 15, Valley District.


The County Commission was informed by the Zoning Officer that  
this request was to locate a used car lot on the property and that  
the Planning Commission did by a 6 - 0 vote recommend this be denied.  
Mr. Clint Gallagher spoke on behalf of the applicant and requested  
that this be sent back to the Planning Commission for another look.  
Belinda Morton spoke on behalf of the opposition and Dave Sexton  
spoke against the request. After much discussion a motion was made  
by Mr. Lopez that this be denied as recommended by the Planning  
Commission. Motion was seconded by Mr. Witt and passed by a vote  
of 3 - 0.

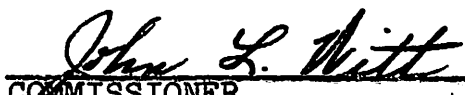
Z-278-85-1: Request of James A. & Mable Vance, Owners, by Rose Mary  
McClung, for a change in land classification from R-R, Agri-  
cultural and Rural Residence District, to B-2, General Business  
District, on  $\frac{1}{2}$  of Lot B, Gauley Bridge, located on Route 39,  
Brownsville, Valley District.

The County Commission was informed by the Zoning Officer that  
no one appeared on behalf of the applicant and that this was a  
request to change an existing grocery store to a beer joint and that  
the Planning Commission did by a vote of 6 - 0 recommend that this  
be denied. Mr. Lopez made a motion that this be denied as re-  
commended. Motion was seconded by Mr. Witt and carried by a vote  
of 3 - 0.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

January 30, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in regular session on January 30, 1985. Appearing before the Commission was Gary Harding from Zoning Office. Mr. Harding appeared before the Commission for change in land classification. This was requested by Mildred G. Lilly, owner for change from R-1, Residence District, to P-D, Planned Development District, on 9.27 acres, Berwind Land Company property, Fayette Station Road, .8 mile off Rt. 19, New Haven District. The Commission voted in favor of as approved by Zoning 6-0. Approved by the Commission 3-0.

Clint Gallagher appeared before the Commission to ask that they reconsider the Zoning of Rusty Workman property at Scarbro. This was denied at the last meeting due to people who protested. Mr. Gallagher noted that the Bennett's have moved since the last meeting, and that the car lot that Mr. Workman wants to put in would be shielded by fence or whatever approach needed to hide from residential reviewing. Mr. Gallagher stated that the Planning & Zoning Commission did not review the sight and they should do on sight inspection. The Commission advised Mr. Gallagher if in time frame they would advise back to Planning Commission to make on sight inspection.

Allen Workman, Chief Law Enforcement Deputy, ask permission to purchase paint and to scrap off all cells and repaint jail. Commission approved this 3-0.

Mr. Bragg advised the Commission that was the time for the Board of Equalization Review. This had been advertised. The dates set as pursuant to statute and notice as published in the paper as follows:

February 1, 1985	9 A. M.
February 6, 1985	9 A. M.
February 13, 1985	9 A. M.
February 15, 1985	9 A. M.

The Commission will meet as Board of Equalization Review on this and should be by appointment. After these dates by appointment only.

On this the 30th day of January, 1985, the Commission approved the appointment of Mr. Milton Dotterwich, as submitted by the Town of Fayetteville, to fill the unexpired term of Mr. Richard Vickers, 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. Milton Dotterwich be and he is hereby appointed a member of the Fayette County Planning Commission, said term to expire August 3, 1987.

Ralph Young, attorney appeared for Kevin Burgess, for Committee Appointment for Gladys Mae Whitmer. Mr. John F. O'Dell was appointed committee for Gladys Mae Whitmer. Mr. O'Dell testified to the condition of the said Gladys Mae Whitmer and the honesty and integrity of the petitioner, and received into evidence the affidavit of Dr. Donald C. Newell stating that Gladys Mae Whitmer was unable to manage her business affairs and unable to care for her physical well being. It is further ORDERED that Philip J. Tissue, Commissioner of Accounts, be appointed to oversee said estate and that John F. O'Dell be required to post bond in the Office of the Clerk of the Fayette County Commission, in the amount of \$10,000.00.

The contract for Fayette County Committee on Aging was presented to the Commission. This was approved and sent to the Prosecuting Attorney and is to be signed in February. The contract is with Lou Morgan Builders.

Mr. James Keenan, attorney, representing the Garbage Haulers for Solid Waste appeared before the Commission. Representatives from Oak Hill Garbage, Dave Sanitation, Rice Sanitation, Francisco Trash, appeared for purpose of opposition and concern. After lengthy discussion Mr. Keenan ask for scheldule or time period for reports that Mr. Joyce who is the consultant for Commission makes, for answer and rebuttal.

The Commission received bid for heating system for the Prosecuting Attorney's office. The Commission advised Mr. Bragg to get another bid for wiring of the Prosecuting Attorney's office.

Sheriff Adam Toney sent request for alarm system for evidence room before the Commission. This is estimated to cost \$600.00.

Mr. Bragg informed the Commission of receiving copy of prevailing wage rates to be paid on public improvement construction projects for Building Costruction, Highway Construction and Heavy Construction. These rates are designated as Serie XXV (1985) of Chapter 21-5A of West Virginia Code and are effective January 1, 1985.

The Benchmark Computor part of teletype system was o'ked by the Commission for the jail if maintenance agreement is o'k. The Benchmark should save \$200.00 a month.

The disposal of old cruisers are to be disposed of on first come, first serve basis. There are two old cruisers available. One for Gauley Bridge,

and one for Mt. Hope, This was ok'ed by the Commission.

The Commission will take action on the position of Fire Co-ordinator at the next meeting, February 6, 1985.

The Fayette County Commission received notice of Grant Award #340-3692/2 for RSVP. Ms. Evelyn O'Dell is the director. The Commission approved the \$1,500.00 in December, that Ms. O'Dell ask for.

A letter was received by the Commission from Mountain Transit Authority. The letter stated that Mountain Transit Authority is required by State to secure local commitment in order to receive State and federal dollars under the Urban Mass Transportation Administration's (UMTA) Section 18 funding program. The Mountain Transit Authority Board of Directors at their October 24, 1984, meeting voted to request \$30,000.00 from Fayette County in order to meet local commitment requirement for next fiscal year. They are also requesting \$2,580.00 from each county in Region 4 to obtain the local match necessary for us to be eligible to receive five new transit buses. No action was taken on this matter.

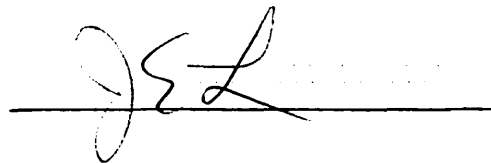
On this the 30th day of January, 1985, it was brought to the attention of the Fayette County Commission, that a vacancy existed on the Mountain Transit Authority of Summersville, West Virginia and it necessary and advisable that said position be filled immediately it is hereby ordered that Mr. James Keglор be and he is hereby appointed as a member of the Mountain Transit Authority as and of January 30, 1985 to serve for and during a period of three years.

A letter was sent to General Masonry, Inc. of Columbus, Ohio - att: Mr. Kunkle. This was concerning a portion of ridge cap that fell from Courthouse Roof.

Dan Neeley, Assessor appeared before the Commission stating that he sees evidence of needing room for at least 7 more workers.

All bills presented approved for payment. There being no further business to come before the Commission the meeting was adjourned.

The next meeting will be held on February 6, 1985.



MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, JANUARY 30th, 1985.

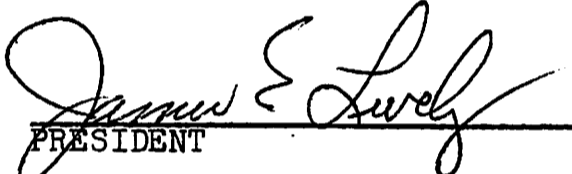
Present were: James E. Lively, President  
John H. Lopez, Commissioner  
John L. Witt, Commissioner

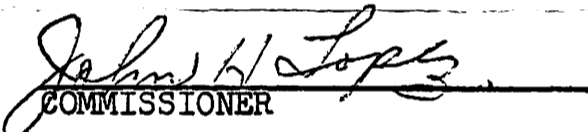
The following case was presented to the County Commission  
for a disposition:

Z-280-85-1: Request of Mildred G. Lilly, Owner, for a change in  
land classification from R-1, Residence District, to P-D,  
Planned Development District, on 9.27 acres, Berwind Land Co.  
property, Fayette Station Road, .8 mile off Route 19, New  
Haven District.

The County Commission was informed by the Zoning Officer that  
this was a request to use this property in connection with an  
adjacent piece of property being used by Rivers, Inc., for riding  
stables, horse back riding, and in connection with a headquarters  
building and that the Planning Commission did by a vote of 6 - 0  
recommend that this be approved. After a general discussion a  
motion was made by Mr. Lopez that this be approved as recommended.  
Motion was seconded by Mr. Witt and passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

*James E. Lively  
Minutes*

Court House Annex  
Fayetteville, WV

PUBLIC NOTICE

PLEASE TAKE NOTICE that on the 28th day of January, 1985, at a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held at the Court House Annex, thereof, at 3:00 P.M., or as soon thereafter as the matter may be heard the Planning Commission will hold a Public Hearing on the following amendment (change in land classification) to the Zoning Ordinance referred by the County Commission to the Planning Commission for its recommendation.

ALSO, PLEASE TAKE NOTICE that on the 30th day of January, 1985, at a regular meeting of the County Commission of Fayette County, West Virginia, to be held at the Court House thereof, at 10:30 A.M., or as soon thereafter as the matter may be heard, the County Commission will hold a Public Hearing on the following proposed amendment (change in land classification) to the Zoning Ordinance of Fayette County, West Virginia. Copies of the proposed amendment may be examined in the Zoning Office, Court House Annex, Fayetteville, West Virginia.

Z-280-85-1: Request of Mildred G. Lilly, Owner, for a change in land classification from R-1, Residence District, to P-D, Planned Development District, on 9.27 acres, Berwind Land Co. property, Fayette Station Road, .8 mile off Route 19, New Haven District.

Gary E. Harding  
Zoning Officer

SPECIAL SESSION OF FAYETTE COUNTY COMMISSION

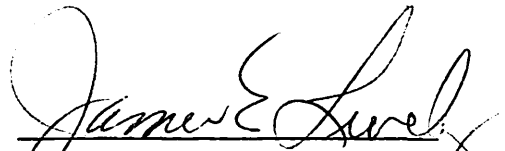
February 1, 1985

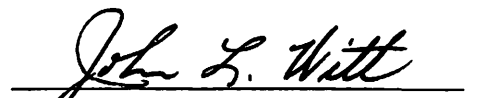
FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John L. Witt, Commissioner

The Fayette County Commission met February 1, 1985, as Board of Equalization Review. No one appeared.

  
Mr. James E. Lively, President

  
Mr. John L. Witt, Commissioner

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Mr. John H. Lopez, Commissioner



REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

February 6, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: James E. Lively, President  
John H. Lopez, Commissioner  
John L. Witt, Commissioner

The Fayette County Commission met in regular session on February 6, 1985. The Commission received a statement for service from L. E. Joyce & Co. Inc. for service rendered from December 31, 1984 thru January 31, 1985. This was listed as job #102 consulting service fee for Fayette County Solid Waste Program, \$1,285.00.

Mr. Herb Mann the Circuit Clerk appeared before the Commission to make complaints about some of the problems that exist in his office. Mr. Mann stated that his office had carpenter work that was not finished and heaters ready to blow up that are in real bad shape and need to be replaced. He also noted that there is a air conditioner in one of the windows that is not anchored down very well and he is afraid this might fall out on someone. The Commission advised Mr. Mann that they would come up and look the situation over and see that the repairs are taken care of. The Commission advised Mr. Bragg to reorganize the maintenance department after the appearance of Mr. Mann. Mr. Bragg is to check with the department head periodically regarding work that need to be done and also to create a maintenance scheldule. Dee Lively is to work with Billy Horrocks. They are to work directly under the supervision of Mr. Bragg.

Mr. Harding presented a letter to the Commission asking for vacancy to be filled on the Planning Commission. The name of James "Puck" Painter was submitted to the board. This was approved and Mr. Painter appointed to the board.

The Commission received a letter from the Board of Commissioners of Gauley River Public Service District, signed by Russell Deering, stating that it has become imperative for employees of Conrail, Inc. to perform a survey of the area in question. The Gauley River Public Service District request that the Fayette County Commission please grant a sum in the amount of \$2,000.00 to cover the aforementioned costs. The Commission approved the \$2,000.00.

The Commission approved 7 pumps, 7 motors, 1 telemeter, not to exceed the amount of \$18,700.00 for Armstrong Public Service District. A letter was received from the Armstrong Public Service District about the contribution from the Commissioners, Mr. Thomas Bowen, William Black, Homer Lundy.

Mike Rutledge and Paige Skaggs appeared before the Commission on behalf of the Firemen Association concerning recorder bid and maintenance contract bid.

Paige Skaggs appeared before the Commission for Senior Citizens Contract that was to be signed. Mr. Skaggs stated that the Senior Citizens approved the contract. John Lopez made motion to accept this contract and John Witt seconded the motion. This being approved James Lively, President, signed the contract.

Representing the Danese Public Service District before the Commission was Gary Holcomb, George Campbell, Clarence Martin, Commissioner asking for \$20,000 to \$25,000 for help on water system as red water filling in existing supply. The Commission advised them to get bids on the job and bring in to the Commission to look at and they will then decide how much they can help. The Danese Public Service advised commission that they have applied for grant from the state, but they have not heard from this.

Representatives from New River Child Care Center appeared before the Commission. This appearance was made by Gayle Noyes, Volunteer, Ann Samsell, Director, Claire Cifaloglio, Pediatrician. Commission stated they would consider for budget for March of 1985.

Allen Workman appeared before the Commission concerning maintenance on the cruisers. Mr. Workman showed the Commission when and how much each car cost per day. The purpose of his appearing was to ask about setting up preventive maintenance. When they have repair bids of \$400.00 to \$500.00 they will get 3 informal bids. \$500.00 to \$1000.00 Mr. Bragg and Mr. Workman will work out the problem of what to do about the repairs. The amount over \$1,000.00 to come before the Commission for a decision.

Bids for the new police cruisers were opened. Bids were received from Country Club Chrysler and Le Rose Ford. The bid was awarded to Country Club Chrysler of Clarksburg. This was the low bid. John Witt. moved to accept the low bid & John Lopez seconded the motion. This was approved 3-0.

Bids were received for the landfill work. No decision was made on this. Bids were received from Rice & Dorsey for \$95,279.10, Woodhill Development Corp \$114,331.00, Lonnie E. Cody \$50,000 (1 year bid), Fred Sizemore \$86,733.00. The Commission decided on Rice and Dorsey or Woodhill bid for the Landfill Solid Waste job. No decision was made as to which one.

Mr. Bragg was directed by the Commission to contact Mountain State Insurance and try to resolve problem that occurred due to the lack of handling of law suit and filing answer in timely fashion as plan made and also to resolve any other problem.

Stephen Matthews appeared before the Commission asking that Tom Bell be appointed to the Fayette County Historical Landmark Society. The appointment was approved by the Commission. Mr. Matthews also ask for a contribution of \$500.00 cash and \$500.00 in kind service money so they can apply for a \$3,000.00 grant. The Commission approved this.

Mr. Wayne Inge and Sheriff Toney appeared before the Commission for work done last year from May 2, 1984 thru December of 1984. The amount owed to Mr. Inge was \$845.97. The Commission told Mr. Inge they would pay the bill.

Effective March 1, 1985, Mr. Steve Cruikshanks will be new Fayette County Fire Co-ordinator and County Emergency Service Director. The salary will be \$20,000.00 a year. Mr. Cruikshanks will be on the county payroll and eligible for all benefits. He will be housed in the Fayetteville Fire Department temporarily, until other arrangements made. The county will pay travel expenses and have access to county machines and courthouse services. The county commission secretary will help with typing and reports. Mr. Cruikshanks will reactivate Emergency Council. This appointment also by the Fayette County Commission.

A letter was sent to Sheriff Adam Toney asking for "scope of duties" of the Assistant Sheriff. This is in exclusion with in the Fayette County public official liability insurance policy. The Commission ask for written description of duties and power and position of assistant sheriff. This must be defined to the insurance carrier.

Gordon Billheimer, Jr. and Lynn Pollard were appointed by the Commission for 4 year and 2 year terms, to the Fayette County Correctional Officers Civil Service Commission.

Mr. Kevin Burgess was appointed to the Fayette County Civil Service Commission to serve until June 3, 1987. This was approved by the Commission.

The Fayette County Commission met for the discussion of Magistrate building problems. The Commission <sup>DISCUSSED</sup> approved construction of court house addition/annex to include magistrate office, Prosecuting attorney office and office for probation. The County Commission office, Assessor office to occupy present Prosecuting attorney office after construction finished. Richard Bragg is to consult with various office heads and projects involved.

The Commission approved all bills presented to be paid. There being no further business to come before the Commission the meeting was adjourned.

The Commission will meet on February 15, 1985.

On February 6, 1985 the Commission also met as Board of Equalization Review.  
No one appeared in protest.

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SPECIAL SESSION OF FAYETTE COUNTY COMMISSION

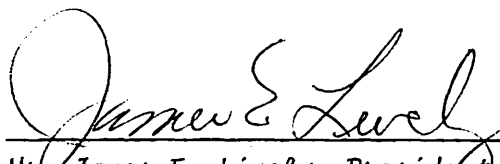
February 13, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. John L. Witt, Commissioner

The Fayette County Commission met February 13, 1985, as Board of Equalization Review. No one appeared.

  
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Mr. James E. Lively, President

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Mr. John H. Lopez, Commissioner

  
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Mr. John L. Witt, Commissioner

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
February 15, 1985  
MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John Witt, Commissioner

The Fayette County Commission met in regular session on February 15, 1985. The Payroll was approved and all bills presented were paid.

Mr. Bragg informed the Commission of the informal meeting that he had with the Prosecuting Attorney, the 2 judges, and Don Stark the architect. Mr. Bragg stated the judges expressed desire for additional court room and office to be included with the proposed building. The Commission did not approve of that plan and they stated the desire to leave as is, until the cost estimates are received and then they might do these things at a later date.

The Commission advised Mr. Bragg that they could not go to Washington for the purpose of the meeting of the Revenue Sharing. They advised Mr. Bragg to go if he so desired.

The Baker Watts request was approved by the Commission.

The Commission approved the request of Danese Volunteer Fire Department and Rescue Squad, Inc. for additional funds for ambulance.

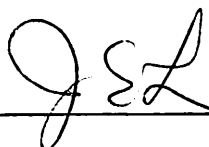
The Commission approved the contract for the phone system for the Prosecuting Attorney's office. Mr. Lively signed the contract for the phone system with AT&T.

The Commission signed the grant revision for the Danese Emergency Rescue Squad.

On February 15, 1985, the Commission also met as Board of Equalization Review. No one appeared in opposition.

A letter was sent from the Commission to all Elected Officials and Department Heads of Fayette County, pursuant to Chapter 7, Article 7, Section 7 of the Code of West Virginia as amended the Fayette County Commission does hereby request for appropriation for anticipated or expected expenditure for its respective office including the compensation for its assistants, deputies and employees, on the ensuing fiscal year, prior to March 2, 1985.

Mr. Bragg showed the Commission notice that was received from Home Insurance that the public liability (official) insurance will be cancelled effective April 1, 1985.

  
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REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

February 27, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in regular session on February 27, 1985. Appearing before the Commission was Mr. Steve Hanshaw representing the 4-H Club Workers. They want to use the 4-H camp for campers this summer. The Commission voted to let them hold their camp. They ask to use the pool certain hours of the day for swimming lessons and the pool will be made available. They ask for the hours of 9-11 or 10-12. The Commission approved the overall request and advised Mr. Bragg to check on the safety regulations and others provisions needed. The 4-H workers will furnish the cooks and help.

Mr. Steve Cruikshanks representing the Firemen's Association appeared before the Commission asking that a new compressor be bought and this to be purchased out of levy funds and it would be considered county property and be located at one of the fire stations for use by the whole county. They ask that specifications be the same as last time and that the ad be run in the paper.

Mr. Ronnie Hurd appeared before the Commission representing the Fayette County Civil Service Commission, and the Fayette County Deputy Sheriffs' Association. This was in regard to the violations that they think are in the Sheriffs' Department. A letter was received and presented by Mr. Hurd to the Commission. The letter stated that they would like to request an investigation to be made by the Fayette County Deputy Sheriffs' Civil Service Commission concerning violation of Article Fourteen Chapter Seven of the West Virginia Code, Civil Service for Deputy Sheriffs'.

(1) The appointment of Max Elkins as Assistant Sheriff by Sheriff Adam Toney. Appointments and promotions of any person except the Chief Deputy are to be done by the provisions in Article 14. 7-14-1

(2) The promotion of Randy Epperly to a position of Chief Record Clerk with a considerable pay raise which we feel constitutes a promotion - since this salary exceeds that of a Captain's salary in our department. Promotions of any person except the Chief Deputy are to be done by the provisions in Article 14. 7-14-1

(3) The failure of the Sheriff, Adam Toney, to recognize and utilize the ranks of Detective Sergeant and Detective Corporal as established by the Civil Service Commission of Fayette County. 17-14-13. The Commission advised Mr. Hurd that they would consult with the Prosecuting Attorney and be directed on the way to proceed. The Commission advised Mr. Bragg to send copies of the complaints

to the Prosecuting Attorney. The Commission will then be advised what procedure to use.

The bids were received for the pumps for Armstrong Public Service District. Bids were received from C. I. Thornburg, Cross Pump & Electric Company. A bid was accepted from Precision Pumps as they will be installed and new motors and pumps. The amount is \$16,300.00

The Commission accepted the resignation of J. Walter Brown from the Fayette County <sup>DEPARTMENT</sup> Civil Service Commission. The Commission voted to appoint George Coleman of Fayetteville, West Virginia., to serve the remainder of the term. This was approved 3-0.

The Commission signed a title over to the City of Mount Hope for a 1978 Plymouth Fury. The Town of Mount Hope hopes to refurbish the car and put it on the road.

Mr. Toney appeared before the Commission about computer hook-up with the State of Charleston.

A petition was received by the Commission from Committee and Interested and Concerned Citizens to Save the Plateau. This petition asking that the Department of Health do a cancer/PCB health survey.

Due to a large release of securities from the Depository Bonds from Montgomery National Bank the Commission ask for the files and to see the order for release so as to see if proper and up to date. The Commission wants to review these and will continue the matter on March 6th. They want to know if the files are up to date on the depository banks.

Mr. Bragg was advised by the Commission to take care of the situation at the landfill concerning the haulage by people who haul in large amounts each day and state that it is household trash. This is occurring by the truck loads, and these haulers are noted not to be legal trash haulers. Mr. Gannon and Mr. Bragg decided on the charge for people coming into the dump. Effective April 1, 1985, the charge for the landfill will be 6 bags or approximately 300 lb free and over 300 lb requires a \$3.00 minimum and large quantity by the ton.

Mr. Larry Kelley from Long Branch and Pax Sewage wants to know about the \$15,000.00 for the project and also wants the Commission to consider the \$1,000.00 in the annual budget for cleaning and snagging of Paint Creek to help with flood control.

Checks for the Firemen Association will be issued for quarters 1 & 2 upon the approval of receipt of contracts.



The Commission will meet with each department head for purpose of budget regarding personal matters. This to begin on March 6th.

The Commission advised Mr. Bragg to go to Washington to lobby for the Revenue Sharing meeting.

Mr. John H. Lopez approved the purchase of local government books for the administrator for his office.

The Commission received a letter from Sheriff Adam Toney. This letter in reply to one sent to the sheriff asking the duties of the Assistant Sheriff. The Sheriff stated in his letter that the powers of the Assistant Sheriff are as follows:

- (1) The Assistant Sheriff is an Administrative Assistant to the Sheriff with assignment to night time supervision of the three County Sheriff Detachments, and the Fayette County Jail.
- (2) The Assistant Sheriff does not have police power or powers of arrest.

The Dayton Legal Blank Company of Dayton, Ohio has been accepted by the County Commission to do repairs on record books. 13 volumes need to be completely repaired and rebuilt, 29 volumes need only new canvas covers and 43 volumes repaired by furnishing new binders. The total cost for the project will be \$12,876.00. All of the work will be done in the courthouse.

Mr. Erwin L. Conrad appeared on behalf of Corina L. Callahan for committee appointment for Bessie Bowles. Bessie Bowles is 72 years old and is confined in Monarch Manor Nursing Home at Hilltop, W. Va. and is suffering from chronic brain syndrome and paranodia, refusing insulin and is unable to care for her person and her financial and business needs. Mr. Tom Myles serves as guardian ad litem. This approved by the Commission with \$2,000.00 bond.

All bills presented were paid and payroll approved. The meeting was adjourned. The Commission will meet again on March 6, 1985.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

March 6, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBER PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in regular session on March 6, 1985. The Fayette County Commission sent a letter to Mr. Ronnie Hurd, Commissioner of the Fayette County Civil Service. The Commission advised Mr. Hurd that relative to his request to the County Commission concerning the violations of the Deputy Sheriffs' Civil Service statute. The County Commission advised that the only standing that the County Commission has in the matter pertaining to the Deputy Sheriffs' Civil Service Commission is the appointment of members to the commission. Any grievance to be filed for violation of the subject statute should be brought before the Deputy Sheriffs' Civil Service Commission, not the County Commission. A copy was also sent to the Prosecuting Attorney.

The Fayette County Commission also received bids for heat system in the Prosecuting Attorneys Office. Bids were received from Camco Services, Inc. and Appalachian Heating and Insulating. The Commission made no decision on this and decided to get another opinion.

Mr. B. V. White and Mrs. Elenora Harvey, from the Jodie, Beech Glen area appeared before the Commission concerning the water system. They ask the Commission if they knew if the water system was to be put in their area as they paid deposit seven years ago. Mr. Lively advised them to check with the Public Service Commission, State of West Virginia, as they would be the ones to look after this. He also noted and advised that the only connection the County Commission has with the water district is the appointment of the Commissioners for the system.

Mr. John Lopez advised that the meeting for the payroll on the 15th day of the month should be used for only that purpose unless a real emergency. If it can be avoided don't set hearings for any other matters. The payroll meeting will be called at 8:30 A. M.

The Commission reviewed the County depositories from the banks. This was continued from the last meeting. Mr. Janney the Clerk gave these files to the Commission. THE COMMISSION NOTED AND ADVISED SHERIFF TONEY OF AN UNAUTHORIZED RELEASE OF COLLATERAL BY HIM. HE ACKNOWLEDGED THE RELEASE AS BEING DONE WITHOUT KNOWING IT WAS BEYOND HIS AUTHORITY.

Jane Hughes appeared from the Fayette County Library with the budget request asking for the same as they had last two or three years. No raises for the personnel was ask for.

Personnel for the Fayette County Humane Society and Mrs. Abbott appeared before the Commission with a report about the progress of the shelter. They stated they are doing good and things running smoothly. They hope to have someone to take calls and to get to the point of being open all day before long. They will submit a budget request to the Commission by Friday morning, March 8, 1985.

Mr. Adam Toney, Sheriff appeared before the Commission with budget request. Mr. Toney advised the Commission that he is asking for no increases for tax office or law enforcement. He is asking for correctional officers. At least 6 correctional officers and maybe elimination of 5 deputies. The deputies would have first chance at qualifying for the jobs for correctional officers. Mr. Toney stated to the Commission and ask them if they realized that the correctional officers they have now are not certified. Mr. Toney ask for the same as last year for the law enforcement budget. Mr. Toney and Mr. Workman also stated and expressed some of the problems within the jail and the situation of this. Mr. Toney advised the Commission that sooner or later something was going to have to be done.

Mr. Herb Mann presented his budget to the Commission.

A letter was received from Judge Abbott asking for a new file cabinet for his office. The Commission approved the purchase of a new cabinet for the judges office.

All bills presented were paid and the Commission will meet again on March 15, 1985.

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REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

March 27, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively,  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in regular session March 27, 1985. The Commission heard from a group of people who were protesting the new regulations at the landfill. The landfill will begin on April 1, 1985, charging for garbage that is being brought in by unlicensed haulers. This does not pertain to household garbage that is for spring cleaning time, or for garbage that is hauled by an individual who brings his own garbage. This is to curtail illegal haulers from hauling.

Gladys Gray appeared for and on behalf of Senior Citizens, to show of progress on the new building and to request matching funds. Mr. Witt is to work with Ms. Gray on the project.

A public hearing was held on the budget. A group of citizens came before the Commission to protest the planned lay off of 5 deputies. They wanted to know why the sheriffs budget did not include the 5 deputies. The Commission assured the people that the money was available for the deputies, but the sheriff had not requested the money. The group left the Commission meeting to go meet with the sheriff.

Russell Bennett and Herbert Harrell from Lookout area appeared before the Commission requesting financial help on a community building. They ask for \$10,000.00 and the Commission told them they had already approved \$8,000.00 in the budget. The Commission approved the request. This to go to Laura Heslep Treasurer, Nuttall Firemen Association, at Lookout.

The Fayette County Volunteers for under-privileged children appeared before the Commission. Appearing was Gary Gadowski and JoAnn Gillespie. They requested the use of the 4-H camp for a week. They would like to have the first week of August, Monday to Saturday. They stated they would have their own counselors and all necessary workers. They stated they would have approximately 80 people. The Commission approved this request and told them to confer with Jack Gannon who is the park supervisor. The Commission also told the volunteers they should carry their own liability insurance.

The Commission approved Senior Citizen payment for Lou Morgan Builders

in the amount of \$26,000.00.

A letter was received from the Danese Volunteer Fire Department and Rescue Squad, Inc. stating that the Fayette County Child Development Corporation was granted permission to use the upstairs portion of the building for their meetings. The letter stated that they have problems and difficulties which have been created for the department. The letter stated that the janitorial duties were suppose to be kept up by the Child Development group. This has not been done and the deputies or some of the members of the department end up cleaning up behind the group. The problems seem to be happening while the parents are having their meetings and the children are turned loose to do as they like. The letter stated that at times the rooms are used for EMT classes as well as fire classes, and they run into problems of toys and about any thing else you can imagine. This make all but impossible to use the rooms. Also they have limited parking space and sometimes are blocked in due to vehicles from FCCD. The Commission advised Mr. Bragg to handle this and Mr. Bragg stated they would have Steve Cruikshanks to check out and see what the problem is with the facility. If there is a problem they will ask to discontinue the use of the building because it is totally inadequate.

A letter was sent to all ambulance services in the county concerning All Federal Revenue Sharing Recipients. This letter was give to Steve Cruikshanks and he will deliver to the departments.

On the 27th day of March, 1985, it appearing to the Commission that the term of office of Mr. William Black, of Powellton, West Virginia, as a Commissioner of the Board of Commissioners of the Armstrong Public Service District will expire on April 1, 1985, and that it is necessary and advisable that said position be filled immediately and it further appearing that his reappointment is recommended by the Board of said Armstrong Public Service District it is hereby ordered that Mr. William Black be and he is hereby appointed as a Commissioner of the Board of Commissioners of the Armstrong Public Service District as and of April 1, 1985 to serve for and during a period of six years.

John Witt received a letter and revised report from Rude Associates, Inc. consulting engineers, on the Page-Kincaid Wastewater System.

A letter was received from the sheriff, Adam Toney, stating that the request that the salary of Randolph Epperly, be returned to the regular pay scale as that of Deputy Sheriff, effective March 15, 1985.

Rusty Workman appeared before the Commission about property that he wishes

to have rezoned. Mr. Workman ask the Commission to send his zoning ordinance back to the Zoning Board to be heard again. Mr. Lively told him that it would have to be 1 year before the decision could be acted upon again as that is the law. Mr. Workman wants to put in a used car lot. At the original hearing there was opposition.

Mr. Leonard Nichols, who works fro the Landfill at Montgomery, and has worked there for the past 6 years, appeared before the Commission. Mr. Nichols wants to know of the possibility of being hired for the Cunard landfill. He told the Commission that he had filed application with Jack Gannon at the park.

The Commission received a letter from General Masonry Contractors, Inc. stated that they had received the letter from the Commission with regard to the repairs that are needed on the roof that was installed by their firm. They stated they would take care of the repair when they are in the area this spring and would call to prior to coming. They stated to be assured they would honor the contractual obligations. Signed by James L. Rish, Vice-President.

The Commission approved the purchase of mowers at the county 4-H Park.

Appearing before the Commission came Leara Wood with attorney C. Andy Keenan. The cause came on to be heard this 27th day of March, 1985 upon the petition of Leara Wood to be appointed committee for the person and estate of Eugene Clifford Wood, the petitioner appearing in person and by counsel. Pursuant to an Affidavit for R. S. Birkhead, M. D., stating that he was physically unable to attend, appearing by his guardian ad litem, Dwane Tinsley, Esquire, an attorney at law, a copy of the Petition and written notice of hearing thereon haveing been served upon the Respondent at least ten days prior to the date of the hearing and notice given to the adult next of kin of the Respondent, Eugene Clifford Wood. Eugene Clifford Wood is unable to care for his physical well-being and, therefore, incompetent, and that the said Leara Wood should be appointed. Therefore, it is ordered of this Commission that Leara Wood, be, and she hereby is, appointed Committee for Eugene Clifford Wood. It is hereby ORDERED that T. E. Myles, Commissioner of Accounts, be appointed to oversee said estate and that Leara Wood be required to post bond in the Office of the Clerk of the Fayette County Commission. Bond posted in the amount of \$10,000.00

Appearing before the Commission came Carl Harris, Attorney and Ollie Mae Bays to be appointed committee for the person of James Lee Smith, the petitioner

appearing person and by counsel, Carl L. Harris, the respondent appearing in person and by his Guardian Ad Litem, Gene Carte, 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, James Lee Smith.

The Commission proceeded to hear the sworn testimony of the petitioner, Ollie Mae Bays, attesting to the condition of the said James Lee Smith and received into evidence a written certification from Dr. C. H. Thomas, certifying that he had examined the said James Lee Smith is unable to manage his business affairs and unable to care ofr his physical well-being.

Mr. Smith was present and stated that he wished for Ollie Mae Bays to be appointed to manage his business.

A \$5,000.00 bond posted by the committee and T. E. Myles was designated as Fiduciary Commissioner in this Committee.

All bills presented were approved and payroll approved.

The Commission will meet again on April 3ed.



**ADDENDUM:**

The Commission approved for Larry Richards to have a key to the gate to the landfill as he is cutting timber on the other side.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

April 3, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The County Commission met in regular session on April 3rd, 1985. Ms. Gladys Gray and Tim Bailes appeared on behalf of the Senior Citizens. Ms. Gray told the Commission of the items that have been delivered to the building. She also stated that they need \$14,714.00 to finish with. John Lopez made motion to give them the money. John Witt seconded the motion.. This was approved 3-0.

Mr. Paul Blake appeared before the Commission on behalf of committee appointment for Alfred C. Bailey. Therefore he ask for a continuation date of the appointment to be set for May 8, 1985.

The Commission stated they will sponsor the small cities block grant for Page-Kincaid.

Allen Workman appeared for the sheriff department with records of March, the mileage and trips.

The Courthouse will close on April 5th, 1985 for Good Friday, due to the fact that state offices will be closed, so therefore the Commission approved to close 3-0.

Mr. Jack Gannon appeared before the Commission. Mr. Lively stated to Mr. Gannon to express to the workers at the landfill that they are to lean on the side of the public, unless they are sure that the garbage coming in is not of their own household and that they are hauling illegal for other people. Mr. Gannon ask the Commission to come down and look at the pool at the 4-H camp and to advise as to the opening date. The Commission agreed to come down and look at the pool that afternoon.

Jack Swisher, Attorney and Dave Brown appeared before the Commission. After talking to the Commission for several minutes Mr. Swisher told the Commission they are asking for the re-instatement of Dave Brown and all back pay and benefits due him as he was proved not guilty. The Commission advised Mr. Swisher that they will meet with the Prosecuting Attorney and the Sheriff on the decision they should make or not make. Mr. Lively also stated to Mr. Swisher that they will be in co-operation with the Sheriff as they do not hire the deputies . The decision will come from the Sheriff.



Mr. Gary Harding appeared from Zoning with the following cases for a disposition:

Z-281-85-1 Request of Frederick W. Young, Owner, for a change in land classification from LC-1, Land Conservation District to B-2, General Business District, on part of 5.33 acres, Arbuckle, Arbuckle Road off Terry Avenue, near Oak Hill, Plateau District. The Planning Commission did by a vote of 7-0 recommend that an area 70'x100' to accommodate a 32' x 40' metal building to operate a floor covering business out of. After general discussion motion was made by John Lopez that this be approved as recommended and the motion was seconded by John Witt, and passed by a vote of 3-0.

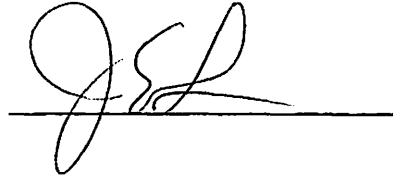
Z-282-85-2 On the County Commission's Own Motion, for a change in land classification from B-3, Highway Business District, to I-1, Light Industrial District, on 19.419 acres, Wolf Creek, Corridor "L" near Lochgelly Road, Plateau District. The Zoning Officer informed the County Commission that the Planning Commission did by a vote of 7-0 recommend that this area be rezoned because of it being adjacent to the Industrial Park and that the best possible use of the land would be industrial type uses. After a general discussion a motion was made by John Lopez that this be approved as recommended. Motion was seconded by John Witt and passed by a vote of 2-0 with Mr. Lively abstaining from voting.

Records of pick-ups made on dogs was sent in by the county dog catcher. He made notation that the truck has been in the garage part of the month of March.

Appearing before the Commission came Carl Harris, Attorney for Tom Myles for the committee appointment for Elma Elvira Thomas. Edna L. Settle in person, appearing as the petitioner. The Commission heard the evidence adduced on behalf of the petitioners, and from said evidence and said affidavit the Commission doth find that Elma Elvira Thomas is an incompetent person; that she is wholly unable to manage her business affairs and is wholly unable to care for her personal needs and is totally out of touch with reality.

It appearing the Commission proper to do so, it is ORDERED that Edna L. Settle be and she is hereby appointed Committee for Elma Elvira Thomas, an incompetent person; however, before said appointment shall become effective the said petitioner shall post a bond in the penalty of \$20,000.00 with this Commission, with surety to be approved by the Clerk of this Commission. This was approved by the Commission 3-0.

There being no further business to come before the Commission the meeting was adjourned. The Commission will meet again on April 15th.

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by 'S' and 'L' in a cursive script. The signature is written above a solid horizontal line that extends to the right.

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON WEDNESDAY, APRIL 3rd, 1985.

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

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

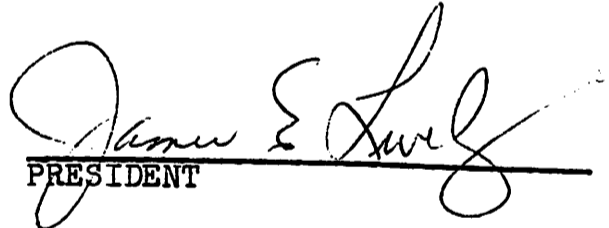
Z-281-85-1: Request of Frederick W. Young, Owner, for a change in land classification from LC-1, Land Conservation District, to B-2, General Business District, on part of 5.33 acres, Arbuckle, Arbuckle Road off Terry Avenue, near Oak Hill, Plateau District.

The Zoning Officer informed the County Commission that the Planning Commission did by a vote of 7 - 0 recommend that an area 70' x 100' to accommodate a 32' x 40' metal building to operate a floor covering business out of. After a general discussion a motion was made by John Lopez that this be approved as recommended by the Planning Commission. Motion was seconded by John Witt and passed by a vote of 3 - 0.

Z-282-85-2: On the County Commission's Own Motion, for a change in land classification from B-3, Highway Business District, to I-1, Light Industrial District, on 19.419 acres, Wolf Creek, Corridor "L" near Lochgelly Road, Plateau District.

The Zoning Officer informed the County Commission that the Planning Commission did by a vote of 7 - 0 recommend that this area be rezoned because of it being adjacent to the Industrial Park and that the best possible use of the land would be industrial type uses. After a general discussion a motion was made by John Lopez that this be approved as recommended. Motion was seconded by John Witt and passed by a vote of 2 - 0 with Mr. Lively abstaining from voting.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

April 15, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

The County Commission met in regular session on April 15, 1985. Payroll was approved and all bills presented were paid.

The Commission was advised by Mr. Bragg of the cancellation of law enforcement liability insurance by Imperial Casualty and Indemnity Company, effective May 13, 1985. The date of the notice was April 4, 1985. The Commission advised Mr. Bragg to take no action at this time until hearing from our insurance agent, Mountain State Insurance. Mr. Bragg notified the insurance agent of the cancellation and is awaiting further instructions.

The Commission received a letter from Sheriff Adam Toney, requesting that Geraldine Copley be employed in the Fayette County Tax Department at a starting salary of \$900.00 per month. This to be effective April 17, 1985. This was approved by the Commission.

The Commission received a letter from Sheriff Adam Toney, requesting that Margaret Grasty be employed in the Fayette County Tax Department at a starting salary of \$800.00 per month. This to be effective Tuesday 16, 1985. This was approved by the Commission.

The Commission received a letter from Sheriff Adam Toney stating that Ruth Steele had resigned as an employee of the Fayette County Tax Department, effective April 18, 1985.

The Commission received a letter from Sheriff Adam Toney, requesting that Randolph Epperly be transferred from Deputy Sheriff, Law Enforcement to the Tax Department, as Chief Records Clerk, at the rate of \$1,600.00 per month. I hereby request the transfer of funds in the amount of \$1,600.00 per month from Law Enforcement Personal Services to Tax Department Personal Services. This position has no law enforcement powers. The duties of Chief Records Clerk is to handle all papers from the Circuit Clerk and Magistrate Courts. He will also be responsible for the County automobiles assigned to the Fayette County Sheriff's Department. The effective date of this request was April 1, 1985. This request was approved by the Commission and will be submitted to the State Tax Department for Fiscal Year 86.

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

The Commission will meet again on April 24, 1985.

REGULAR SESSION OF FAYETTE COUNTY COMMISSION

April 24, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John L. Witt, Commissioner  
Mr. John H. Lopez, Commissioner

The Commission met in regular session April 24, 1985. Appearing before the Commission was Evelyn Jones from Mt. Hope. This appearance by Ms. Jones was to ask for monetary help for children that play basketball for church groups in Mt. Hope. She stated that these children are border line cases to keep off of the streets. Mr. Lively advised Ms. Jones that they cannot give monetary help for programs like this. The group must be chartered through the state. Ms. Jones assured the Commission that when she appeared before them again that the group would be chartered. Mr. Lively advised Ms. Jones that after they have a charter she could appear again and if they had the money in the budget then they would consider the proposal.

Chief Deputy Allen Workman appeared before the Commission. Mr. Workman advised the Commission about the vacation and retirement of the deputies and left a copy of the law regarding this matter. RE: Applying Annual Leave and Sick Leave, Upon Retirement, Towards Paid Hospital and Doctor's Coverage.

In accordance with Chapter 7, Section 14, Article 17B, Deputy Sheriffs can accumulate sick leave time according to the number of years in service as follows:

Full-time Deputies shall be entitled to one and one-half days sick leave for each month worked.

Fifteen or more years of service - no more than 90 days accumulated sick leave.

More than ten but less than fifteen years of service-no more than 80 days accumulated sick leave

More than five but less than ten years of service - no more than 70 days accumulated sick leave

Not more than five years of service - no more than 60 days accumulated sick leave.

In accordance with Chapter 7, Section 14, Article 17A, Deputy Sheriffs can accumulate vacation time according to the number of years in service as follows:

Less than five years of service - 1 1/4 days per month.

Five to ten years of service - 1 1/2 days per month.

Ten to fifteen years of service - 1 3/4 days per month.

Fifteen or more years of service - 2 days per month.

House Bill 1429, passed March 10, 1984, and went into effect July 1, 1984, permits State employees provisions for crediting accrued annual leave and sick leave towards extended insurance coverage for retired employees. This does not cover County employees.

The Attorney General's Office has advised that the County Commission must make application with the Public Employee's Retirement Board in order for County Employees to receive the same coverage upon retirement as the State Employees.

Mr. Workman stated that on behalf of the Law Enforcement Division and the Correctional Officers of the Sheriff's Department, I am requesting that the Commission make application with the Public Employee's Retirement Board for the same coverage as State employees as stated in House Bill 1429, copy attached, providing for extended insurance coverage for retired employees, their spouses and dependents based upon credit for the employees' accrued annual leave and sick leave. Mr. Workman stated that the County Commission might wish to consider such coverage for all County employees.

Mr. Herb Niday, from the town of Fayetteville appeared before the Commission asking if they would be charged for disposal of garbage hauled for the town clean up. The Commission advised the Mayor, Mr. Niday that there should be no charge.

Richard Bragg will attend the meeting for Page-Kincaid P. S. D. Sewer Project on behalf of the Fayette County Commission. This will be on May 2, 1985. They will meet in Governor Moore's Office at 10:00 A. M.

There was discussion for the appointment of a Commissioner for the Arbuckle Public Service District. No one was appointed as the Commission needs to find out the exact lines within the district.

The Commission received a letter from the Sheriff asking for a week of vacation pay for Ruth Steele who resigned from the Tax Office. The Commission refused this proposal as Ms. Steele had not worked for the Sheriff for a period of six months. Employees must work a full six months to qualify for the vacation pay of one week.

James Keenan appeared before the Commission asking the Commission about the back pay for Dempsey and the decision they had made on the outcome of the Dave Brown case. The Commission advised Mr. Keenan they would wait until the

Circuit Court advised them of what to do. Therefore the Commission will await the outcome of the appeal that was placed by former Sheriff Manning.

The Mayor of Ansted appeared before the Commission. This was concerning a problem that they have with Jan-Care Ambulance. Mr. Skaggs requested to know how much funding is involved in Ansted area calls, and how much fire levy monies goes to Ansted Volunteer Fire Department.

The Commission had previously approved up to \$2,500.00 for purchase of development of playground at Minden. In addition the Commission approved the contract work to go to Mr. Jerry Keffer to landscape the ground if he wanted the work. Mr. Bragg is to negotiate with Mr. Keffer to see if he wishes to do the work.

A letter was sent to Julian W. Ware, District Engineer, Department of Highways, Dist. 13, asking for a deeper ditch and certain fill areas along county route 9 that goes to Brooklyn and Cunard. This was sent in response to individual request and petitions.

The Mountain Transit Authority sent a letter thanking the Commission for the 1985-86 commitment. They also stated in the letter that they have been included on the list for the Department of Finance and Administration (Public Transportation Division). They ask the county for \$3,129.90 for their share of the cost. The letter stated response needed within 30 days.

A letter was received from Department of Natural Resources from Steven B. Wright. This letter stated that permission to accept and dispose of sludge from the Page-Kincaid Public Service District's water system per standards in Appendix A of the Department's letter to Mr. John P. David, Commissioner dated February 9, 1985, is granted. The letter stated that the acceptance of any sludge that does not meet "Appendix A" specifications constitutes a violation of your permit.

A letter was received from Keenan, Gallaher & Keenan, Attorneys at Law. This was in reference to Mental Hygiene Commitment Proceeding Expenses. Enclosed was (2) two statements from Action Court Reporting Service with regard to (2) two Mental Hygiene hearings held by Andy Keenan. Mr. Keenan was requesting that these two (2) Court Reporter's fees be paid by the County Commission.

A letter was wrote and sent to John W. Swisher, Attorney and Counsellor at Law in response to his appearance he made before the Commission on April 3, 1985, to request the back pay for and reinstatement of former Deputy Sheriff David Brown.

Since the back pay question was heard by the Fayette County Deputy Sheriff Civil Service Commission and their decision was appealed to the Circuit Clerk we will await the outcome of that appeal and act accordingly at that time.

The Commission advised Mr. Swisher that in the matter of reinstatement of employment we do not think that is our decision since Deputy Brown was neither hired, suspended, nor fired by the Commission. The Commission stated that as they do in all employment matters they would act upon the recommendation of the affected elected public official, in this case, the Sheriff of Fayette County. If you feel our reasoning in this later question is in error we will be pleased to meet with you and the responsible parties along with Charles M. Vickers, Fayette County Prosecuting Attorney, to discuss the matter further. Feel free to contact Mr. Vickers directly in this re-employment question if you wish since we have consulted with him on this subject.

A letter was sent to Mr. Norman R. Harland, President, of the Fayette County Board of Education and to all other board members. This letter was in reply to a letter received from Mr. Harlan, March 27, 1985.

The Commission replied as follows:

In reply to your letter of March 27, 1985, Commissioner John Witt has been in attendance at the following meetings of the Commission; January 9, 1985, January 30, 1985, February 6, 1985, February 27, 1985, March 6, 1985, February 15, 1985, March 15, 1985, March 27, 1985, April 3, 1985, April 24, 1985. The listed meetings do not reflect the beginning and ending meeting times since we do not normally record such information. This information is being sent to you in your capacity of President of the Fayette County Board of Education since we could not readily determine whether your request was for personal or public information. Signed, James E. Lively, President.

Mr. Gary Harding appeared before the Commission from the Zoning Board. The following case was presented to the County Commission for a disposition. Z-282-85-1: Request of James E. Cottle, owner, for a change in land classification for RR-1, Agricultural and Rural Residence Distirct, to B-2, General Business District, on part of 8.31 acres, Dunloup, Sanger Road of Route 21, Hilltop, Plateau District.

The Zoning Commission advised the County Commission that the Planning Commission did by an 8-0 vote recommend that  $\frac{1}{2}$  acre be rezoned to allow the operation of a golf pro shop from an existing barn located on the property. A motion was made by John Lopez that this be approved as recommended by the Planning Commission. Motion was seconded by John Witt and passed by a vote of 3-0.

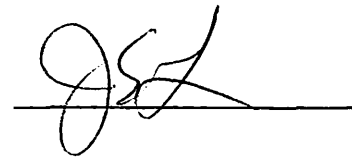
Mr. Gene Carte, Attorney, appeared before the Commission along with Ron



Hurd, for the Committee appointment for Faye A. Hurd, his mother. The Commission approved this appointment as was proved that Ms. Hurd was capable to take care of her own affairs. The order was not signed as the papers were not ready at the time of the appearance.

All bills presented were paid and approved. The Commission will meet again on May 8, 1985. There being no further business to come before the Commission the meeting was adjourned.

The Commission will meet in special session on May 2, 1985 for solid waste and any other matters to come before the Commission.

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line extending to the right.

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, APRIL 24th, 1985.

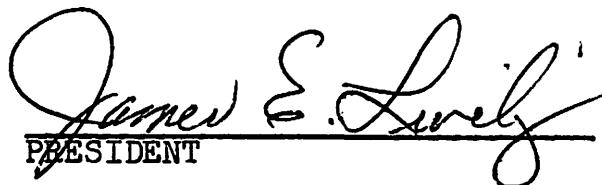
Present were: James E. Lively, President  
John H. Lopez, Commissioner  
John L. Witt, Commissioner

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

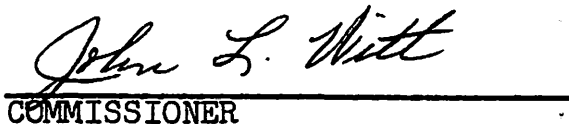
Z-282-85-1: Request of James E. Cottle, Owner, for a change in  
land classification from RR-1, Agricultural and Rural Residence  
District, to B-2, General Business District, on part of 8.31  
acres, Dunloup, Sanger Road off Route 21, Hilltop, Plateau  
District.

The Zoning Officer informed the County Commission that the  
Planning Commission did by an 8 - 0 vote recommend that  $\frac{1}{2}$  acre  
be rezoned to allow the operation of a golf pro shop from an  
existing barn located on the property. A motion was made by  
John Lopez that this be approved as recommended by the Planning  
Commission. Motion was seconded by John Witt and passed by a  
vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

SPECIAL SESSION OF FAYETTE COUNTY COMMISSION

May 2, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in special session on May 2nd, 1985. The purpose of the meeting was to meet with Leonard Butch Joyce from L. E. Joyce, Inc., in reference to transfer stations. The Commission directed Mr. Joyce, to proceed with negotiations for sites for transfer stations. The Commission advised Mr. Joyce that they would prefer that all disposal sites be active by November or December of 1985.

Mr. Joyce is to proceed with Clifftop site and Gauley Mountain site.

Mr. Lively is to contact Robert Kelly about possible acquisition of site North of Oak Hill, commonly referred to as the "Rock Quarry".

Mr. Bragg, Administrator for the Commission is to inquire of landowner of landfill leasehold as to permission to construct pistol range for law enforcement officers.

Also, Richard Bragg and Jack Gannon to do what is necessary to extend landfill hours since daylight savings time now in effect. They are to have sign posted at inter-section of Gatewood-Cunard Roads indicating such hours.

All bills presented were approved and the Commission adjourned.



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REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION  
FAYETTE COUNTY COURTHOUSE

May 8, 1985

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBER PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner

The Fayette County Commission met in regular session on the 8th day of May. The Commission moved and voted to rescind action of policy of change in vacation and sick leave that was acted upon at the last meeting. They voted to revert back to the original policy. This motion was made by John Lopez and seconded by Mr. Lively.

The Commission also noted that there would be no charge for campers, to use the pools during the week of camp.

The new landfill hours were set for summer, pursuant to the special meeting held May 2nd, 1985. There will be no Sunday hours.

The Commission approved the hiring of workers to construct a maintenance building at the landfill at Cunard and to do renovation at the Fayette County Park.

The Commission passed a resolution approving filing of (HUD) Community Development Grant Block approval for Page-Kincaid Sewage System. The Commission appointed Richard Bragg and Charlotte Holley as administrators of (HUD) Community Development Grant Block, with administrative cost to be funded out of HUD grant or matching funds.

The Commission approved necessary funds for Richard Bragg to attend financial seminar next fiscal year, July 1, 1985.

The Commission received the fire marshall's report regarding the Fayette County Park. The Park Staff is instructed that renovation is to be done in compliance with the Fire Marshall. The camps currently scheduled are not to be affected.

A letter was signed and sent to Kanawha Valley Bank to replace lost bond #R-08107.

Mr. Lee Massey appeared from the Health Department. Mr. Massey wanted permission to make extra parking space behind the Health Department enough for at least 10 more vehicles. Mr. Massey advised the Commission that they would pay and furnish the workers and it would be no expense to the Commission. Mr. Lively advised Mr. Massey that this would be a temporary parking lot as a building will be going up and this had to be the agreement between the two parties. Mr. Massey said he would advise his board and that he felt that they would go ahead with the project. This is not to be supervised by the County.

Linda Pomeroy, Mayor of Meadow Bridge, appeared before the Commission asking for a donation of money for the Nutrition Center for Senior Citizens for that area of the county. Appearing with Ms. Pomeroy was Tim Oxley, from Region 4. The Commission was ask to commit a sum of \$15,161.00 for the projects. The Commission approved this amount and also noted to the mayor that proper bonding was required from the successful bidder. The money to be made available when the job is started and will be available within 90 days.

Evelyn Jones of Mount Hope appeared before the Commission about a donation for the needy and low income families. This she showed a charter for a college, the Martin Luther King Community College at Mt. Hope and she was asking for a donation of money. The Commission advised her that they could not contribute to educational organizations.

Helen Beckelheimer representing Multi-Cap out of Charleston appeared before the Commission stating they assist for Low-Income people. Ms. Beckleheimer asking that the County Commission activate the organization in the Fayette County area . She stated that would bring more money into Fayette County. The Commission advised her that they would look over the program and then would let her know of their decision. Ms. Beckleheimer stated that they now serve Boone, Clay, Kanawha and Putnam.

Carl E. Gainer, Jr. appeared before the Commission. This was asking for \$3,129.90 . This amount would enable the purchase of 6 new buses. These buses would be 3 new ones in Fayette, 2 in Greenbrier, 1 in Pocahontas. The Commission advised Mr. Gainer to send letter out to the Board Members and that they would let him know on the 29th of May. When the Commission receives a recommendation from the board members they will make a decision.

Due to certain complaints from jurors and other individuals the Commission has decided to restructure janitorial staff and to add to the staff 2 additional janitors , one for the courthouse and one for the Prosecutor's office. The current janitor Mr. Ledford will be relieved of his duties.

On this the 8th day of May, 1985, at a regular meeting of the said Commission consideration was given to the appointment of a new Commissioner of the Kanawha Falls Public Service District to serve in the place of Mr. R. F. Johnson, whose resignation has been heretofore tendered and accepted, and after giving due consideration to the same it is hereby ordered that Bert H. Buckbee, whose name has been reccommended, be appointed to fill the unexpired term of R. F. Johnson, said term to expire September 1, 1986.

A letter was received from the City of Smithers. The letter was asking for a sum of money in the amount of \$7,250.00. This was to be put to use to roof the gymnasium that they need repaired on the old Oakland School Property that they were able to purchase. This was rejected by the Commission.

Mr. Phil Tissue, Lawyer, appeared before the Commission, for the Committee appointment of Zora Myrtle Cummings. This was to be continued after the Commission rejected the appointment due to the fact that the person wanting to be made committee for Ms. Cummings was not a legal son, only a nephew.

Mr. Phil Tissue appeared before the Commission for the appointment of Nancy G. Burr to be appointed committee for her mother Mary L. Gregory. Ms. Burr was appointed due to the fact that it was stated and proven that her mother is in a nursing home and in not able to care for herself or her affairs.

There being no further business to come before the Commission the meeting was adjourned and the Commission will meet again on the 15th of May. All bills presented were approved to be paid.

The Commission awarded bid to Beckley Roofing, this was the only bid received, therefore it was low bid.



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REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

May 15, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in regular session on May 15, 1985 for payroll. All bills presented were approved and paid.

A letter was sent to Dennis R. Hanson, Fayetteville Town Recorder. This was to advise where the Commission stands on the problem of loose dogs within town limits. Mr. Hansen was advised that the County Commission and dog catcher are bound by the provisions of Chapter 19, Article 20, Section 6 of the West Virginia Code.

Mayor Pomeroy of Meadow Bridge was sent a letter thanking her for her appearance before the Commission regarding the Meadow Bridge Community Center. The Commission agreed to committ the sum of \$15,161.00 for the project. The Commission made special reference to the fact that the facility will be utilized as a center for the various senior citizens programs for that section of Fayette County. The Commission also noted evidence of proper bonding by the successful bidder was requested.

The Commission budgeted \$5,000.00 for the fiscal year July 1, 1985 to June 30, 1986 for the establishment operation and maintenance of a local mental health program, "as required by seciton 27-8-2 and 27-8-2A of the West Virginia Code (1965, c.99;1966,c.43; 1977, c.102)

The County Commission of Fayette Resolution was presented to the Commission.

On this the 15th day of May 1985, the County Commission of Fayette County meeting in a regularly called session and having previously entered into an agreement with the Fayette County Commission on Aging and Lou Morgan Builders Inc. for the purpose of renovating the Fayette County Senior Citizens Center in Oak Hill and now having been advised that said renovation has been successfully completed, does hereby resolve to accept said renovation project and does further resolve to submit all outstanding invoices and billings to the Governors Office of Economic and Community Development for payment.

Also approved by the Commission, was Fayette County Commission order:

On this the 15th day of May, 1985, the Fayette County Commission meeting in regularly called session and having submitted a grant application for funding of certain equipment for the Fayette County Senior Citizen Center and acting pursuant to the provision of said grant application does hereby order a sum in the amount of \$15,545.00 to be paid to the Fayette County Committee on Aging.

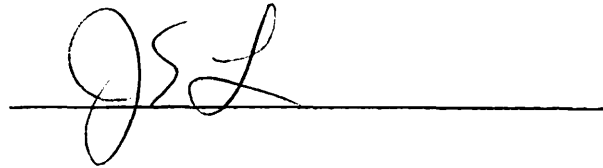
These resolutions were approved and signed by the Commissioners.

The Commission approved the bid from Walker Machinery for back hoe in the amount of \$23,000.00 affirmative.

The Commission directed Mr. Bragg to order 250 no dumping allowed signs, cost approximately \$200.00 at Plateau Printing.

Payroll and all bills presented to the Commission were approved to be paid.

The Commission will meet again on May 29, 1985.

A handwritten signature, appearing to be 'JSL', is written in black ink over a solid horizontal line. The signature is cursive and stylized.



The Fayette County Commission will accept bids until 9:30 A.M., April 24, 1985, for the following:

Labor, material, equipment and tools to completely install Goodyear versigard, or equivalent single ply rubber roofs on the three porches at the Fayette County Courthouse and two roof sections on Prosecuting Attorneys offices.

Specifications:

1. Install 1/2" composit board insulation (fasten insulation with 3" disk type fastner every two sq. ft.) over existing roofs.
2. Furnish and install a fully adhered versigard roofing system including all accessory items on each roof specified above.
3. Install 6" diameter drain on the three porch roofs--drain lines will be reduced to 4"-- two feet under porches.
4. On the rear roof section of prosecuting attorneys office, install new aluminum gutter and down spouts.
5. Clean-up all debris accumulated from roof work and haul away leaving premises in a neat clean condition.
6. Workmanship and materials guaranteed a minimum of (5) years.
7. All prevailing West Virginia Statutes and wage rates will apply.
8. Proof of liability bond and/or performance bond shall be presented upon request by owner.

Please submit all bids to the office of the Fayette County Commission

P. O. Box 307, Fayetteville, West Virginia 25840

The Commission reserves the right to reject any or all bids.

## BECKLEY ROOFING COMPANY

P. O. Box 392  
 MOUNT HOPE, WEST VIRGINIA 25880  
 1 304-877-6059

Attn: Richard Bragg

PROPOSAL SUBMITTED TO Fayette County Commission		PHONE 574-1200	DATE April 17, 1985
STREET Box 307		JOB NAME Roof work-Courthouse & Prosecuting	
CITY, STATE AND ZIP CODE Fayetteville, W. Va.		JOB LOCATION Attorneys Offices, Fayetteville, W.Va.	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

Labor, material, equipment and tools to completely install Goodyear versigard, or equivalent, single ply rubber roofs on the three porches at the Fayette County Courthouse and two roof sections on Prosecuting Attorneys offices.

### SPECIFICATIONS

1. Install 1/2" composit board insulation (fasten insulation with 3" disk type fastner every two sq. ft.) over existing roofs.
2. Furnish and install a fully adhered versigard roofing system including all accessory items on each roof specified above.
3. Install 6" diameter drain on the three porch roofs--drain lines will be reduced to 4"--two feet under porches.
4. On the rear roof section of Prosecuting attorneys office, install new alluminum gutter and down spouts.
5. Clean-up all debris accumulated from roof work and haul away leaving premises in a neat clean condition.
6. Workmanship and materials guaranteed a minimum of five (5) years.
7. All prevailing W. Va. statutes and applicable wage rates will apply.
8. Proof of liability bond and/or performance bond shall be presented upon request by owner.

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Eleven thousand, seven hundred, sixty-three dollars (\$ 11,763.00 ).

Payment to be made as follows:

net thirty days (30) days after completion

one percent discount if paid within ten (10) days

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature G. W. Steyer

Note: This proposal may be withdrawn by us if not accepted within forty (40) days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Steve Masse  
Buddy Masse  
170...  
Eddie Parsons, 151-166...  
533  
Alice Parsons, 175  
491  
Sherree McKnight, 183  
176...  
Mae McKnight, 157  
579  
Tom Day Sr.  
Glenda  
Ziana

# Tribune

FAYETTE COUNTY'S OLDEST NEWSPAPER

417 MAIN STREET  
OAK HILL, WEST VIRGINIA 25901  
TELEPHONE 469-3378

CERTIFICATE OF PUBLICATION Fee for Publication \$ 37.80

I, Larry E. Holliday, publisher of The Fayette Tribune, Inc., a semi-weekly newspaper, published in the City of Oak Hill, County of Fayette, State of West Virginia do hereby declare that the Legal Notice herewith attached, was published in said newspaper in its issues dated the 15th and 22nd days of April 1985.

(Signed) Larry E. Holliday  
Larry E. Holliday  
Publisher

SIGNED AND SWORN TO and before me this 25th day of April 1985.

(Signed) Sue Mundy  
Notary Public

My commission expires  
Dec. 23, 1991

# The Fayette Tribune

FAYETTE COUNTY'S OLDEST NEWSPAPER

417 MAIN STREET  
OAK HILL, WEST VIRGINIA 25901  
TELEPHONE: 469-3373

The Fayette County Commission will accept bids until 9:30 a.m., April 24, 1985, for the following:  
Labor, material, equipment and tools to completely install Goodyear versigard, or equivalent single ply rubber roofs on the three porches at the Fayette County Courthouse and two roof sections on Prosecuting Attorneys offices.

CERTIFICATE OF PUBLICATION Fee for Publication \$ 37.80

I, Larry E. Holliday, publisher of The Fayette Tribune, Inc., a semi-weekly newspaper, published in the County of Oak Hill, County of Fayette, State of West Virginia hereby declare that the Legal Notice with attached, was published in said newspaper in its issue dated the 15th and 22nd days of April 1985.

(Signed) *Larry E. Holliday*  
Larry E. Holliday  
Publisher

SIGNED AND SWORN TO and before me this 25th day of April 1985.

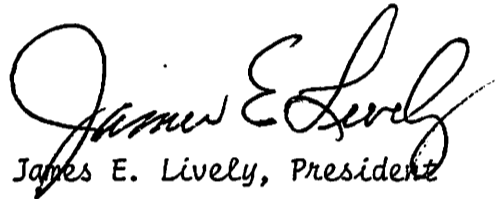
(Signed) *Sue Mundy*  
Notary Public

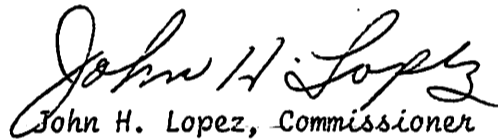
My commission expires  
Dec. 23, 1991

Specifications:  
1. Install 1/2" composite board insulation (fasten insulation with 3" disk type fastener every two sq. ft.) over existing roofs.  
2. Furnish and install a fully adhered versigard roofing system including all accessory items on each roof specified above.  
3. Install 6" diameter drain on the three porch roofs--drain lines will be reduced to 4"--two feet under porches.  
4. On the rear roof section of prosecuting attorneys office, install new aluminum gutter and down spouts.  
5. Clean-up all debris accumulated from roof work and haul away leaving premises in a neat clean condition.  
6. Workmanship and materials guaranteed a minimum of [5] years.  
7. All prevailing West Virginia and wage rates will apply.  
8. Proof of liability bond and/or performance bond shall be presented upon request by owner.  
Please submit all bids to the office of the Fayette County Commission P.O. Box 307, Fayetteville, West Virginia 25840.  
The Commission reserves the right to reject any or all bids.  
Legal No. 187  
April 15, 22

FAYETTE COUNTY COMMISSION

On this the 31st day of July, 1985, it was brought to the attention of the Fayette County Commission that the term of Mrs. Loretta Lively, Oak Hill, West Virginia, as a member of the Fayette County Library Board of Directors had expired June 30, 1985 and it appearing further that the Fayette County Library Board has recommended that she be reappointed, it is hereby now ordered that Mrs. Loretta Lively be appointed for a five year term to be effective August 1, 1985, said term expiring August 1, 1990.

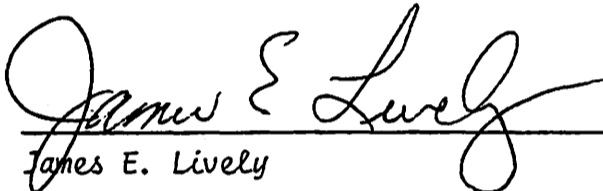
  
James E. Lively, President

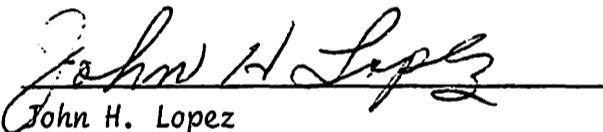
  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

PERMIT

Pursuant to Chapter 7, Article 1, Section 3a of the West Virginia Code, which, among other things, conveys to the counties the authority to treat streams to prevent floods, the Fayette County Commission does hereby grant permission for James Hostetter to enter Smithers Creek, located in Fayette County, to utilize the equipment necessary and in general to engage in those activities authorized by said statute in order to treat said stream to prevent flooding.

  
James E. Lively

  
John H. Lopez

  
John L. Witt

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, JULY 31st, 1985.

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

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

Z-286-85-2: On the County Commission's Own Motion, for a change in  
land classification from RR-1, Agricultural and Rural Residence  
District, to B-2, General Business District, on Lot 70, Section  
2, Whipple Subdivision, (Russell Workman's property), located  
on Route 15, Whipple, Valley District.

The County Commission was informed by the Zoning Officer that  
the Planning Commission did by an 8 - 0 vote recommend that this be  
approved. After a general discussion John Witt moved that this be  
approved as recommended by the Planning Commission. Motion was  
seconded by John Lopez and passed by a vote of 3 - 0.

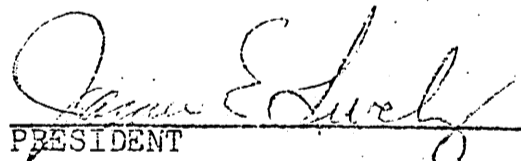
Z-287-85-1: Request of Fayette County National Bank, Owners, for a  
change in land classification from RR-1, Agricultural and Rural  
Residence District, to B-2, General Business District, on 6.498  
acres corner of Maple Lane and Corridor "L" (Maple Lane Sunoco)  
New Haven District.

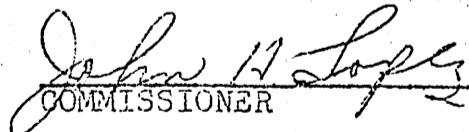
The County Commission was informed that the Planning Commission  
did by a 9 - 0 vote recommend that this request be denied. A group  
of 10 people appeared in opposition with Stanley Moore and Mrs. Fazio  
speaking against this request. After a general discussion a motion  
was made by John Lopez that this be denied as recommended. Motion  
was seconded by John Witt and passed by a vote of 3 - 0.

Z-288-85-1: Request of Richard L. Parker, Owner, for a change in  
land classification from R-R, Agricultural and Rural Residence  
District, to B-2, General Business District, on .212 acre,  
Laurel Creek (Old Bus Garage) located on Saturday Road, Ramsey,  
New Haven District.

The County Commission was informed by the Zoning Officer that  
the Planning Commission did by an 8 - 0 vote recommend that this be  
approved. After a general discussion a motion was made by John  
Lopez that this request be approved as recommended. Motion was  
seconded by John Witt and passed by a vote of 3 - 0.

THE FAYETTE COUNTY COMMISSION

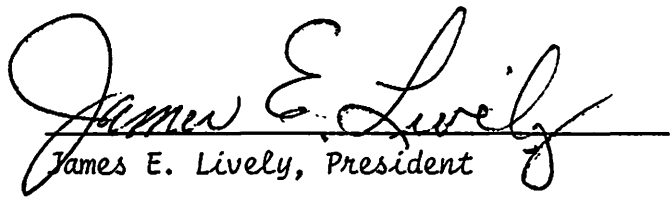
  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER

FAVETTE COUNTY COMMISSION

On this the 31st day of July, 1985, at a regular meeting of said Commission, consideration was given to the appointment of a new Commissioner for the Fayette County Planning Commission. After giving due consideration to the same it is hereby ordered that Elliott Meadows, of Fayetteville, West Virginia to be appointed to fill the vacancy, said term to expire August 1, 1988.

  
James E. Lively, President

  
John L. Witt, Commissioner

  
John H. Lopez, Commissioner



REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

May 29th, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively  
Mr. John H. Lopez  
Mr. John L. Witt

The Fayette County Commission met in regular session on the 29th of May. Appearing before the County Commission was Harry Coleman, Sr. and Harry Coleman, Jr. The two men had resigned from the Armstrong Public Service District. They appeared asking to be re-instated. The Commission approved for Harry Coleman, Jr. to fill unexpired term of Harry Coleman, Sr. Harry Coleman, Sr. to be re-appointed for Public Service District. Woodrow B. Walker is the other active Commissioner on the Armstrong Public Service District.

Mr. Witt ask Mr. Bragg to check the West Virginia State Code to see if advisable and legal to let Mr. Elliott Meadows owner of Foodland in New Haven District be appointed for the New Haven Public Service District. Mr. Meadows does not live in the district, but owns a business in the district.

Mr. Gary Harding from Zoning appeared before the Commission in reference to the following:

Z-283-85-1: Request of Norma June Butler, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, for the purpose of operating a private bar on .9 acre, W. C. Walker, Tract, State Route 20, Springdale, New Haven District.

The County Commission was informed by the Zoning Officer that this was a request to use an existing building which had previously been used for the same type of use, and that the Planning Commission did by a vote of 6-0 recommend that this be approved. A motion was made by John Lopez that this be approved as recommended by the Planning Commission. Motion was seconded by John Witt and passed by a vote of 3-0.

Z-284-85-1: Request of James W. Ellis, Owner, for a change in land classification form R-R, Agricultural and Rural Residence District, to B-2, General Business District, on Lots 78 and 79, New River Subdivision 3, Route 16, near Mt. Hope, Plateau District.

The County Commission was informed that this was a request to build an automotive repair garage at Price Hill across the road from the County Line beer joint and that the adjoining property owners were notified. The Planning

Commission did recommend that this request be approved by a vote of 7-0. Mr. Lopez made a motion that this request be approved as recommended by the Planning Commission. Motion was seconded by Mr. Witt and passed by a vote of 3-0.

Rusty Workman from Scarbro appeared before the Commission once again to ask that they send his proposal back to Zoning. The Commission advised Mr. Workman they would send back to zoning and that he would have to re-advertise and run a new ad and find out about the opposition that might be there. Then it will be sent back before the Commission.

Nora Cales of Beards Fork Community Project appeared before the Commission asking for donation of monetary factor or what ever for play ground area that the church will let the children use. The Commission advised Ms. Cales that they would have to be chartered and then once they are legally organized that the Commission would look into the matter again.

Mike Mahaney, representing the Fayette Humane Society, appeared before the Commission asking for money. They made motion that if the money not available, then they could use a extra helper, such as Mr. Blake the dog catcher, his helper as a full time employ at the shelter. They stated that they could possibly extend hours at the shelter and he would be able to help to and take care of phone and pick up service. They stated they would answer the request at the next meeting. Mr. Witt ask if dogs are picked up in the Town of Fayetteville. Mr. Lively stated they have had negative reports.

Carl Gainer, Jr appeared before the Commission asking about the donation that he had requested from the Commission for new buses for Fayette County. The Commission approved the money requested for the three new buses. The amount \$3,129,90. Money needed by June 7, 1985.

The Commission was invited to open house at F. M. R. S. for the 29th of May.

Bids were received on radio equipment for the Sheriff Department. The bid from Motorola was \$2,232.00. This was state bid price. Bid accepted.

The Commission approved \$495.00 for Judge Summerfield for Word Processor that is the difference that the state will pay.

The Commission approved the acceptance of letter of resignation of Dr. D. C. Newell, Jr. as a board member of Fayette County Health Department.

The Commission approved the appointment of Dr. D. C. Newell, Jr. as a Fayette County Health Officer.

Mr. Carl Harris, Attorney appeared before the Commission for the appointment of Committee for Bessie G. Fox.

This cause came to be heard on the 29th day of May, 1985, upon the petition of James Fox and Diane Walker to have Diane Walker appointed as Committee for Bessie G. Fox, the Petitioners appearing in person and by their counsel, and the respondent, Bessie G. Fox unable to appear, by her guardian ad litem, Dwane Tinsley, upon notice duly served upon the said Bessie G. Fox and upon affidavit of all of her next of kin that a committee should be appointed for her.

The Commission received into evidence the affidavit of Dr. I. F. Salon, which affidavit stated that Bessie G. Fox was unable to manage her business affairs and unable to care for her physical well being. It was the finding of the Committee Commission that the said Bessie G. Fox was unable to manage her business affairs and unable to care for her physical well being, and therefore, is incompetent and that the said Diane Walker should be appointed as Committee for the said Bessie G. Fox. Therefore it is the ORDER of this Commission that Diane Walker be and she is hereby appointed Committee for Bessie G. Fox. Bond posted in the amount of \$10,000.00.

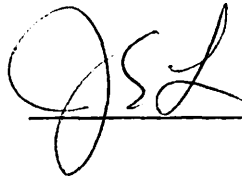
T. E. Myles appeared before the Commission asking that the Sheriff of Fayette Adam Toney, be appointed Committee for Alice N. Lanier, an Incompetent Person. On the 29th day of May, 1985, Cora Benton and said counsel presented to the Commission leave to file the Petition of Cora Benton wherein she seeks to have Adam Toney, Sheriff of Fayette County, W. Va. appointed as Committee for Alicen N. Lanier. The Commission examined the said Petition, the medical report of Dr. S. L. Bembalkar and the affidavit of Paul Thompson, and it is ordered by the Commission that said documents be and they are each now hereby filed. It appearing to the Commission proper to do so, ORDERED that Adam Toney, Sheriff of Fayette County, shall be and he is hereby appointed Committee for Aliace N. Lanier and isasmuch as he is the present Sheriff of Fayette County, he need not post bond as such Committee.

T. E. Myles, Attorney also appeared for the Appointment of Keith D. Kelley as Committee for Carmel S. Kelley an incompetent person. A letter from Dr. A. B. Villanueva to the effect that Carmel S. Kelley has been a resident in Pinecrest Hospital, Nursing Home Section, since April 3, 1979, and that said Carmel S. Kelley is unable to manage his business affairs and is unable to care for his physical well-being, and further to the effect that Carmel S. Kelley has been mentally retarded since birth. It is ordered that Keith D. Kelley shall be and he is hereby appointed as Committee for Carmel S. Kelley. Bond posted in the amount of \$5,000.00.

Andy Keenan Lawyer, appearing for Committee appointment of the person and estate of Mattie Scott. Guardian ad litem, Dwane L. Tinsley, an Attorney at Law and hearing the sworn testimony of James Allen Weatherby, the Petitioner, attesting to the condition of the said Mattie Scott and received in evidence a written certification from Serafina S. Maducoc, Jr., M.D. the physician of Mattie Scott, in his opinion, she is unable to care for herself and to manage her business affairs. and to care for her physical being. It is ORDERED of this Commission that James Allen Weatherby, be, and he is appointed committee for Mattie Scott. Bond posted in the amount of \$25,000.00.

All bills presented to the Commission were approved to be paid and payroll approved. Meeting adjourned.

The next Commission meeting will be on June 5, 1985.



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MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, MAY 29th, 1985.

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

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

Z-283-85-1: Request of Norma June Butler, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, for the purpose of operating a private bar on .9 acre, W. C. Walker Tract, State Route 20, Springdale, New Haven District.

The County Commission was informed by the Zoning Officer that this was a request to use an existing building which had previously been used for the same type of use, and that the Planning Commission did by a vote of 6 - 0 recommend that this be approved. A motion was made by John Lopez that this be approved as recommended by the Planning Commission. Motion was seconded by John Witt and passed by a vote of 3 - 0.

Z-284-85-1: Request of James W. Ellis, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on Lots 78 and 79, New River Subdivision 3, Route 16, near Mt. Hope, Plateau District.

The County Commission was informed that this was a request to build an automotive repair garage at Price Hill across the road from the County Line beer joint and that the adjoining property owners were notified. The Planning /Commission did recommend that this request be approved by a vote of 7 - 0. Mr. Lopez made a motion that this request be approved as recommended by the Planning

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

June 5, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: James E. Lively, President  
John H. Lopez, Commissioner  
John L. Witt, Commissioner

Appearing before the Commission on the 5th of June, 1985 at a regular meeting of the Commission came T. E. Myles, Attorney. This was for the purpose of the adoption of a resolution. Presented by Mr. Myles was Paige Woolridge, Attorney from Bluefield. Mr. Woolridge is Resident Vice-President of Norfolk Southern Corporation. This was a resolution asking for the endorsing of the sale of Conrail to Norfolk Southern Corporation and urging the Congress of the United States to pass legislation to carry out the sale. This was approved by the Commission 3-0.

Chief Deputy Allen Workman presented the monthly report on the vehicles to the Commission.

John David appeared along with Mr. Lang on the proposal of the Page-Kincaid Public Service District for the sewage system. They need \$100,000 for the project. The Commission approved \$25,000 for 85-86 and \$25,000 for 86-87, contingent upon Revenue Sharing.

Jim Keenan, Lawyer, appeared with Garbage Haulers asking for progress on Transfer Stations and to ask if the Commission is fully committed to the proposal. The Commission stated yes, they are committed unless other sources can convince this will not work. They are seeking proposal sites now. Mr. Lively stated that they have overwhelming support for the transfer stations. A public meeting will be held on July 11, 1985 at 7:30 P. M. in the courtroom.

Bob Wardrep and Joe Campbell - from the Ames-Lansing Public Service District appeared before the Commission. This was to ask the Commission to allow Ames to go back in the the district. Mr. Lively advised that they would have to present new boundary maps and the public service district would have the engineers to do this, and then they should appear before the Commission and they would take this into consideration.

Mr. Bragg was directed by Commissioner John Witt to make application for certification of the Keep America Beautiful, Inc. program.

The following reports were received by the Commission. 7-17-17 Annual reports by county officers of expenditures for assistants, deputies and employees.

Each county official named in this article shall, on the first day of June of each year, file with the County Clerk (county commission) and with the State

tax commissioner, an itemized sworn statement of the amount expended by him, including compensation, emoluments and other outlay of money or thing of value for the twelve months last preceding the time of filing the report, for the services of all his assistants, deputies and employees (1915, c.83 and 19; Code 1923, C137, and 51; 1945, c31; 1971, c.23; 1972, c 21.)

Mr. Slim Orndorff appeared before the Commission concerned about Revenue Sharing and Valley Ambulance Service. Mr. Lively advised Mr. Orndorff to ask all the people in his area to write to Senator and Congressman for support to keep revenue sharing.

Mr. Clarence Toney from Danese appeared before the Commission asking for compensation of a sow pig that was killed by dogs. Mr. Lively stated to Mr. Toney that the only way that they could pay him for the sow was out of dog taxes collected and that this was in the red and no money could be taken out of any other source, as this is state law. Mr. Lively and the Commission suggested Magistrate Court to Mr. Toney.

Mr. Mahaney from the Fayette Humane Society appeared before the Commission and Mr. Lively advised Mr. Mahaney they would make a decision about the extra helper that afternoon and would notify the Humane Society of the decision.

The Commission approved the County depositories for the Fiscal Year beginning July 1, 1985. Therefore, it is ordered that the following Incorporated Banking Institutions in the County of Fayette be and they are hereby designated as Depositories of Public Monies of the said County of Fayette.

Fayette County National Bank	Fayetteville, West Virginia
Merchants and Miners National Bank	Oak Hill, West Virginia
Bank of Mount Hope	Mt. Hope, West Virginia
New River Banking and Trust	Oak Hill, West Virginia
Montgomery National Bank	Montgomery, West Virginia
Merchants National Bank	Montgomery, West Virginia
Gauley National Bank	Gauley Bridge, West Virginia

Letter was received from Baker and Watts and Co. Investments Bankers from Charles Steele, V. P., subject- status of 1984 Mortgage REvenue Bond Program.

A letter was received from The Home Insurance Company regarding the following:

A: Assd. Co. Comm of Fayette County

B: File : 183-F-634-722

C: D/O: 8/1/84

D: Policy No: IST 896603

E: Vandalism of the 955 Caterpillar end loader, the theft of the 40x40 prefab building and the broken windshield of the 1974 Dump Truck  
The insurance company advised that have no coverage of the above named losses.

Approved was the bill in the amount of \$1500.00 for Larry Losch for cases # 83-F40 #84-F105 - Dave Brown and Leland Dempsey

William L. Caliborne, M. D. Health Officer for Fayette County submitted his resignation to the Dayette County Board of Health on May 15, 1985 at the regular meeting of the Board.

Letter was received from Dr. Donald C. Newell, Jr. D. O. that he would accept the position of part time Health Officier for Fayette County. This effective June 4, 1985.

A letter was received asking for signature for securing the replacement of Police Professional Liability from Mountain State Insurance Agency, Inc.

A report was submitted to the Commission from the county dog catcher showing the amount of dogs picked up during the month of May.

Funds that have been previously approved for Minden Recreation Association shall be for the utilization for landscaping and site preparation for play ground.

Approval pursuant to public hearing held by County Commission for budget regarding budget provisions said budget revision was approved and forwarded to the state tax commission.

Letter was received from Fayette Humane Society stating that they had met with Herb Niday, the Town Manager of Fayetteville to discuss any complaints concerning the service the Humane Society gives to the Town of Fayetteville. Roxalana B. Jesser stated that they are proud of their service, proud of their program, and bad publicity they do not need. They hope that the Commission will give every consideration in helping keep the county's first animal shelter on its feet and in being able to provide better services in the future.

On this the 5th day of June, 1985, the Fayette County Commission meeting in a regular session and acting pursuant to statute and revised Rule 19 of the Administrative Rules for West Virginia Magistrate Courts does hereby order the sum of \$37,500 for the fiscal year 1984-85 to be transferred from the Magistrate Court Fund to Fayette County General Fund.

A letter was sent to Mr. John Keith c/o Dictaphone Co. requesting that the credit due (\$699.60) on invoice # M728999 please be remitted by check.

A letter was sent to Mr. Alan Ledford stating that due to certain problems and complaints which have surfaced regarding the overall janitorial service for the Courthouse and ancillary building, the Fayette County Commission has decided

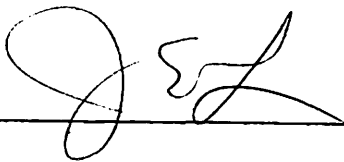


to alter and reassign the responsibility for these services. The Commission informed Mr. Ledford that his services as part-time janitor would be discontinued effective July 1, 1985. This letter was signed by Mr. Lively and Mr. Lopez.

A letter was sent to Harold Bragg, Chairman of White Oak Public Service District to confirm that the Fayette County Commission has budgeted \$17,500.00 within the fiscal year 85-86 levy order for the White Oak Public Service District improvement project and to match grant funds which the Public Service District may receive from the State.

On this the 5th day of June, 1985, came the petitioner, Kathleen Shyblosky, who is seeking to be appointed Committee for Ruth M. Wood, and asked that her petition be filed; that a guardian ad litem be appointed; that the matter be set for a hearing; and for such other relief as to the Commission shall appear appropriate. The Commission does hereby ORDER the petition filed; that Carl Harris be appointed as guardian ad litem; that the matter be set for a hearing on Wednesday, June 26, 1985 at 10:00 A. M. Signed by James E. Lively, John H. Lopez, John L. Witt. Doug Mooney, Attorney

All bills presented to the Commission were approved to be paid. Next meeting will be held June 14th for payroll.



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ADD: Mr. Lopez recommended to the Commission that they pay expenses for mileage and meals for the Correctional Officers Civil Service Commission. The Commission agreed to pay the expenses.

REGULAR MEETING OF THE FAYETTE COUNTY COMMISSION

June 14th, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

A letter was sent to the Governor's Office of Economic & Community Development, Re: Mossy Public Service District, stating that had been in communication with Mr. Dan Warner of Appalachian Usher & Milam, Inc., who has contacted FmHA and the Public Service Commission to resolve problems of the district. Mr. T. E. Myles, attorney for the district, also has been attempting to raise matching funds to eliminate the district's deficit. The Fayette County Commission has committed \$20,000 in addition to the grant. The Fayette County Commission would like to formally request an extension of the Partnership contract that now expires June 30.

Granting a request of June 13, 1985, the Fayette County Commission meeting on June 14, agreed to issue Ansted Certified Fire Department, Inc., the Fiscal Year 1985-86 quarterly Fire Levy Checks for equipment capital outlay (total annual appropriation --\$25,000.00) payable jointly to the Ansted Certified Fire Department, Inc. and the National Bank of Ansted. This was signed by all three members of the Commission.

Mr. Pete Lang, Commissioner of Page-Kincaid Public Service District was sent a letter stating that the Fayette County Commission had appropriated \$25,000 in Fiscal Year 1985-86 and \$25,000 in Fiscal Year 1986-87 (the 1986-87 appropriation is contingent upon the renewal of revenue sharing appropriations) for the construction of the Page-Kincaid sewage system.

The 14th day of June, 1985, the Fayette County Commission met in a regularly called session and acting pursuant to Chapter 8, Article 32, Section 1 of the West Virginia Code, does hereby order that a sum not to exceed \$3,500.00 be made available to the Minden Community Development and Recreation Association, a non-profit corporation, for the sole purpose of developing and constructing a playground and recreation area in the unincorporated community of Minden.

A letter also enclosing copies of a form of proposed inducement resolution as received from Baker, Watts & Company to confirm the appointment set up for Wednesday, June 26, 1985, for discussion of 1985 mortgage revenue bond issue. Baker, Watts & Co. will be represented at the meeting by a representative of the

law firm of Goodwin & Goodwin. This was approved and referred to the Prosecuting Attorney for review.

The Commission signed a resolution endorsing the sale of Conrail to Norfolk Southern Corporation and urging the Congress of the United States to pass legislation to carry out the sale.

The Commission approved the purchase of Power Shred in the amount of \$3,595.00 from Dayton Legal Blank. This was approved and signed.

A copy of agreement for Xerox Demonstrator was approved and signed for the Prosecuting Attorney's Office.

The Commission approved the current annual salary, years of service, and increment pay by the Sheriff's Department. Sheriff Toney and Chief-Deputy Allen Workman appeared before the Commission.

The Commission approved the purchase from Dictaphone Corporation for the Prosecuting Attorney's Office in the amount of \$3,157.41.

The Commission was presented with a resolution from the Health Department. This resolution was unanimously adopted by the Board of Health for the Fayette County Health Department, on the 15th day of May, 1985, after the death of William H. Miller.

The Commission received a copy of the Public Officials and Employees Legal Liability Policy from Mountain State Insurance Agency, Inc.

A letter was received from Retired Senior Volunteer Program, Evelyn O'Dell Director. This was a sample letter regarding waiver for Nicholas County Community Action Association to apply for a grant for the RSVP to operate in our county. Ms. O'Dell also requested an estimate of funding they would need for FY 85/86. They requested \$1,500.00 for each county to be able to keep the secretary/bookkeeper.

The Commission approved the statement received from Lois Crites, Court Reporter, sent by Keenan, Gallaher & Keenan, Attorney at Law, in RE: Mental Hygiene Commitment Proceeding Expenses Fayette County Commission. The amount requested was \$45.00. This was approved by the Commission.

The Commission approved in the amount of \$300.00 for in-service training seminar that was attended by Richard Bragg, Dan Neely, Robert Reynolds, Irene Long, W. R. "Cabby" Bennett, Rick Pannell, to the State Tax Commissioner for registration fee. This was approved to be paid.

Letter was received from Kanawha Valley Bank na was approved by the Commission. The Commission took under consideration letter received from Luther Ramsey,

of Fayetteville, for the request of a Royal Manual long carriage typewriter, which is surplus property in the office of the Assessor. Mr. Ramsey requested to buy this for the amount of \$20.00. This purchase was to use to make church bulletins. The Commission stated they could not sell the excess property to any individual. They will publish in the paper when they have excess supply of property to get rid of and will auction off at a public auction. The Commission noted they could not sell used equipment to county employees or spouses.

The Commission received the landfill inspection report submitted by the State Department of Natural Resources.

The Commission received Keep America Beautiful, Inc. application to be filled out.

The Commission signed the resolution to apply for Community Development Block Grant for Page-Kincaid.

The Commission filled the following vacant positions on the Fayette County Health Department for the Board of Health. Mr. Charles D. Bowling, of Montgomery, to be effective July 1, Glendon Riner, effective July 1, Fredrick Rick Rutledge effective immediately.

Mr. Bragg informed the Commission of the necessity of bids-proposal for architect services regarding the proposal for Magistrate Building and (Courtroom Circuit Clerk).

Steve Cruikshanks appeared before the Commission advising of the Hazardous Material Seminar.

Representative from the Fayette, Monroe, Raleigh, Summers, Mental Health Council, appeared before the Commission stating of the work that the fire marshall states needed to be done on the building in Fayetteville. They requested the use of the Memorial Building and the Commission approved this request. Mr. Charles Weatherford appeared on behalf of the FMRS.

The Commission approved the bidding procedure and preparation of specks for County Insurance.

The Commission received and approved the budget statement presented.

Richard Bragg advised the Commission that there may be ligation of the proposed transfer stations-regarding pro-transfer station system.

The Commission approved the purchase of 3 air conditioners.

Richard Bragg advised the Commission that the part-time janitor in the Prosecuting Attorney's office should be made permanent position. The Commission advised that the Prosecuting Attorney should recommend that this needs to be done.

The Sheriff, Adam Toney, showed the Commission a copy of the resignations from Dave Bown and Leland Dempsey that was given in 1983 under Sheriff Jack Manning.

The Commission advised Mr. Bragg to set up a meeting with Donald Stark, to proceed, for a building, free standing, magistrate first floor, probation and zoning, second floor.

Mr. John Lopez ask the Commission about the use of the shelters at the 4-H Camp Park. Mr. Lopez states he thinks the people of Fayette County, who are tax payers, should have first choice as to which shelter they get to use. Mr. Lopez also ask that they be changed from shelter #4 to shelter #1 for his church group, as they are county people and have paid the \$50.00 deposit. The Commission decide that should be put in to new park rules as follows:  
add: In county group with 30 day notice may switch shelters or have preference over out of county groups with 30 day notice.

Fayette County Park rules were submitted as follows:

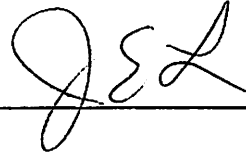
1. Violation of rules may result in dismissal from pool or revocation of pass.
2. Pass usage may be restricted pending size of crowd.
3. Children in wading pool must be accompanied by an adult.
4. Mandatory showers.
5. No cut-off jeans, trousers or diapers.
6. No eating, drinking, dipping or smoking in pool areas--in picnic area only.
7. No street clothes, shoes, picnic baskets or coolers.
8. No running, horseplay or pushing people into pools.
9. Children ten (10) years of age and unde shall be attended by an adult while at the Fayette County Park.

#### PARK RULES

1. Hours: 8:00 A. M. -- 9:00 P. M.
2. Trash and garbage to be disposed of and area cleaned before leaving
3. No beer or intoxicating beverages allowed on park premises.
4. No pets.
5. No electronic amplification of voice or musical instruments.
6. No soliciting.

It will be the responsibility of each group to enforce rules among its members.

There being no further business to come before the Commission the meeting was adjourned. The next meeting will be held on June 26, 1985.

  
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REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

June 26, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively  
Mr. John L. Witt

*The Fayette County Commission met in regular session on June 26, 1985.*

*The Commission heard committee appointment for the following:*

*Lee Jones, Mr. Steve Vickers, Lawyer*

*O'Dell White, Mr. Wayne Tinsley, Lawyer*

*Kathleen Shyblosky, Doug Mooney, Lawyer*

*Mr. Menear, T. E. Myles, Lawyer*

*Department of Human Services - Lena Calloway vx George Calloway, Gene Carte, Attorney*

*Copies of order and proceedings attached to back of minutes.*

*Mr. John Farley, from Layland approached the Commission asking for a donation to help with the baseball teams at Layland. He stated that they need \$2,300.00 for outstanding debts for equipment. Mr. Lively advised Mr. Farley they need to organize a non-profit organization and then they would have to be chartered and the Commission could take this under consideration then.*

*Herb Mann the Circuit Clerk came before the Commission about the extra room he needs for his office. Mr. Mann stated that he needs a large number of filing cabinets with the Magistrate records removed and that he needs part-time summer help, that the work load for July is very heavy and also the workers will be taking vacations. The Commission advised Mr. Mann that they would come up and look over the situation for the files and advise as to what they could do. They also told him they would talk over the matter of part-time help and advise him.*

*Adam Toney, the sheriff appeared before the Commission pertaining to his budget. Mr. Toney ask that Randolph Epperly be permitted to apply for pistol license as he has to take and carry money to the banks. The Commission approved of this move. The Sheriff also brought to the attention to the Commission that the county dog tax fund is in the red. The sheriff also noted a problem that seems to be with the telephone system. He stated they have received complaints from people who say they cannot get a line into the courthouse. Mr. Lively says they will have the system checked and talk with the phone company. The sheriff also made a complaint about the janitorial service and maintenance of the tax office. He stated that the people from the public have been voicing complaints about how dirty the windows and ledges and the office appears. Mr. Lively told the sheriff that a new janitor has been hired and she would start in the tax office next.*

The Commission agreed to accept Sheriff Toney's budget statement which included transfer for Randolph Epperly, compensation and fringe benefits for additional employee and increase necessary to implement the salary increment that legislation adopted for deputy sheriffs. This amount to \$125.00 a month, per deputy for pay raise.

The Commission directed Mr. Bragg to present the depository bonds as received and give to the Prosecuting Attorney for his review. Thus far at this date only one had been received and that was from New River Banking and Trust.

Howard Janney, County Clerk, ask the Commission for extra money for employee for part time work and his personal line items. He ask for the amount of \$7,500.00. This is due to the necessity of providing help for Fayette County Correctional Officers Civil Service and Fayette County Deputy Sheriff Civil Service.

The Commission has decided to combine the county dog catcher with the Fayette Humane Society. This will send all calls to the Humane Society and Mr. Blake and his helper will work from the shelter starting at 8:00 A. M. each day and will eliminate the calls to Mr. Blake's house. This will go into effect by the 15th of July.

The Sheriff presented the Commission a letter requesting the 5 additional deputies be put in his budget.

Mrs. Taylor representing Multi-Cap, came back and ask the Commission if they had come to a decision as to whether or not they would accept their organization into the area. The Commission advised Ms. Taylor that they would not endorse Multi-Cap, as there are volunteers and groups in the county now providing the same services that Multi-Cap offers and the Commission would continue to work with them. Mr. Lively suggested that Multi-Cap designate the valley area and come back before the Commission for further consideration.

Ms. Pomeroy and Ms. Richmond from Meadow Bridge appeared before the Commission with a request for money to help them put a library in a trailer that is owned by Meadow Bridge. Mr. Lively advised they should contact Jane Hughes from the library commission for Fayette County.

Nora Coles, Charlene Newker, from Beards Fork Community appeared before the Commission in reference to previous request for Playground equipment to be put on the church lot to help with making a playground for the kids. Mr. Lively once again told them they must require use of the property by letter or written form from the church, and they should then get a charter from the State. After this the Commission could possibly help.



A representative from Baker-Watts, appeared before the Commission. This was to give status report for 84 & discussion plan for 85, Single Family-Resolution Bonds. Goodwin and Goodwin is the Bond council. The representative was Mr. Richard Owen.

The Commission also met with Mr. Donald Stark, Architect, from Beckley to discuss plans about the magistrate building and the other offices that they hope to put in the building also. Nothing definite has been decided.

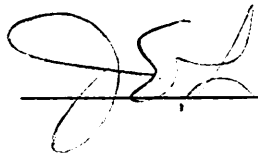
Mr. Gary Harding from Zoning appeared and the Commission approved the Zoning Board's recommendation. Copy attached to back of minutes.

There being no further business to come before the Commission the meeting was adjourned with no meeting to be held on July 3, 1985, but next meeting to be held on July 15, 1985. Payroll and all bills approved.

ADD: A space was located at the jail for the files that the Circuit Clerk requested to be moved from his office. These were magistrate files and Mr. Mann and Chief Deputy Workman were to work together on getting these moved. No decision was made on part time help.

The next meeting will be held on July 31, 1985.

A letter and information was received from the Secretary of the Treasury in regard to the access to the handicap. No action was taken on the matter and a copy is attached to back of minutes.



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OFFICE OF THE SECRETARY OF THE TREASURY

OFFICE OF REVENUE SHARING  
2401 E STREET, N.W.  
COLUMBIA PLAZA HIGHRISE  
WASHINGTON, D.C. 20226

JUN 10 1985

Dear Mr. Lively:

The Office of Revenue Sharing has received a complaint which alleges entitlement funds have been used by your government in a manner in violation of 31 U.S.C. 6716 (formerly 31 U.S.C. 1242(a) and Section 122(a) of the State and Local Fiscal Assistance Act of 1972, as amended). In accordance with Section 51.62(b) of our Regulations, I am notifying you of this complaint. This letter does not constitute a notice of noncompliance.

~~X~~ Specifically, it is alleged that the Fayette County, West Virginia Courthouse is inaccessible to the handicapped because the building lacks a ramp, designated parking spaces and accessible restroom facilities.

The Act, 31, U.S.C. 6716(a)-(c) provides as follows:

(a) No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a State government or unit of general local government because of race, color, national origin, or sex when the government receives a payment under this chapter.

(b) The following prohibitions and exemptions also apply to a program or activity of a State government or unit of general local government when the government receives a payment under this chapter:

(1) a prohibition against discrimination because of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et. seq.).

(2) a prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(3) a prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) or Title VIII of the Act of April 11, 1968 (known as the Civil Rights Act of 1968) (42 U.S.C. 3601 et seq.).

(c)(1) Subsections (a) and (b) of this section do not apply when the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity.

(2) Subsection (b)(2) of this section does not apply to construction projects begun before January 1, 1977.

If you choose to claim exemption from the nondiscrimination provisions of the Act based on one or both of the above-referenced bases, please send any evidence to support your claim to our Office for review and evaluation as soon as possible. The evidence to support your claim must relate to this complaint. The absence of acceptable evidence for one or both of these exemptions will result in an investigation by the Office of Revenue Sharing of the allegation.

Please note that if you offer Revenue Sharing funded programs and activities in inaccessible buildings that are of pre-1977 construction, you must nevertheless ensure that the funded programs and activities are accessible to the public.

This Office will notify you when an investigation is going to commence. At that time, a staff member will contact you to discuss the allegation and to initiate the processing of this complaint. As a part of our investigation, we will review your compliance with the administrative requirements of the regulations as they pertain to handicap discrimination. The requirements specifically mandate that you:

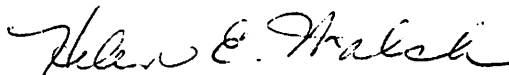
- ° prepare a self-evaluation of all programs, activities, policies and practices to determine areas of non-compliance with handicapped discrimination regulations; and
- ° prepare, if necessary, a transition plan describing how structural changes will be made no later than October 17, 1986 to provide access to Revenue Sharing funded programs and activities.

If your government annually receives \$25,000 or more in Revenue Sharing funds, you must:

- maintain and make available to the public for three years the file of information gathered during the self-evaluation/transition plan process;
- ensure and document that initial notification has been made to the public respecting your policy against handicapped discrimination;
- designate an individual responsible to coordinate compliance with the handicapped discrimination regulations; and
- adopt and implement a grievance procedure that ensures prompt and equitable review of handicapped-discrimination complaints.

Please feel free to contact Ms. Sue Jackson, Branch Chief, to discuss this complaint. We appreciate your cooperation.

Sincerely,



*for* Michael F. Hill  
Director

Mr. James E. Lively  
President, County Commissioners  
Fayette County  
Courthouse  
Fayetteville, West Virginia 25840

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

RE: THE PETITION OF HENRY L. MINEAR TO BE  
APPOINTED AS COMMITTEE FOR HIS SON,  
LESTER LYNN MINEAR

On this the 26th day of June, 1985, came Henry L. Minear in person and by T. E. Myles, his attorney, and counsel for the said Henry L. Minear presented to the Commission and asked leave to file the petition of Henry L. Minear wherein he seeks to be appointed Committee for his son, Lester Lynn Minear. Counsel for the petitioner further presented to the Commission and asked leave to file the affidavit of Dr. V. Gajendragadkar Subhash and copies of the return of service of the Sheriff of Fayette County, West Virginia, indicating that a copy of the petition herein and notice of this hearing has been duly served upon Michael E. Minear, Steven Earl Minear, and Patricia A. Kenney, they being the brothers and sister of Lester Lynn Minear and his nearest next of kin except his father, Henry L. Minear, the petitioner herein.

Whereupon the Commission examined the said petition, the aforementioned affidavit and the Sheriff's return of Service, and a copy of the petition and notice herein duly served upon the said Lester Lynn Minear in person, and it is ORDERED by the Commission that said documents be and they are hereby ordered filed.

Thereupon the Commission heard the evidence adduced on behalf of the petitioner, and from said evidence the Commission doth find that Lester Lynn Minear is 32 years of age, is wholly incapable of managing his financial affairs or caring for his personal needs; and that he cannot count money nor bathe himself without assistance.

It appearing to the Commission proper so to do, it is ORDERED that Henry L. Minear shall be and he is hereby appointed Committee for Lester Lynn Minear; however, before being appointed as such Committee he shall designate to this Commission three appraisers to appraise the Estate of Lester Lynn Minear, and he

shall post bond in the penalty of \$ 1,000.<sup>00</sup> with surety to be approved by the Clerk of this Commission and take the necessary oath to be appointed as such Committee.

Thereupon the said Henry L. Minear appeared before the Clerk of this Commission and designated Earl Goddard, Joe McClung and Jack Crookshanks, of Rt. 2, Rainelle, West Virginia, to appraise the Estate of Lester Lynn Minear, and the said Henry L. Minear executed and entered into a bond in the penalty of \$ 1,000.<sup>00</sup> with Lois Minear as surety on said bond, which bond was approved by the Clerk of this Commission, and it is ORDERED that the appointment of Henry L. Minear as Committee for Lester Lynn Minear is hereby perfected and is in full force and effect.

Dated this the 26th day of June, 1985.

James E. Lively  
President

John L. Witt  
Commissioner

\_\_\_\_\_  
Commissioner

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA  
IN RE: COMMITTEE APPOINTMENT FOR RUTH M. WOOD

O R D E R

This cause came on to be heard this the 26th day of June, 1985, upon the verified petition of Kathleen Shyblosky, appearing in person, and by Philip D. Mooney, her attorney; upon proper notice heretofore duly and legally served upon the respondent; the respondent not appearing either in person or by counsel; notice also having been served on all of the children of Ruth M. Wood; the said Ruth M. Wood being represented by Carl Harris, guardian ad litem.

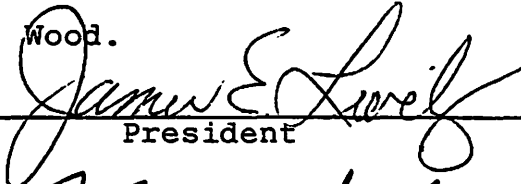
It appearing that proper notice to respondent has been duly served, as specified by statute, there were tendered and filed statements, in writing, of two physicians to the effect that the respondent was not competent to manage her business, financial and legal affairs.

The Commission, having heard the testimony of the petitioner, Kathleen Shyblosky, the affidavit of the children of Ruth M. Wood, and having reviewed the physicians' statements above mentioned, and upon consideration of all of which, it is the JUDGMENT of the Commission that the said Ruth M. Wood is unable to manage her business, financial and legal affairs and is, therefore, mentally incompetent.

It is ORDERED that Kathleen Shybosky is to serve as Committee for Ruth M. Wood, an incompetent, and to post a surety bond in the amount of \$20,000.00.

Mava Whitlock, Rhonda Hayhurst, and Donna Hughes are appointed as appraisers. The matter is referred to Philip J. Tissue, fiduciary commissioner.

Kathleen Shybosky is authorized to expend funds and to do all things necessary and proper for the care, maintenance, and welfare of the said Ruth M. Wood.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

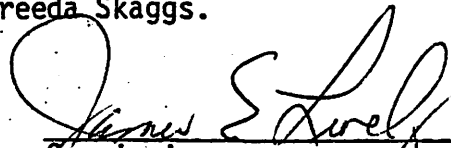


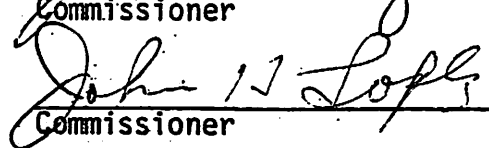
IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA.


IN RE: Petition of Lee Jones  
to be made committee for  
Freeda Skaggs, an incompetent

O R D E R


This matter came on for hearing this 26 day of June, 1985, the petitioner appearing in person and by his counsel, Steve Vickers, and upon evidence taken before the Court, upon an Answer of Gene Carte, Guardian Ad Litem for Freeda Skaggs, upon the written evidence by way of letter of John R. Repaire, M.D., stating that he is the personal physician of Freeda Skaggs and that she is in need of a Committee to manage her affairs, if Commission does find that Freeda Skaggs is mentally incompetent, that her nearest living relatives were served with notice hereof, that she was properly served with notice of this proceeding, that she is in need of a Committee to manage her affairs and that Lee Jones, the petitioner herein is a logical person to do so. It is accordingly the ORDER and JUDGMENT of the Fayette County Commission that Lee Jones be and is hereby appointed Committee for Freeda Skaggs.

  
\_\_\_\_\_  
Commissioner

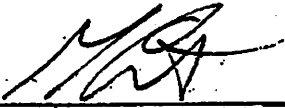
  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

Prepared by:

  
\_\_\_\_\_  
Steve Vickers  
P.O. Box 588  
Montgomery, WV 25136

Inspected and Approved by



Gene Carte, Guardian Ad Litem  
for Freeda Skaggs

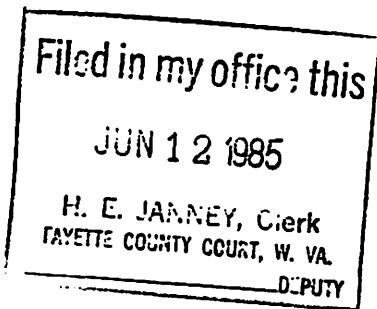
IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA


IN RE: Petition of Lee Jones  
to be made committee for  
Freeda Skaggs, an incompetent

O R D E R

Came this date the petitioner by his attorney, Steve Vickers, and tendered unto the County Commission a petition that he be named Committee for Freeda Skaggs, an alleged incompetent with whom he has resided. Gene Carte is hereby appointed Guardian Ad Litem for the aforesaid Freeda Skaggs, and ordered to make Answer herein. The Clerk is herewith ORDERED to file said petition and the matters therein shall be heard before this Commission on the 26 day of June, 1985, at 9:00 o'clock a.m., or soon thereafter as the matter may be heard at the Courthouse in Fayetteville, West Virginia.

Entered this \_\_\_\_ day of June, 1985.

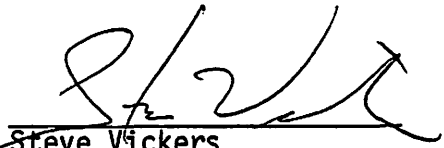


  
County Commissioner

County Commissioner

  
County Commissioner

Presented by:

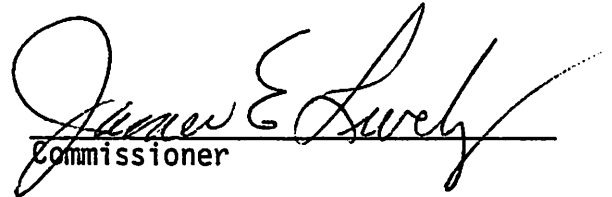
  
Steve Vickers  
P.O. Box 588  
Montgomery, West Virginia 25136  
Counsel for petitioner

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

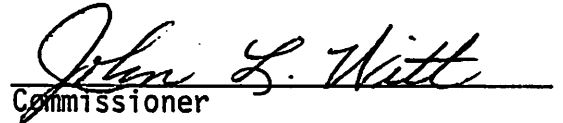
IN RE: Petition of Lee Jones  
to be made committee for  
Freeda Skaggs, an incompetent

O R D E R


This matter came on for hearing this 26 day of June, 1985, the petitioner appearing in person and by his counsel, Steve Vickers, and upon evidence taken before the Court, upon an Answer of Gene Carte, Guardian Ad Litem for Freeda Skaggs, upon the written evidence by way of a letter of John R. Repaire, M.D., stating that he is the personal physician of Freeda Skaggs and that she is in need of a Committee to manage her affairs, if Commission does find that Freeda Skaggs is mentally incompetent, that her nearest living relatives were served with notice hereof, that she was properly served with notice of this proceeding, that she is in need of a Committee to manage her affairs and that Lee Jones, the petitioner herein is a logical person to do so. Lee Jones is hereby further ORDERED to post bond with good security in the amount of \$ 5,000.00.

  
Commissioner

Commissioner

  
Commissioner

Prepared by:

  
Steve Vickers  
P.O. Box 588  
Montgomery, WV 25136

Inspected and Approved by:



Gene Carte, Guardian Ad Litem  
for Freeda Skaggs.

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

MOSE WHITE,

PETITIONER

VS:

O'DELL L. WHITE,

RESPONDENT

O R D E R

This cause came on to be heard this 26th day of June, 1985, upon the verified petition of Mose White, who appeared in person and by his attorney, Dwane L. Tinsley, upon notice duly served upon O'Dell L. White and Robert G. Lucas, David Lucas, and Frank Lucas, her sons. The said O'Dell L. White appeared by her guardian ad litem, C. Andy Keenan.

It appearing that proper notice had been served upon all parties, there was tendered and filed a certificate in writing and affidavit of Dr. Eleanor N. Navarro, that she had examined the said O'Dell L. White and that the said O'Dell L. White, in her opinion, is unable to manage her financial affairs and is unable to care for her physical well-being and is incompetent.

The court having heard the testimony of Mose White, the petitioner herein, the affidavit and sworn certificate of Dr. Eleanor N. Navarro, and the testimony of C. Andy Keenan, a

competent attorney, heretofore appointed as guardian ad litem for the said O'Dell L. White, and upon consideration of all of which it is the ORDER and JUDGMENT of the Commission that the said O'Dell L. White is unable to manage her business affairs and is unable to care for her physical well-being and she is, therefore, incompetent.

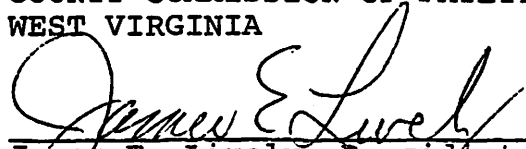
It is, therefore, ORDERED that Mose White be and he is hereby appointed Committee for O'Dell L. White, an incompetent. The said Committee also shall have full and complete authority to manage the business affairs of O'Dell L. White, including the selling of her real estate and the borrowing of money. The said Mose White, as Committee for such incompetent is given the care, custody and control of the said O'Dell L. White, she being physically unable to care for herself.

It is further ORDERED that the said Mose White shall post bond in the amount of \$ 5,000.00, with surety to be approved by the Clerk of this Commission. It is hereby ORDERED that the County Clerk shall refer this committeeship to a Commissioner of Accounts according to the laws regarding such appointment, George L. Vickers - Fiduciary Commissioner.

C. Andy Keenan is hereby awarded a fee of \$100.00 to be paid by the estate of O'Dell L. White.

WITNESS the following signatures this the 26th day of June, 1985.

COUNTY COMMISSION OF FAYETTE COUNTY,  
WEST VIRGINIA

  
James E. Lively, President

John H. Lopez, Commissioner

  
John L. Witt, Commissioner



IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

WEST VIRGINIA DEPARTMENT OF HUMAN  
SERVICES, ex rel KELLY ANN CALLOWAY,

PETITIONER

VS:

GEORGE CUSTER CALLOWAY,

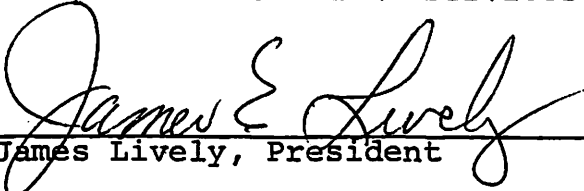
RESPONDENT


O R D E R

Pursuant to notice and motion appeared this date Gene Carte, Jr., Assistant Prosecuting Attorney, for the petitioner, and George Custer Calloway not appearing but James C. Blankenship III appearing pursuant to his notice as counsel and indicating to the Commission that he no longer represents the respondent.

And it appearing proper to do so pursuant to West Virginia Code § 44-4-7, that an accounting has not been made by respondent and therefore, it is ORDERED that George Custer Calloway be removed as guardian of Kelly Ann Calloway for his failure to render an accounting within the period allowed by statute.

Therefore, the guardianship of said ward shall revert temporarily to the West Virginia Department of Human Services.

  
James Lively, President

  
John Witt

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

WEST VIRGINIA DEPARTMENT OF HUMAN  
SERVICES, ex rel KELLY ANN CALLOWAY,

PETITIONER

VS:

GEORGE CUSTER CALLOWAY,

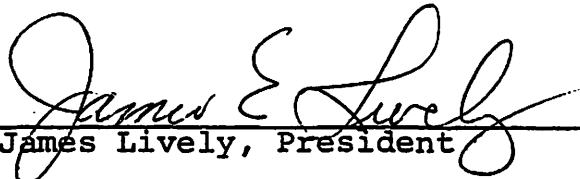
RESPONDENT


O R D E R

Pursuant to notice and motion appeared this date Gene Carte, Jr., Assistant Prosecuting Attorney, for the petitioner, and George Custer Calloway not appearing but James C. Blankenship III appearing pursuant to his notice as counsel and indicating to the Commission that he no longer represents the respondent.

And it appearing proper to do so pursuant to West Virginia Code § 44-4-7, that an accounting has not been made by respondent and therefore, it is ORDERED that George Custer Calloway be removed as guardian of Kelly Ann Calloway for his failure to render an accounting within the period allowed by statute.

Therefore, the guardianship of said ward shall revert temporarily to the West Virginia Department of Human Services.

  
James Lively, President

  
John Witt

MINUTES OF THE FAYETTE COUNTY COMMISSION AT A MEETING HELD ON  
WEDNESDAY, JUNE 26th, 1985.

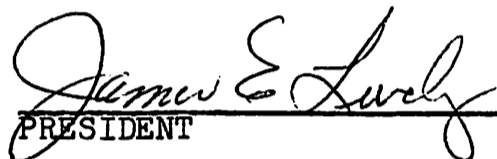
Present were: James E. Lively, President  
John L. Witt, Commissioner


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

Z-285-85-1: Request of William R. Bee, Owner, for a change in land  
classification from RR-1, Agricultural and Rural Residence  
District, to I-2, Heavy Industrial District, to operate a junk  
yard on Lot 7, Section 4, Elkridge Subdivision, Valley District.

The County Commission was informed by the Zoning Officer that  
there was no opposition and that the adjoining property owners had  
been notified by mail and that the Planning Commission did by an  
7 - 0 vote recommend that this request be approved. Motion was  
made by Mr. Witt that this request be approved as recommended and  
seconded by Mr. Lively. Motion passed by a vote of 2 - 0.

THE FAYETTE COUNTY COMMISSION

  
PRESIDENT

  
COMMISSIONER

SPECIAL SESSION OF FAYETTE COUNTY COMMISSION

FAYETTE COUNTY COURTHOUSE

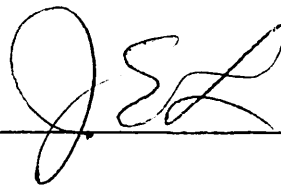
June 28th, 1985

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in special session on June 28, 1985. This was for the purpose of executing depository bonds. Those present were James E. Lively, President of Fayette County Commission, John L. Witt, Commissioner, Charles M. Vickers, Prosecuting Attorney, Richard W. Bragg, Administrator, Howard Janney, County Clerk. The Prosecuting Attorney informed the Commission that the bonds and pledges of securities were improper. The Commission approved the bonds and decided to further investigate the concerns of the Prosecuting Attorney at the next regular meeting.

All outstanding bills were approved and paid.



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SPECIAL SESSION OF FAYETTE COUNTY COMMISSION

July 29, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBER PRESENT: James E. Lively, President  
John L. Witt, Commissioner

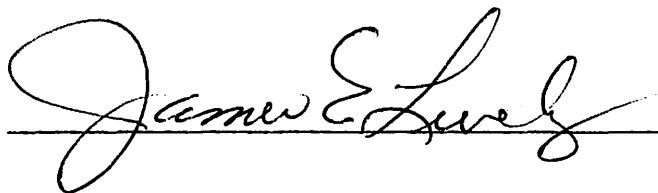
The Fayette County Commission met in special session on July 29, 1985 for the purpose of approving pay roll and to approve outstanding bills.

The Commission also approved City Development Block Grant. Ames Public Service District was approved as next Public Service District eligible for City Development Block Grant funds. Mr. Bragg is to make the arrangements that are necessary and is to have the application prepared. The Commission considered Minden, Ames, New Haven and Armstrong Public Service District.

Ames having previously requested and also approved as most likely to be funded was accepted.

The Commission approved Single Family Mortgage Bond Affidavit.

The Commission will meet again on July 31, 1985, for regular meeting.

  
James E. Lively

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION  
FAYETTE COUNTY COURTHOUSE

July 15, 1985

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in regular session on July 15, 1985. Appearing before the Commission came Pastor David Sneed of Victor, W. Va. Mr. Sneed came in reference to using the 4-H camp, at Fayette County Park for overnight camping for the children of the church. Mr. Lively assured Pastor Sneed that this would be o'k, but to check with Jack Gannon on the times available and what they would have to be responsible for. Mr. Lively advised Pastor Sneed that they would have to be responsible for their own food for the kitchen and the cooks and that they would have to maintain their own counselors. Pastor Sneed is to work this out with Jack Gannon.

Pursuant to the job description prepared by the Fayette Humane Society, the County Commission assigned Billy Blake and Gene Blake to duties at the Fayette Humane Society, at Glen Jean. The Fayette County dog pound will be discontinued and the phone will be disconnected. Mr. Blake is to continue to keep his truck furnished by the county. This will be used for pick-ups of dogs and animals. Mr. Blake will also continue with his partner as a rider. A description of duties to be done at the shelter is attached to the minutes. The Commission having been informed that in lieu of maintaining dog pound that they may contract with the Humane Society for such dog pound service or may reimburse the Fayette County Humane Society for such services, decided to close county dog pound and have the dog pound number disconnected and all calls directed to Fayette County Humane Society.

Richard Bragg advised the Commission of directive from State Tax Department that all budget revisions have to first be approved by the State Tax Department prior to any expenditure being made reflecting those amendments.

The budget amendment was approved by the County Commission to be forwarded to the State Tax Department.

Mr. Bragg is to contact the Board of Education regarding the waving of the fee charged to use the Memorial Building, for the Deputy Sheriff Association of Fayette County, due to the fact that the proceeds go for public purpose and not for private use.

The Commission approved for Mr. Bragg to attend State Tax Commission in service training.

Allen Workman presented to the Commission a report regarding the status and condition of cruisers that they be replaced on annual basis, not all, but those necessary. Requested possible 4-wheel drive vehicle. Also Mr. Workman advised the Commission about communication tower for the valley area, and this to cost \$4,500.00. Mr. workman stated that they have access to radio tower owned by Tracy Hylton, Mr. Bragg is suppose to obtain equipment cost estimate, and Mr. Workman to obtain labor estimate.

The Commission signed order describing regulations for public inspection of voters registration records. A copy attached to back of minutes.

The Commission informed Mr. Bragg to have maintenance to check the Danese Fire Department for sewage and other repairs.

The Commission approved application and expense fee in the amount of \$2,500.00 for application for Keep America Beautiful, Inc.

A letter was received from Wiggins & Wiggins and this is to be considered on July 31, 1985.

A letter was received from the Prosecuting Attorney's office in reference to money for services for Department of Human Services. This was in the amount of \$15,000.00 which will be put in the Prosecuting Attorney's budget for salaries for the work done. This was approved by the Commission. Agreement was received from the Department of Human Services and approved.

A letter was received from Donal Stark, Architect in reference to the Fayette County Courthouse addition.

A letter was received from Calvary Baptist Church who had received a letter from the Women's Resource Center located in Glen White in Raliegh County. This was requesting financial aid, as the volunteers working with a program of compassion for services to the area. The Women's Resource Center operate the Shelter for Victims of Domestic Violence at Glen White, West Virginia, providing temporary shelter, food, counseling, and makeup schooling for victims (primarily children, women, and the elderly) from a seven county area comprised of Fayette, McDowell, Mercer, Nicholas, Raleigh, Summers, and Wyoming. The shelter has been in existance for almost two years, and has provided shelter for 639 children, 391 adults. Because of loss of county and city funding, which amounts to 35% of budget, they are faced with losing their director. Therefore the Calvary Baptist Church voted to send a contribution and is asking the County Commission to support the center with funding. No response taken on this matter.

The Commission received a letter from Wiggins & Wiggins in reference to

shooting range. No action was taken with regard to insurance and hold harmless.

A letter was received from the Congress of the United States, by the Commission. This letter was received from Harley O. Staggers, Jr.

The Commission received notice regarding Larry Losch appealing denial of fees. Mr. Bragg to write a response which would endorse Judge Frazier's original ruling.

A letter was sent out to all Revenue Sharing Recipients of Revenue Sharing Funds of Commission requiring compliance with Revenue Sharing regulations.

A location was found in the jail for the room needed by the Circuit Clerk for storage space. Mr. Workman is to help Mr. Mann get these files moved. No decision was made on part time help for the Circuit Clerk.

A letter was received from the Prosecuting Attorney, Charles M. Vickers. This was to advise that Carolyn J. O'Dell would do the janitorial service for his office for \$400.00 per month. This was approved by the Commissioners.

A letter was received from Danese Volunteer Fire Department and Rescue Squad, Inc., requesting permission to sell one Life Pak-5 Monitor & Defibrulators, that was purchased with matching funds. The Commission approved this request.

The Commission approved Regional Ambulance Allocation Plan EMSOR 3/4, Inc.

The Commission approved Jan-Care, Rick Cornett, requested County Commission to assist him of purchase of new ambulance to replace unit with approximately 195,000 miles, which is a county unit. The Commission agreed to grant request on 50/50 matching basis.

The Commission directed Richard Bragg to contact L. E. Joyce consulting engineer for Solid Waste and to advise him to proceed with site selection and plans for a Solid Waste disposal site -1 transfer station for the Meadow Bridge, Danese, Layland, Clifftop Area and to table other sites at this time.

On this the 15th day of July, 1985, the County Commission of Fayette County meeting at a regularly called session, and acting pursuant to Chapter 19, Article 20 of the Code of West Virginia, and pursuant to the Fayette County Levy Order for fiscal year 1985-86, does hereby order that a sum in the amount of thirty thousand (\$30,000.00) be paid to the Fayette Humane Society.

On this the 15th day of July, 1985, the County Commission of Fayette County meeting in a regularly called session and acting pursuant to Chapter 7, Article 11, Section 35 of the Code of West Virginia, and pursuant to the Fayette County Levy Order for fiscal year 1985-86, does hereby order that a sum in the amount of \$17,500.00 be allocated to the Danese Public Service District for certain improvements to the water system owned and operated by said District.



On this the 15th day of July, 1985, the County Commission of Fayette County meeting in a regularly called session and acting pursuant to Chapter 7, Article 11, Section 35 of the Code of West Virginia, and pursuant to the Fayette County Levy Order for fiscal year 1985-86, does hereby order that a sum in the amount of \$17,500.00 be allocated to the White Oak Public Service District for certain improvements to the water system owned and operated by said District.

At a regular session of the County Commission of Fayette County, held on the 15th day of July, 1985, the following order was made and entered:

SUBJECT: The revision of the 1985-86 Coal Severance Tax Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John L. Witt:

RESOLVED: That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number one(1), a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by John L. Witt and duly seconded by John H. Lopez, the vote thereon as follows:

James E. Lively aye;

John H. Lopez aye;

John L. Witt aye;

Whereupon, James E. Lively, President, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED stated above, and the same is, hereby adopted as so stated above, and the President is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the 1985-86 Coal Severance Tax Fund Budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

All bills presented were approved to be paid and payroll was approved. The next meeting will be held on July 31, 1985.

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



REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

July 31, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

Appearing before the Commission on July 31, 1985 was Gordon Billheimer, Jr, and Tom Kincaid. This was for the purpose of asking for assistance for a park for the children of Montgomery. This is a non-profit organization and the park would be in Fayette County, near Montgomery City Hall. They would have police protection. Mr. Billheimer stated they are asking the Commission to make a contribution so the people of Montgomery will know they are serious about the project. Mr. Billheimer noted that they have applied for a federal grant and the City of Montgomery would provide workers to help install the park. Mr. Kincaid noted they have to purchase a two story house for the land for the park. Mr. Lively stated that he thinks the City of Montgomery should get the project going and then the Commission would see if they could contribute help. Mr. Witt stated that the Commission could help if they get the project under way. The Commission told Mr. Billheimer and Mr. Kincaid to get back to them with sketch on what they have and maybe they can help.

Gordon Billheimer, Jr. appeared on behalf of the Fayette County Correctional Officers Civil Service. Mr. Billheimer stated his concern about the officers not being covered under the county liability insurance. Mr. Billheimer stated that since they are not covered they will no longer organize for meetings or approve any applications for hiring by the sheriff. They have suspended all activities. Mr. Lively requested Mr. Billheimer to talk to Wayne Vickers of Mountain State Insurance.

The Commission made a order to re-consolidate Ames-Lansing P. S. D. Also Mr. Bragg to advertise for public hearing and also to advertise engineer proposal on their behalf.

The Commission was advised of the dead spots that are in the Valley for the radio system. Mr. Workman is to get labor cost estimates and material estimates for the 2 way radio system for the sheriff department.

Larry Dotson appeared before the Commission for zoning ordinances. Two cases were approved and one was rejected. These are attached to the back of the minutes.

Mr. Lopez brought to the attention of the Commission the questions being ask concerning a shooting range. Mr. Lopez is to check out land and sites possible for the shooting range and report back to the Commission at the next meeting. Possible sites mentioned were the Dog Pound at Beckwith, Landfill at Cunard. and Harlem Hgts.

Adam Toney the sheriff, and Charles Bryant, Deputy, and Allen Workman Chief Deputy, appeared before the Commission with a request for a motorcycle. They stated they would like to lease one on trial bases and would be good for use on and in the gorge area also on strip job roads and hard to get to places. Mr. Toney stated they have seven men who took classes of training for these different situations and would be used for special calls and jobs. Mr. Bryant also noted that if they lease a Harley they are covered under their own insurance. The Commission approved for the department to try on lease basis.

The Commission set the date of August 7, 1985, for the date for a meeting with Architect Donald Stark for 3 P. M. A letter was sent to both judges informing them of the meeting.

The Commission reviewed order re: Voters registration record and decided that due to privacy of personal records and that certain records, including list of voters were completely open to the public, the order was reasonable.

The request for revision to approved budget was approved. The resolution offered by John L. Witt and duly seconded by John H. Lopez, the vote therean was as follows: James E. Lively, aye-- John H. Lopez, aye-- John L. Witt aye. Copy attached to minutes.

On this the 31st day of July, 1985 the County Commission of Fayette County meeting in a regularly called session and finding it necessary to so act does hereby order that a sum in the amount of \$100,000.00 be transferred from the Fayette County Coal Severance Tax Fund to the General Fund of Fayette County.

On this the 31st day of July, 1985, the County Commission of Fayette County meeting in a regularly called session and finding it necessary to so act does hereby order that a sum in the amount of \$200,000.00 be transferred from the Fayette County Building & Improvement Fund to the General Fund of Fayette County.

A letter was received from the Fayette County Public Libraries asking that Mrs. Loretta Lively be reinstated to the Library Board. This was approved and Mrs. Lively reinstated for a term effective August 1, 1985, said term expiring August 1, 1990.

A letter of resignation was received from G. Lee Massey of the Fayette County Health Department.

Mr. Allen Workman, Chief Deputy, presented a letter which was a follow up to a voiced request to the County Commission at the regular meeting of July 15, 1985. This letter was for 4 new vehicles. Three new police cruisers and one four-wheel drive. This was approved by the Commission.

A letter was received from West Virginia Department of Highways. RE: Fayette Station Bridge No. 10-82-4.61 (1776) Fayette County.

Permit: Pursuant to Chapter 7, Article 1, Section 3a of the West Virginia Code which, among other things, conveys to the counties the authority to treat streams to prevent floods, the Fayette County Commission does hereby grant permission for James Hostetter to enter Smithers Creek, located in Fayette County, to utilize the equipment necessary and in general to engage in those activities authorized by said statute in order to treat said stream to prevent flooding. This was signed and approved by the Commission.

On this the 31st day of July, 1985, at a regular meeting of said Commission, consideration was given to the appointment of a new Commissioner for the Fayette County Planning Commission. After giving due consideration to the same it is hereby ordered that Elliott Meadows, of Fayetteville, West Virginia to be appointed to fill the vacancy, said term to expire August 1; 1988.

A letter was received from the Fayette County Volunteers to express thanks for the use of Fayette County Park facilities during the week of July 8-13 for Camp Kismet, a camp for abused, neglected, and underprivileged children.

A copy of letter received from L. E. Joyce & Company, Inc. of a letter he sent to Robert Beury, Glade Creek, Land Company, RE: Fayette County Solid Waste Transfer Stations.

A letter was received from Trainer, Wright & Associates asking for a letter of preference. No action taken.

Letter to West Virginia Department of Health, Office of Behavioral Health Services: RE: Actual Expenses "S.B. 56" Fiscal Year 1984-85 Certification of monies spent for mental health services. West Virginia State Code 27-8-2a Fayette County has spent \$20,000.00 for mental health services during the past fiscal year with the Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc. This was signed and approved by the Commission.

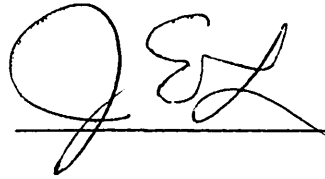
A letter was received from Wiggins & Wiggins about getting insurance certificates as soon as possible showing Rush Creek as being insured under the Commission's coverage.

A letter was received from Baker, Watts & Co. Investment Bankers, subject Status of Bond Issue.

Gordon Billheimer, Sr. Lawyer, appeared before the Commission for committee appointment, which was second hearing, for the appointment of Bertha Grace for committee for Cora Neswander. The Commission approved the appointment of Ms. Grace after going over the evidence presented and set bond at \$25,000. A copy attached to minutes.

The Commission also met with Billy and Gene Blake at the Fayette County Humane Society.

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



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ADD: The Commission requested that Richard Bragg and Charlotte Holly adjust their work scheldule to attend school for additional education because of increase in techincal requirements that have resulted from change in state law and tax department regulations.

9/25

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: Committee Appointment for WILLIAM HARVEY KEFFER

O R D E R

This cause came on to be heard this the 28th day of August, 1985, upon the verified petition of Gary Keffer, appearing in person and by Paul O. Clay, Jr., his attorney; upon proper notice heretofore duly and legally served upon the respondent; the respondent not appearing either in person or by counsel; notice also having been served on all of the children of William Harvey Keffer.

It appearing that proper notice to respondent has been duly served, as specified by statute, there was tendered and filed statements in writing of Dr. Joe N. Jarrett and Dr. Donald C. Newell to the effect that the respondent was not competent to manager his business, financial and legal affairs.

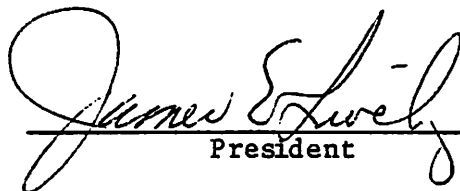
The Commission, having heard the testimony of the petitioner, Gary Keffer, the affidavits of Margaret Moreo, Charles B. Keffer, Retta Pettry, Jerry Keffer and Larry Keffer, children of William Harvey Keffer, and having reviewed the physicians' statements above mentioned, and upon consideration of all of which, it is the judgment of the Commission that the said William Harvey Keffer is unable to manager his business, financial and legal affairs, and is, therefore, mentally incompetent.


This Court does hereby approve the appointment of T. E. Myles as guardian ad litem for William Harvey Keffer and his answer and report recommending the appointment of Gary Keffer as committee for William Harvey Keffer is filed herewith.

It is ORDERED that Gary Keffer be hereby appointed to serve as Committee for William Harvey Keffer, an incompetent, and, in the event of the decease, resignation or removal of said committee, a substitute committee shall be appointed and said committee shall have full and complete authority to manager respondent's business, legal, and financial affairs and to see to his personal and physical needs and care and to consent to the administration of medications and otherwise oversee the physical and medical care of the respondent. Said appointment shall become effective upon execution of a bond in the amount of \$ 5,000<sup>00</sup> with adequate surety filed with the Clerk.

T. E. Myles is hereby designated as fiduciary commissioner.

ENTER:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

REGULAR MEETING OF FAYETTE COUNTY COMMISSION

August 7, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: James E. Lively, President  
John H. Lopez, Commissioner  
John L. Witt, Commissioner

Howard E. Janney, County Clerk presented the Fayette County Commission a letter from Merchants and Miners National Bank requesting release of certain securities. The Fayette County Commission entered order granting the release. Copy of order attached to minutes.

Phil Tissue, attorney, appeared before the Fayette County Commission to amend petition of Zora Cummings; original petition stated son-should have been nephew. Mr. Tissue presented proper waiver and consents. The order was approved by the Commission. Copy attached to back.

The Commission reaffirmed the current operating hours at the landfill. Monday thru Saturday, 9 A. M. to 7 P. M. The landfill is closed on Sunday.

The Commission approved the request of Kanawha Valley Bank for replacement of lost bond # R-098939. The Commission sent letter to Kanawha Valley Bank granting said approval and granting approval of request to replace stolen bond #R-08054 which had been approved at the Commission's meeting held June 14, 1985.

The Commission received binders from Penco Corp on the County's property and liability insurance. As requested by Penco, the Commission signed and returned the Pollution Liability endorsement re: absolute pollution exclusion.

The Commission received general advisory memorandum from West Virginia State Tax Department, re: Budget Revision Guidelines - "Emergency" purchases.

Received letter from Region IV Planning & Development Council acknowledging its concurrence with the Fayette County Commission proposal for public financial assistance for Page-Kincaid P. S. D. sewer system and certifying that the requirements of the Intergovernmental Review Process, pursuant to Executive order 12372, have been met.

The Commission received letter from State Board of Examiners of Land Surveyors notifying all interested parties of those individuals who no longer hold a valid license to survey lands in the State of West Virginia.

Paul Clay & T. E. Myles, attorneys, appeared before Fayette County Commission for committee appointment.

Charlotte Holley, bookkeeper, presented the annual county financial statement for FY Ending June 30, 1985, and the list of each firm,



corporation and person who received more than \$50.00 from any fund during the previous fiscal year, together with the amount received and the purpose for which paid to the Fayette County Commission and the County Clerk for approval. These statements were approved, and two copies of the annual financial statement were forwarded to the State Tax Department and same was directed to be published forthwith as a Class I-0 legal advertisement as prescribed by 7-5-16 of the Code of West Virginia. Also, Mrs. Holley presented the Commission a copy of the County's budget control report for the period ended June 30, 1985.

Adam Toney, Sheriff, and Daniel Neely, Assessor, advised the Commission of the fact that the County's 1985 land books, tax tickets, and tax statements have been found to contain errors resulting from the incorrect tax rates having been used by the West Virginia State Tax Department when running these documents. The state tax department is currently printing new land books and tax tickets. Also, since the Sheriff's office has already started to collect the 1985 taxes, any overpayments made by taxpayers resulting from this error will have to be rectified. Mr. Toney and Mr. Neely are awaiting further directives from the State Tax Department and the Fayette County Commission asked that they be advised of the Sheriff's and assessors instructions from the State Tax Department.

Sheriff Toney also informed the Fayette County Commission that as a result of the errors in the tax tickets his office will be carrying an additional work load in an effort to rectify the situation. He suggested that the Tax Office be kept open on Saturdays 8-12 to allow taxpayers to take advantage of the August discount, and that he be allowed to hire extra help to assist the tax office deputies in sorting and pulling tax tickets.

The Fayette County Commission received and opened bids for the Gauley River Public Service District. Bids were received from Henders Bailer & Truck Co. (158,170), Ferri Contracting Co., Inc. (\$1,007,807), G. E. Ray Construction Co, Inc. (\$1,839,933), Trimble Engineers (100,700), Welding, Inc. (\$111,333) and Rover Construction Co. (863,080). The Fayette County Commission stated that its only function today was to accept the bids, and advised the bidders that the bids would be presented to the Gauley River Public Service District for its consideration and advice and that the bid award would be announced within 90 days. Also present for the opening : Russell Deering Chairman of Gauley River Public Service District and Dan Warner, engineer for Appalachian, Usher and Milam, Inc.

Wayne Inge, Attorney, presented the Commission a petition on behalf of E. D. Burnett & Lowell Smith seeking the removal of Thomas Bowen & William Black as Commissioners of the Armstrong P. S. D., and further requesting that a hearing be scheduled thereon. The Commission will take the matter under consideration at its meeting on August 28, 1985.

Butch Joyce, landfill consultant advised the Commission of the current status of seeking a site for a transfer station. He will present a detailed cost report and plans at the Commission's first meeting in September.

James R. Mahurin a consultant with ADMA Associates specializing in risk management and insurance consulting, appeared before the Fayette County Commission to inform the commission of the services offered through his company to assist the county in placing its pollution liability insurance and providing coverage for appointed members of boards and commissions. President Lively advised Mr. Mahurin that Charlotte Holly would assist him in obtaining the necessary information to make a proposal to the Commission.

Leonard Coleman, of Goodwin and Goodwin appeared before the commission with a resolution authorizing the issuance of up to \$55,500,00 in aggregate amount of Single Family Mortgage Revenue Bonds in order to finance the originator and funding of the acquisition, improvement or rehabilitation of single family residence and thereby promoted the public purposes of the industrial development and commercial development bond act; providing for the sale of the bonds to the underwriters; and authorizing the executor of the contract of purchase. The Fayette County Commission adopted said Resolution and was advised that the closing was scheduled for August 14, 1985.

The Fayette County Commission approved the purchase of equipment in the amount of \$2,995.56 from Motorola Communications & Electronics, Inc. for improvements to the County's communication system.

The Commission received a copy of the latest earnings report of the W. V. Consolidated Investment Fund from A. James Manchin, Treasurer of State.

The Fayette County Commission addressed a letter to Larry Ratliff, Sub-Director of District 23, Area 2 of the United Steelworkers of America in response to his letter requesting a grant in the amount \$5,000-\$7,000 by the Fayette County Commission for the purpose of a feasibility study to determine whether an attempt to institute an ESOP Plan at the Marathon Industries, Inc.'s machine shop at Smithers, W. Va., would be successful. The Commission expressed its willingness to participate in an effort to retain the lost jobs and stated

its belief that the best procedure would be to work through the Upper Kanawha Valley Economic Community Development Corporation. Charlotte Holly advised the Commission that, per information obtained by Richard Bragg, other alternate plans for assisting with the Marathon Industries project would be to appoint a county Regional Development Authority or to request the assistance of Region IV Planning council.

The Commission addressed a letter to Carl E. Gainer, Jr., Manager of Mountain Transit Authority advising him that the Commission had received several complaints from residents in the Lochgelly area concerning the maintenance of the bus garage at that location and asking that his attention to this matter and efforts in resolving the problem.

The Fayette County Commission received approval from the State Tax Department of its budget revision #1 for the Coal Severance Fund.

Jack Gannon, Park Superintendent, informed the Commission of the possibility that the pools at the Fayette County Park may have to be closed prior to the scheduled Labor Day Closing date due to the threat of stagnant water if sufficient rainfall does not occur. Also Mr. Gannon stated that the pools may have to be closed on weekdays due to an insufficient number of lifeguards on duty but will be open on weekends if enough lifeguards are available.

Mountain State Insurance Agency, Inc., forwarded a copy of the form describing the named insured under the Scottsdale Public Officials Policy. Also, the agent stated that the named insured will <sup>BE INSURED</sup> ~~work~~ both individually and collectively and stated that the appointed officials, volunteer workers, or committees must be solely controlled by the County.

Donald Stark, Architect, presented proposals to the Commission regarding the plans for the Magistrates' offices. Also present was J. Zane Summerfield, Circuit Judge. After reviewing the proposals and receiving suggestions, the Commission ask Mr. Stark to prepare an estimate on costs as per the presented building plans and costs for adding one floor of offices at the rear of the courthouse.


Commission approved request for purchase of approximately \$2,000 computer work center for use in assessor's office.

Commission received copy of area Economic Profile for Fayette County from Appalachian Power Co.

Bills presented for payment were approved.

The Fayette County Commission was informed of top soil being removed with permission of the Fayette County Health from a site located on county property adjacent to the Courthouse. The Commission noted that it is unaware of this matter and notified the Fayette County Health Department that removal of the top soil was to cease .

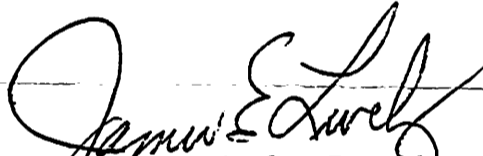
There being no further business to come before the Commission the meeting was adjourned. The Commission will meet again for payroll on August 15, 1985.



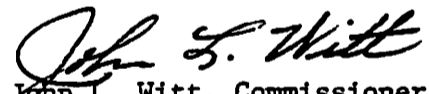
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## FAYETTE COUNTY COMMISSION

On this the 7th day of August, 1985, the County Commission of Fayette County meeting in a regularly called session and after having received a request in behalf of Merchants & Miners National Bank for the release of certain securities, a copy of which is attached hereto and made a part of this order, and after having been advised that sufficient securities have been pledged by said bank to secure any current County deposits, the Fayette County Commission acting pursuant to Chapter 7, Article 6 of the Code of West Virginia does hereby order that said securities be released to the Merchants & Miners National Bank and be it further ordered that prior to deposit of any additional funds, which are under the charge of the Sheriff of Fayette County, with said Bank, a determination be made as to whether said bank has pledged sufficient securities to secure any such deposit.

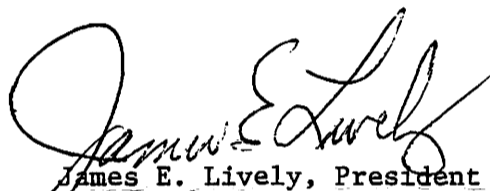
  
James E. Lively, President

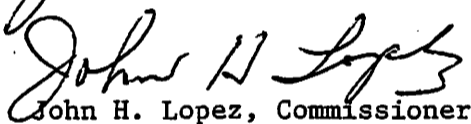
  
John H. Lopez, Commissioner

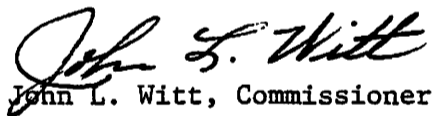
  
John L. Witt, Commissioner

FAYETTE COUNTY COMMISSION

On this the 7th day of August, 1985, the County Commission of Fayette County meeting in a regularly called session and after having received a request in behalf of Merchants & Miners National Bank for the release of certain securities, a copy of which is attached hereto and made a part of this order, and after having been advised that sufficient securities have been pledged by said bank to secure any current County deposits, the Fayette County Commission acting prusuant to Chapter 7, Article 6 of the Code of West Virginia does hereby order that said securities be released to the Merchants & Miners National Bank and be it further ordered that prior to deposit of any additional funds, which are under the charge of the Sheriff of Fayette County, with said Bank, a determination be made as to whether said bank has pledged sufficient securities to secure any such deposit.

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

August 15, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

Member present: Mr. James E. Lively

Mr. John H. Lopez

A representative from Baker-Watts appeared before the Commission for signing of Single Home Mortgage Bonds. Signing of contracts was started on August 14th and Fayette County was signed and closed out on the 15th.

Mr. Bragg presented the contract with the State for batching of tax tickets. This was presented and Mr. Lively and Mr. Lopez signed the contract.

The Commission ask Gary Harding to come over and give a report about information received from Department of Natural Resources concerning shooting range.

Mr. Bragg is to put bids out on scales and maintenance building for the landfill.

All bills presented were approved and paid. The Commission will meet again on the 28th day of August.

  
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REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION  
August 28, 1985

FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John L. Witt, Commissioner  
Mr. John H. Lopez, Commissioner

The Fayette County Commission met in regular session on August 28, 1985 with Larry Beury for Department of Natural Resources. Mr. Beury reported to the Commission the information he had pertaining to a shooting range for the people of Fayette County. Mr. Beury told the Commission that the Department of Natural Resources had picked the site of Plum Orchard Lake for the shooting range. This range would have 6 to 8 shooting benches. The site was selected because of the area being free of housing and they would be shooting into a mountain. Mr. Beury stated that the Department of Natural Resources would take care of the expense for putting the shooting range in. The Commission ask Mr. Beury if the DNR would consider looking at Camp Abbot and if they would consider another site for the range. Mr. Beury also stated that the range would be open day light to dark, seven days a week, no charge to the public and even if on private property would have to be open to the public. Mr. Beury stated that the range could be implemented for fall of 1985 but he doubted if it would be ready before spring of 1986. The Commission wanted to know if this range would consist of trap and skeet shooting. Mr. Beury said these were not included in the shooting range.

Paul Clay, Attorney, appeared before the Commission for committee appointment of William Keffer, with Gary Keffer, Petitioner. This appointment was approved subject to receipt of sister returning her notice. Copy attached to minutes.

Wayne Inge, Attorney, appeared before the Commission asking for date of hearing for Armstrong Public Service District of Thomas Bowen and William Black. No action taken on a date for hearing.

Sheriff Adam Toney and Allen Workman, Chief Deputy appeared before the Commission concerning overtime for the deputies. Mr. Toney stated that they are in arrears \$1,800.00, due to the fact that they are having to call the deputies out for overtime on their days off. Mr. Toney stated that they have used all of the \$10,000.00 allotted in the budget. Mr. Toney ask the Commission to request additional money from the State Tax Department in the amount of \$15,000.00. This request approved and will be sent into the Tax Department for revision request of budget.



Mr. Toney told the Commission that they feel that they are being used by the Magistrate Court, as they could schedule and work with the department on the days the deputies are on duty. Mr. Toney ask the Commission if they would seek advice from the Magistrate Court as to trying to schedule cases to be heard concerning deputies pertaining to their work schedule. Mr. Toney feels that they could curtail some of the expenses if the magistrates would consider using a schedule that the Sheriff would give to them pertaining to their days on duty and off duty.

The Sheriff ask the Commission to contact the Fayette County Correctional Officers Civil Service Commission and ask that they submit a list to the Sheriff for correctional officers so they can appoint and certify the selection that the sheriff has picked out.

Russell Bennett appeared before the Commission for the Lookout Community Building Project. They ask the Commission to help them finish out the building with what ever amount of help they could give to them. The Commission stated they would accept the request and consider after hearing from the State Tax Department. This will take about 30 days.

Doug Mooney, Attorney, appeared before the Commission asking for removal of a person from a committee. James D. Lee for removal, Ella Miller, petitioner. The Commission accepted the petition and told Mr. Mooney they would consult with the Prosecuting Attorney and then get back to him.

Representatives from Montgomery Fire Department appeared before the Commission stating they would be using the \$23,000.00 from the present fire levy to purchase a truck from Alexandria, Virginia, and they would close the deal out on August 29, 1985.

Members of Gauley River Public Service District appeared before the Commission with a project cost estimate. The estimated cost of funds needed \$97,980.00. The Commission allotted \$30,000.00 in Fiscal Year contingent upon receipt of commitment for balance.

The Commission received a letter from Chief Deputy Allen Workman in request of budget supplement increase for uniforms. The amount of request \$44.00. This increase would cover the cost of uniforms by the County Commission

A bill and letter was received from Jan Care Ambulance Service, Inc. for the amount of \$155.00. No action was taken.

A letter was received from Multi-Cap Inc., from Ms. Helen M. Beckulhimer .

A letter was received from Home Insurance Company, reference made to

- A. File: 183-L-623-725
- B. Assd. County Commission of Fayette County
- C. Clmt: John Kevin England
- D. Policy No: GL 1 43 72 11
- E. D/O: 2/2/84

This letter acknowledged receipt of the above captioned law suit submitted to our offices by the Mountain State Insurance Company on May 11, 1984.

A letter was received from Oak Hill Animal Hospital in reference to a dog that was hit by a deputy sheriff. The dog belonged to Patricia Brown and his name is "Baron".

A letter was received from Donald Stark, Architects, Inc. asking if the Commission had heard anything from the West Virginia Supreme Court regarding request for preliminary plan review: Re: Fayette County West Virginia, Prosecuting Attorney's Office.

A letter was received from West Virginia Railroad Maintenance Authority Re: Chesapeake and Ohio Railway Company application for discontinuance of service in Fayette County, West Virginia, Docket No. AB-18 (Sub No. 74X).

A letter was sent to James Hostetter expressing the gratitude of the Commission for the efforts in the cleaning and dredging of portions of Smithers Creek. This was sent as requested by the residents of the affected area relaying their sincere appreciation for the work performed.

The Commission appointed the following for the Fayette County Planning Commission as their terms had expired. The following were reappointed. Carroll Miller of Gauley Bridge, A. W. Orndorff, Gauley Bridge, Sam Dorado, Mount Hope. Copy of order attached to back of minutes.

Toia M. Jones of Mount Hope, W. Va. was reappointed to the Library Board for Fayette County, and also Mrs. Elizabeth Lewis, of Oak Hill, W. Va. was reappointed.

A copy of order Case No. 83-F-40 Case No. 83-F-105 State of West Virginia vs. Dave Brown & Leland Dempsey, Defendants. This order signed by Judge John R. Frazier. This was received from the Circuit Court of Fayette County.

There being no further business to come before the Commission the meeting was adjourned. The Commission will meet again on September 4, 1985.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

September 4, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

Mike Hogan the new county extension agent was introduced to the County Commission by Mary Lou Schmidt. Mr. Hogan comes to Fayette County from Morgantown, West Virginia. Mr. Hogan is a graduate of West Virginia University.

A public hearing was held at 9:30 for the citizens of the Ames Public Service District. No one was present in opposition of the enlargement of Ames Public Service District. Fourteen citizens appeared on behalf of the public service district for the water. The reason for enlargement of the area is for the possibility of applying for state grants to help with the public service district. Water sources mentioned for the district were Ajax Mining and Ames Mine- Air Shaft. Proposals were received for the following and selected by the County Commission. Stafford, Pentree, and G. A. Tice. The decision will be up to the Ames Public Service District as to the selection of the engineering firm.

A letter was sent to Gordon Billheimer, Jr. asking that the Fayette County Correctional Officers Civil Service Commission please convene for a session so as to take up the matter of certification of the sheriff's selection for the position of correctional officers.

A letter was sent to Wayne Vickers of Mountain State Insurance, wanting confirmation as to whether the Deputy Sheriff's Civil Service Commission and the Fayette County Correctional Officers Civil Service Commission are included within the county's professional liability insurance coverage.

Invoice approved in the amount of \$1,533.44 for water hauled to Town of Danese by the West Virginia Department of Highways.

The reappointment of Roy Young of Gauley Bridge to the Kanawha Falls Public Service District was approved by the Commission. A copy is attached to the back of the minutes.

The following order was made and entered: Subject : The revision of the 1985-86 Revenue Sharing Fund Budget of the County Commission of Fayette County. Copy attached to minutes.

The following order was made and entered: Subject: The revision of the 1985-86 General Fund Budget of the Fayette County Commission of Fayette County. Copy attached on back of minutes

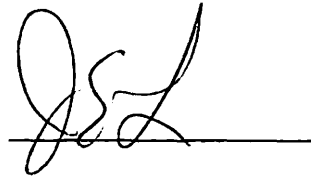
The following order was made and entered: Subject: The revision of the 1985-86 Coal Severance Tax Fund Budget of the County Commission of Fayette County. Copy attached to back of minutes.

The Commission will meet again on September 13, 1985 for the purpose of payroll.

Paul Blake appeared before the Commission for committee appointment of Alfred C. Bailey. Gene Carte, attorney appeared also. This committee appointment will be continued on September 25, 1985.

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

John H. Lopez, Herb Mann, and Larry Berry from the DNR traveled to Camp Abbot for a tour of the camp.

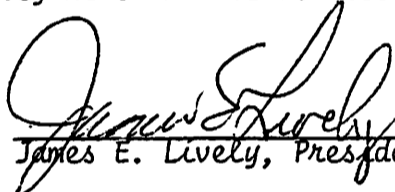


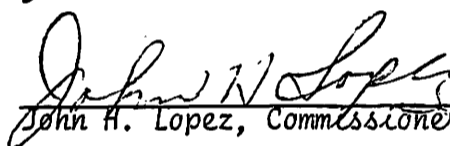
ADD:

Quanita Fazio and Stanley Moore, and Mr. and Mrs. Pete Connor appeared before the Commission concerning the traffic and the situation on the street where they live. They are seeking a change in land classification so they can maintain a residential area.

RESOLUTION

On this the, 28th day of August, 1985, the County Commission of Fayette County meeting in a regularly called session and acting pursuant to Chapter 7, Article 1, Section 3T does hereby resolve to appropriate a sum in the amount of \$30,000.00 for the development and construction of a water collection and distribution system to be owned and operated by the Gauley River Public Service District and be it further resolved that said appropriation is to be made in addition to any appropriation which has heretofore been committed to said District by this Commission and shall be subject to the same terms and conditions as provided in the Intergovernmental Agreement executed by the Fayette County Commission, Nicholas County Commission, and Gauley River Public Service District.

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

At a regular session of the County Commission of Fayette County, held on the 4th day of September, 1985, the following order was made and entered:

SUBJECT: The revision of the 1985-86 General Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John L. Witt:

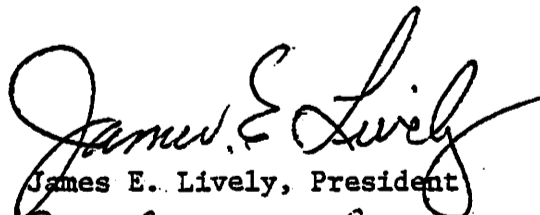
RESOLVED: That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number two (2), a copy of which is entered as part of this record.

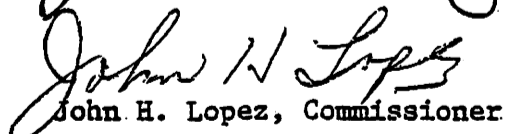
The adoption of the foregoing resolution having been moved by John L. Witt, and duly seconded by John H. Lopez, the vote thereon was as follows:

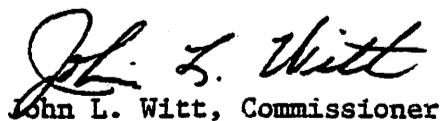
James E. Lively	Aye;
John H. Lopez	Aye;
John L. Witt	Aye.

Whereupon, James E. Lively, President, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED stated above, and the same is, hereby adopted as so stated above, and the President is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the 1985-86 General Fund budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

**REQUEST FOR REVISION TO APPROVED BUDGET**

(§ 11-8-26a)

CONTROL NUMBER 85-86 01 2 1 of 1  
FY FUND REV. NO. PAGE NO.

STATE TAX COMMISSIONER  
LOCAL GOVERNMENT RELATIONS DIVISION  
RAWER - 2389  
CHARLESTON, W V 25305

County Commission of Fayette County  
GOVERNMENTAL ENTITY  
P. O. Box 307  
STREET OR P.O. BOX  
Fayetteville, WV 25840  
CITY ZIP CODE

09-04-85  
ENTITY APPROVAL DATE

**RECEIPTS: (net each acct)**

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
299		\$50,000		\$11,181	\$ 38,819

NET INCREASE/(DECREASE) (\$11,181)

**EXPENDITURES: (net each acct)**

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
403	1-10	\$100,318		\$1,093	\$101,411
456	1-10	353,570		2,682	356,252
456	41-55	9,011		44	9,055
999		60,583	\$15,000		45,583

NET INCREASE/(DECREASE) (\$11,181)

**TAX DEPARTMENT USE ONLY**

RECEIVED \_\_\_\_\_  
 POSTED \_\_\_\_\_ BY \_\_\_\_\_  
 APPROVED FOR THE STATE TAX COMMISSIONER BY:  
 \_\_\_\_\_  
 DIRECTOR-LOCAL GOVERNMENT RELATIONS

*James E. Lively*  
 AUTHORIZED SIGNATURE FOR GOVERNING BODY President,  
 DATE OF REQUEST 09-04-85  
 SPECIAL NOTE: TRANSFERS FROM SPECIAL FUND 1985 TO BE ACCOMPANIED BY A STATEMENT CONTAINING SIGNATURES OF ALL COUNTY COMMISSIONERS. (§ 7-1-91)

WHITE COPY - TAX DEPT.  
 PINK COPY - APPROVED COPY  
 BLUE COPY - TAX DEPT.  
 SUBMIT WHITE, PINK, AND BLUE COPIES TO TAX DEPARTMENT. RETAIN YELLOW COPY AS RECORD OF SUBMISSION.

At a regular session of the County Commission of Fayette County, held on the 4th day of September, 1985, the following order was made and entered:

SUBJECT: The revision of the 1985-86 Revenue Sharing Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John H. Lopez:

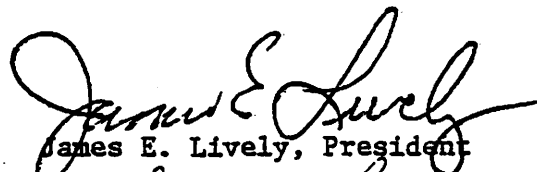
RESOLVED: That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number two (2), a copy of which is entered as part of this record.


The adoption of the foregoing resolution having been moved by John H. Lopez, and duly seconded by John L. Witt, the vote thereon was as follows:


James E. Lively	Aye;
John H. Lopez	Aye;
John L. Witt	Aye.

Whereupon, James E. Lively, President, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED stated above, and the same is hereby adopted as so stated above, and the President is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the 1985-86 Revenue Sharing Fund budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner



REQUEST FOR REVISION TO APPROVED BUDGET

(\$ 11-8-26a)

CONTROL NUMBER 85-86 03 2 1 of 1  
FY FUND REV. NO. PAGE NO.

STATE TAX COMMISSIONER  
LOCAL GOVERNMENT RELATIONS DIVISION  
LAWER 2389  
CHARLESTON, W V 25305

County Commission of Fayette County

09-04-85

GOVERNMENTAL ENTITY

ENTITY APPROVAL DATE

P. O. Box 307

STREET OR P.O. BOX

Fayetteville,

WV 25840

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT

NET INCREASE/(DECREASE) -0-

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
435	66-70	\$ -0-		\$7,000	\$ 7,000
441	56-65	378,500	\$7,000		371,500

NET INCREASE/(DECREASE) -0-

TAX DEPARTMENT USE ONLY

RECEIVED \_\_\_\_\_  
 POSTED \_\_\_\_\_ BY \_\_\_\_\_  
 APPROVED FOR THE STATE TAX COMMISSIONER BY:  
 \_\_\_\_\_  
 DIRECTOR-LOCAL GOVERNMENT RELATIONS

*James E. Lynch*  
 AUTHORIZED SIGNATURE President, DATE OF REQUEST 09-04-85  
 FOR GOVERNING BODY Fayette County Commission  
 SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE  
 ACCOMPANIED BY A STATEMENT CONTAINING  
 SIGNATURES OF ALL COUNTY COMMISSIONERS (7-1-81)

At a regular session of the County Commission of Fayette County, held on the 4th day of September, 1985, the following order was made and entered:

SUBJECT: The revision of the 1985-86 Coal Severance Tax Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John L. Witt:

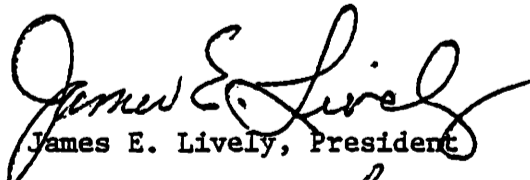
RESOLVED: That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number two (2), a copy of which is entered as part of this record.

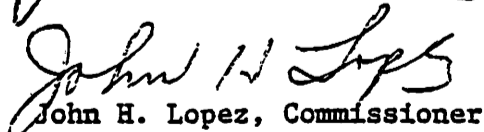
The adoption of the foregoing resolution having been moved by John L. Witt, and duly seconded by John H. Lopez, the vote thereon was as follows:

James E. Lively	Aye;
John H. Lopez	Aye;
John L. Witt	Aye.

Whereupon, James E. Lively, President, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED stated above, and the same is, hereby adopted as so stated above, and the President is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the 1985-86 Coal Severance Tax Fund budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

REQUEST FOR REVISION TO APPROVED BUDGET

STATE TAX COMMISSIONER

(§ 11-8-26a)

CONTROL NUMBER 85-86 FY 02 FUND 2 REV. NO. 1 of 1 PAGE NO.

LOCAL GOVERNMENT RELATIONS DIVISION

RAWER 2389

HARLESTON, W V 25305

County Commission of Fayette County

GOVERNMENTAL ENTITY

09-04-85

ENTITY APPROVAL DATE

P. O. Box 307

STREET OR P.O. BOX

Fayetteville,

WV 25840

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT

NET INCREASE/(DECREASE) -0-

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
401	1-10	\$64,940	\$15,000		\$49,940
456	1-10	10,000		\$15,000	25,000

NET INCREASE/(DECREASE) -0-

TAX DEPARTMENT USE ONLY

RECEIVED \_\_\_\_\_  
 POSTED \_\_\_\_\_ BY \_\_\_\_\_  
 APPROVED FOR THE STATE TAX COMMISSIONER BY: \_\_\_\_\_  
 \_\_\_\_\_  
 DIRECTOR-LOCAL GOVERNMENT RELATIONS

AUTHORIZED SIGNATURE *James E. Lynch* DATE OF REQUEST 09-04-85  
 FOR GOVERNING BODY Fayette County Commission President.  
 SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE ACCOMPANIED BY A STATEMENT CONTAINING SIGNATURES OF ALL COUNTY COMMISSIONERS (7-1-81)

A RESOLUTION AND ORDER EXPANDING THE  
BOUNDARIES OF AMES PUBLIC SERVICE DISTRICT  
IN FAYETTE COUNTY, WEST VIRGINIA

Whereas, the County Commission of Fayette County, West Virginia did heretofore, by a resolution and order adopted on the 15th day of August, 1985, and by its further order duly made and entered on the 15th day of August, 1985, fix a date for a public hearing on the expansion of the Ames Public Service District, and in and by said resolution and order provide that all persons residing in or owning or having any interest in property in the proposed public service district be given notice and an opportunity to appear before the County Commission at this meeting and have an opportunity to be heard for or against for expansion of said public service district; and

Whereas, notice of this hearing was duly given in the manner provided and required by said resolution and order, and by Article 13A of Chapter 16 of the Code of West Virginia, as amended, and otherwise as provided by law, and all interested persons have been afforded an opportunity to be heard for or against the expansion of said district, but no written protest has been filed by any qualified voter registered and residing within said proposed public service district, and said County Commission has given due consideration to all matters for which such hearing was offered; and

Whereas, it is now deemed desirable and proper by said County Commission to adopt a resolution and order creating said public service district;

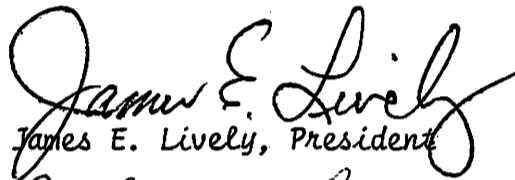
NOW, THEREFORE, be it and it is hereby resolved and ordered by the County Commission of Fayette County, West Virginia as follows:

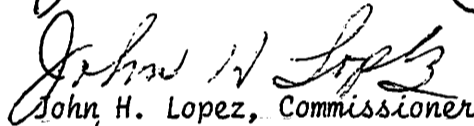
Section 1. That the Ames Public Service District, duly created by County Commission order adopted 4th day of May, 1983, be enlarged and said public service district shall have the following described boundaries:

BEGINNING at a point in the center of New River, said point being located at : Latitude  $38^{\circ} 05' 19''$  and Longitude  $81^{\circ} 05' 45''$ ; thence leaving New River East 6,415.20' to a point. Thence  $553^{\circ} 50' E$  4,200' to a point in the northern right-of-way line of U. S. Route 19; thence following said U. S. Route 19 in a southwesterly direction approximately 6,800' to a point in the center of New River. Thence with the meanderings of New River in a northerly direction approximately 8,300' to the place of beginning and containing 607.5 acres more or less.

Section 2. That the County Commission of Fayette County, West Virginia, has determined that the territory within Fayette County, West Virginia, having the hereinabove described boundaries, is so situated that the construction or acquisition by purchase or otherwise, and the maintenance, operation, improvement and extension of public service properties supplying water facilities and services and sewer facilities and services within such territory and, also, outside such territory to the extent permitted by law, by said public service district is feasible and will be conducive to the preservation of public health, comfort and convenience of such area.

Adopted by the County Commission of Fayette County, West Virginia,  
this 4th day of September, 1985.

  
James E. Lively, President

  
John H. Lopez, Commissioner

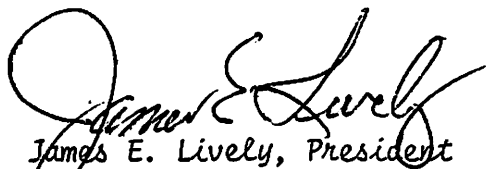
  
John L. Witt, Commissioner

ATTEST:

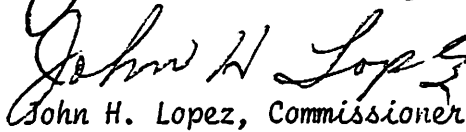
Howard E. Janney, Clerk

FAYETTE COUNTY COMMISSION

On this the 4th day of September, 1985, it appearing to the Commission that the term of office of Roy Young, Gauley Bridge, West Virginia, as a Commissioner of the Kanawha Falls Public Service District Board expired on September 1, 1985, and upon recommendation of the Board, it is hereby ordered that Roy Young be and he is hereby appointed as Commissioner of said Kanawha Falls Public Service District as and of September 1, 1985, to serve for and during a period of six years, said term to expire September 1, 1991.



James E. Lively, President



John H. Lopez, Commissioner



John L. Witt, Commissioner

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

September 13, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

A letter was received from Multi-Cap and was read and discussed. This was received from Mrs. Helen Beckulheimer. No decision was made or answer give.

Automobile bids were received and the bid accepted and figures accepted from Country Club Chrysler at Clarksburg. Local bids will be accepted on a 4 wheel drive vehicle.

A resolution was signed in reference to ESOP at Marathon Industries, Inc.'s Machine Shop at Smithers, West Virginia.

Ames Public Service District selected engineers for project for the new water system. The firm of Stafford Engineer's was awarded the bid for the project.

The Commission agreed to assist Cannelton Community Recreation Association with their project.

The Commission approved request for approval to replace lost bond #R06819. in the face amount of \$15,000.00 to Kanawha Valley Bank NA.

A letter was sent to Mr. Charles R. Wiggins, Jr. in reference to Rush Creek Land Company, lessor, that the Fayette County Commission as leasee does hereby take full responsibility for any toxic waste which might be dumped at the county landfill located at Cunard.

Payroll and all pending bills presented were approved to be paid.

The meeting was adjourned and next Commission meeting will be held September 25, 1985.

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION

September 25, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. James E. Lively  
Mr. John L. Witt  
Mr. John H. Lopez

Emily Corley appeared before the Commission on behalf of Attorney Wayne Inge to set up appointment for hearing for removal of William Black and Thomas Bowen from Armstrong Public Service District. The Commission had requested opinion from the Attorney's General's office and Mr. Vickers the Prosecuting Attorney stated they should set and grant a hearing. Hearing date was set for October 30, 1985.

Bids were received on a building for the landfill. Bids were received from Southeastern Building System, Inc. \$16,000: Beckley Building Service, Inc. \$11,000.00. These bids were accepted and no decision was made.

Steve Cruikshanks appeared before the Commission and gave a report of progress of the Office of Emergency. He also consulted with the Commission about water crisis at Ansted.

Charles Wendell, Erwin Conrad, Attorney, and Eddie Callahan appeared before the Commission for signing of \$250,000.00 bond resolution inducement. Walter Williams of Stepto & Johnson Bond Company counsel appeared with the above party. Mr. Wendell stated that the resolution would bring more employment in Fayette County and also economic development into the county. Mr. Vickers the Prosecuting Attorney stated that he had reviewed the Inducement Resolution and that all papers were in proper form. Mr. Lively made the proposal and introduced the resolution. John Witt made motion to accept and John Lopez gave second to the motion. This was approved 3-0.

Mrs. Joe Jarrett and Mrs. Rene Kelley appeared before the Commission on behalf of the Girl Scouts of Fayette County. Mrs. Jarrett stated that Camp Abbot was started in 1947 for the Girl Scouts of Fayette County. In 1961 Fayette County became incorporated with Kanawha, Boone, Raleigh and Summers. Mrs. Jarrett stated that the camp is used at different times. April, the National Guard, Spring Pre-Camp Conference of Girl Scouts, Camp for troops in June and July and for conference for Girl Scouts in September and October for coming year work. Mr. Lopez expressed to the ladies again that they had no intention of taking the Girl Scout camp away from the scouts. Mr. Lopez also



assured the ladies that they would be notified of any changes of any thing concerning Camp Abbot.

Gary Harding appeared before Commission with the following case for a disposition. Z-289-85-1 Request of Charles Arrington, Owner for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on Lots 13 & 14, Midway Addition, located off Lochgelly Road, Midway, Plateau District. This request was denied by a vote of 7- 0 by the Planning Commission. John Lopez made motion that this be denied as recommended by the Planning Commission. Motion was seconded by John Witt and passed by a vote of 3-0. Copy attached to the minutes.

Butch Joyce appeared before the Commission with review and presentation of the landfill and possibility of development of the landfill. Mr. Joyce also showed the Commission maps of transfer station sited and survey of Robert Beury Land over in Danese Clifftop Area.

Mr. Bragg is to apply for liability insurance for Civil Service Commission and Fayette County Correctional Officers Civil Service Commission.

The Commission voted to pay Toby Gill his back pay.

Letter was received from Donald Stark in Re: Judicail Annex, Subject: Owner/Architect agreement - This was signed by Mr. Lively and returned to Mr. Stark.

A memorandum was received from Michael E. Caryle - Commissioner - State Tax Department. Re: Preparation of Corrective Tax Tickets.

There being no further business to come before the Commission, the meeting was adjourned and the Commission will meet on October 9, 1985.

---

John A. Lopez  
John L. Witt

REGULAR SESSION OF THE FAYETTE COUNTY COURTHOUSE  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
October 9, 1985

MEMBERS PRESENT: James E. Lively, President  
John H. Lopez, Commissioner  
John L. Witt, Commissioner

The Fayette County Commission met in regular session on October 9, 1985. Lee Massey, Executive Director of Fayette County Health Department appeared before the Commission due to regulations from the Fire Marshalls office. The Fire Marshall stated that the Health Department is congested and they need a new room for storage and filing. Mr. Massey stated the Fire Marshall will issue a citation if these things are not taken care of. Mr. Massey stated he thinks the room will cost about \$15,000.00 with electric heat and lighting and filing and storage space. Mr. Massey advised that they will try to get help from Region 4. The Commission approved to try to grant 1/3 of the cost.

The Women's Resource Center of Glen White had representatives to appear before the Commission asking help for the organization. The representatives were Beverly Kinraide and Rev. Russell Smith. They informed the Commission that they have a area of seven counties and they have not received help from any of the counties. They also stated that the Commission of Raleigh County has not granted them any help. Mr. Lively advised that they would take this into consideration and advise at a later date. In the afternoon session after discussion it was noted that the Commission would send a letter to Women's Resource Center stating that due to financial crunch, no support of monetary value for the remainder of the year could be granted.

A letter was sent to the Kanawha Valley Bank N/A to grant approval of lost bond, \$265,000 for bond in the name of Merriell, Lynch, Pierce, Fenner and Smith. Also approval of lost bond #855 in the amount of \$5,000.00.

Lottice Glade and Mr. Sayre from the Community of Russellville and Nallen appeared before the Commission in regard to the Wilderness Public Service District to be able to extend the water lines for that area of about 100 customers. The Commission advised that the first step is to apply for a Small City Grant and to try for help from Region 4 with planning and development.

Ralph Young, Attorney, appeared before the Commission in regard to Boundary Line Adjustment, in the City of Oak Hill. A hearing will be set after the

publication for October 30, 1985.

A letter was sent to the Joint Standing Finance Committee of Senate and House of Delegates; concerning potential loss of federal revenue sharing funds. This was a summary of utilization and reliances upon revenue sharing funds.

A 1981 Chevy Malibu was given to the Town of Fayetteville- Serial # 1G1AT69J2BD423693. This was taken off of the County insurance as of 10-4-85.

Inez Kirkwood, for the Town of Ansted noted they have a problem with the Fire Department over the assessment of \$1.00 from each owner living there. Mr. Lively gave Ms. Kirkwood a copy of levy approved and a listing of all available facts of what they can do.

A letter was received from the White Oak Public Service District, this stating that a request for additional funds are forwarded to the Governor's Community Partnership Program on September 5, 1985.

Pending a receipt of warranty, Beckley Building was awarded the bid for landfill metal building.

Butch Joyce and Jack Gannon appeared before the Commission with the problem of a request for purchase of new scales for the landfill. This will be studied and later referred. The landfill will be open on Holidays except for Christmas. Open 6 days a week.

Wayne Inge is seeking to set appointment before the Commission for contested committee appointment: Rose McKinney.

Mr. Lopez showed slides of work being done on Cannelton Community Association for park. The Commission agreed to support the organization with a contribution of up to \$12,000.00 for equipment and materials.

The Commission agreed by vote to table indefinitely the firing range and skeet and trap range.

Jack Stafford from Stafford Engineering will meet with the Commission October 15, 1985.

The Commission approved Complete Equity Markets, Inc. Insurance premium for Prosecutor.

A check in the amount of \$6,379.09 received from Rush Creek Land Company A Delaware Corporation signed by Charles R. Wiggins, Jr.. This was give to the assessor Dan Neely and Mr. Neely will return answer to the Commission.

Mr. Bragg presented to the Commission a report on Revenue Sharing.

The Commission will meet again on October 15, 1985 for the purpose of payroll. There being no further business to come before the Commission the meeting was adjourned.

*John L. Smith*

MEETING OF FAYETTE COUNTY COMMISSION  
FAYETTE COUNTY COURTHOUSE  
REGULAR SESSION

October 15, 1985

MEMBERS PRESENT: Mr. James E. Lively  
Mr. John L. Witt

The Fayette County Commission met in regular session on October 15, 1985, to approve payroll and to approve all out standing bills and other matters to come before the Commission.

Discussion was held with the Sheriff in regard to Computer system. Richard Bragg, County Administrator is to check out computer system of the Commission and the Sheriff's tax office.

Dee Lively (Wilburt) is to be in charge of janitorial and maintenance staff with corresponding raise. It was decided not to hire any additional help at this time.

Mr. Bragg advised the Commission of Ms. Sophia Bush's illness and stated she may not be able to return and she is on sick leave.

The Commission advised Mr. Bragg to notify Mr. Joyce that no additional action is to be taken on the transfer station.

The Commission approved for Mr. Bragg to offer snow removal to George Proskin if Mr. Gannon does not desire to take the contract.

Mayor, Lawrence Kelly of Pax requests the annual donation of \$1,000.00 for the annual clean up project of Paint Creek.

The Commission received reports from the fire marshall.

The Commission adjourned and was to meet and have lunch at the Holiday Inn with Architect Dan Snead.

The Commission will meet again on October 30, 1985.

*John L. Witt*  
*John E. Lively*

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION  
October 30, 1985  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS PRESENT: Mr. John L. Witt  
Mr. John H. Lopez

A final decision was made on the committee appointment of Alfred C. Bailey and Leila Bailey. Appointment was awarded to Glen Bailey. Lawyer for Glen Bailey was Paul Blake.

Jackie Tharp of Southern Realty appeared before the Commission concerning the Rebecca Neeley property to ask if the Commission was interested in buying the property. The Commission informed Ms. Tharp that they would look at the property and consider it and they would then contact her at a later date as to their interest in the property.

Rodney Perdue was approved to fill the unexpired term of Armstrong Public Service District vacancy. Homer Lundy resigned. This position was approved by Mr. Lopez and Mr. Witt. A letter of resignation was received from Mr. Lundy.

A letter of resignation was received from Edward O. Coleman of Deepwater Public Service District effective October 31, 1985.

A resolution was signed and approved for Cannelton Community Development Association, Inc. for the amount of \$12,000.00. Copy attached to minutes.

Jim Keenan appeared before the Commission with regard to the transfer station as to the law suit and complaint filed. The Commission ask Mr. Keenan to come to the meeting November 6th and they will give report as to where they stand.

Letter was received from Donald H. Stark, Architects, Inc. in Re: Judicial Annes Subject: Preliminary cost estimate and the amount of \$956,000.00.

Evelyn Jones appeared on behalf of the Martin Luther Community College that she has started and now has chartered in Mt. Hope. She ask for donation and the Commission informed her they would make a decision at a later date.

Nora Coles, Charlene Newkirk and Rev. John Watkins of the

Beards Fork Community representing the Busy Bee Corporation appeared before the Commission to show they now have their organization chartered. Mr. Lopez and Mr. Witt ask them to bring back a rough draft of what they needed and wanted for the playground for the community and they would then decide. They will appear again on the 6th of November.

Jack Stafford of Stafford Engineering and Mr. Tom Oxley and Tim Oxley of Region 4 appeared on behalf of the progress on the award for the work of Ames Public Service. The Commission committed \$5,000.00 for the engineering firm to get Ames Public Service District work started.

Bids were received for stone for the landfill. Concrete Supply Company was the low bid received for both types of stone. No bids were received for filter fabric. Filter fabric will be purchased as needed.

Regarding the lease to be signed with Rush Creek Land, Mr. Neeley and Mr. Vickers and Mr. Bragg and the Commission discussed this matter. The Commission requested that Mr. Vickers the Prosecuting Attorney re-negotiate the lease agreement for the Commission.

Discussion was made on walk in cooler for the jail kitchen. Repair was approved for the outside unit amount of \$3,000.00 if the outside unit is workable.

Approval was made for the amount of \$8,000.00 for purchase of equipment for Sheriff department including pistols. This amount was also for supplies to be included.

Boundary line adjustment was approved for the City of Oak Hill.

Adam Toney appeared on behalf of the status of the Fayette County Correctional Officers Civil Service Commission and the Deputy Sheriff Civil Service Commission. The Commission decided that they would set a meeting for November 6, 1985 and discussion of the status of the committee's would be heard.

Report from Billy Blake the county dog catcher was sent in for the month of October.

Summary of employee positions for the land fill was presented and approved by the Commission. Approved as follows: Fred Sizemore, Landfill manager, \$1,300.00, Philip Wagner mechanic and equipment operator, \$1,050.00, Paul Simms, equipment operator, \$1,050.00, Robert Epperly, equipment operator, \$1,050.00, Russell Taylor, equipment operator, scale house operator, \$1,050.00.

A letter was sent to Sheriff Toney in RE: Fayette County Commission meeting, October 15, 1985, County Computer Systems for Commission and Sheriff's Tax Office.

A letter was received from C. Andy Keenan in Re: Mental Hygiene Commitment Proceeding Expenses Fayette County Commission.

Letters were received by the Commission that came from Girl Scouts and their leaders expressing concern about Camp Abbot. The Commission assured the public that they would take no action and the skeet range would be denied and all discussions for range be discontinued.

The meeting was adjourned after all bills and payroll were approved.

The Commission will meet again on November 6, 1985.

John W. Lopez  
John L. Witt

REGULAR SESSION OF THE FAYETTE COUNTY COMMISSION  
November 6, 1985  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS PRESENT: Mr. James E. Lively, President  
Mr. John H. Lopez, Commissioner  
Mr. John L. Witt, Commissioner

The Fayette County Commission met in regular session on November 6, 1985 with all members present. Mr. Delancey Caldwell appeared before the Commission on behalf of the American Legion. Mr. Caldwell approached the Commission about the lighting of the torch at the Memorial Building. The Commission assured Mr. Caldwell that they are very much in favor of the lighting of the torch. The date will be set and the Commissioners were invited to be in attendance.

Bids were received on the cutting of trees and trimming of trees that need to be removed and shaped. No decision was made due to the reason of getting information as to whether the bidders have liability insurance. This is for three trees on courthouse lawn.

Erwin Conrad, Attorney appeared before the Commission on behalf of his client Levi McClung. Mr. Clinton Gallagher appeared with his client James Moore. The appearance was concerning a property boundary and Mr. Conrad ask for a continuation in the matter. This was granted.

Mr. Jim Keenan, Lawyer, appeared and ask the Commission if they had reached a decision on the proposed transfer stations. The Commission advised Mr. Keenan that they have put the transfer station on hold until they hear from the Public Service Commission as to whether they have any jurisdiction or if the County Commission has the jurisdiction.

Nora Coles and Charlene Newkirk from Beards Fork and the Busy Bee Corporation appeared before the Commission to ask the Commission for their decision on the help they will give them on the playground for the area. The Commission advised the ladies to pick out the price of things such as swing sets and basket ball courts and to then come back to them with the list and they will make a decision on how to help.



The Commission made a motion to buy the Randall Nelson property for the price of \$60,000.00 for judicial annex to be adjacent to the magistrate building. This motion was made by John L. Witt and seconded by John H. Lopez and approved 3-0. Mr. Bragg is to proceed in getting the deed prepared.

A letter will be sent to Ken Heckler in response to a letter received from him concerning voting literature and campaigning at the polls. The Commission went on record as to being against campaigning at the polls. The Commission agreed that a distance of 300 feet should be set for the distance from the polls if not further. The Commission advised as to the banning of all campaigning at the polls.

The Commission advised Mr. Bragg to send a letter to the Prosecuting Attorney to request help for the assistance of collecting delinquent property taxes.

The Commission approved for part of the office space in the jail annex to be petitioned off for the purposes of setting up communication center.

Wilbur Dee Lively will be in charge of maintenance with corresponding increase in salary.

The Commission o'ked the purchase of a buffer for the courthouse

The Commission agreed to continue to retain John Hatcher as counsel to represent the Commission regarding the Leonard W. LaParede case. Mr. Bragg is to notify Mr. Hatcher.

A letter will be sent to Senator Jay Rockefeller, to state that a definite problem exist with liability insurance for the public officials and ask to reinstitute to some degree immunity for public officials to operate within their scope of authority.

Mr. Wayne Vickers of Mountain State Insurance appeared before the Commission stating that he is 99% sure that the Fayette County Correctional Officers Civil Service Commission and the Fayette County Deputy Sheriff's Civil Service Commission is covered by the county liability insurance. Mr. Judson Wallace appeared on behalf of the Fayette County Correctional Officers Civil Service Commission and the Fayette County Deputy Sheriff's Civil Service Commission was represented by Mr. Ronnie Hurd. Sheriff Adam Toney

and Chief Deputy Allen Workman also appeared. Mr. Lively ask the members of the groups who were present to please notify the other members and to get a meeting set up as soon as possible and back to active work.

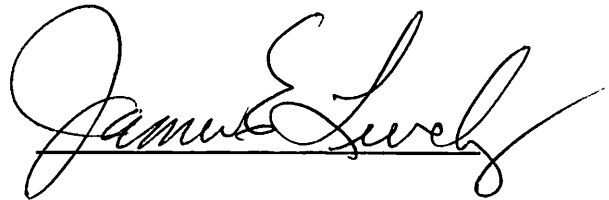
Their being no further business to come before the Commission the meeting was adjourned and the Commission will meet again on November 15, 1985 for payroll.

*James Lively*  
*John H. Lopez*  
*John L. Witt*

REGULAR SESSION OF FAYETTE COUNTY COMMISSION  
November 15, 1985  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS PRESENT: Mr. James E. Lively  
Mr. John H. Lopez

The Fayette County Commission met in regular session on November 15, 1985 to approve payroll and approve all outstanding bills.

There was no other business to come before the Commission so the meeting was adjourned.

A handwritten signature in cursive script, reading "James E. Lively". The signature is written in black ink and is positioned to the right of the main text block. The name "James E. Lively" is written in a fluid, connected style with a horizontal line underneath the name.

MINUTES OF REGULAR MEETING OF THE FAYETTE COUNTY COMMISSION  
November 27, 1985  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS PRESENT: Mr. James E. Lively  
Mr. John H. Lopez  
Mr. John L. Witt

The Fayette County Commission met in regular session on November 27, 1985. Chief Deputy Allen Workman appeared before the Commission with concern over a incident that happened at the jail. Mr. Workman once again expressed to the Commission the need for more correctional officers and as to why the Fayette County Correctional Officers Civil Service has not met. The Commission advised Mr. Workman that they would look into the situation.

The Commission o'ked the amount of \$9,500.00 for the Busy Bee Corporation of Beards Fork to help with the playground for the community.

A bid was received from the Gun Shop, 104 Mote Avenue, Oak Hill, West Virginia on specified equipment for sheriff department. This bid was rejected by the Commission.

A bid was accepted from King Coal Chevrolet Company for a 1986 Chevrolet (Full size 4x4 Blazer). This bid was accepted in the amount of \$14,341.79.

A resolution was signed by the Commission as directed by the Supreme Court of Appeals of the State of West Virginia to proceed with the relocation of the magistrate office in Fayette County in the county seat, that being Fayetteville. This property belonging to Randall W. Nelson and Deloris Nelson with purchase of property, that being in the amount of \$60,000.00 to be paid from the Building Fund and Improvement Fund of Fayette County.

At the regular session of the County Commission of Fayette County, held on the 27th day of November, 1985, the following order was made and entered.

Subject: The revision of the 1985-86 General Fund Budget of the County Commission of Fayette County. The resolution

was offered by John H. Lopez. Resolved: That subject to the approval of the State Tax Commissioner, the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number three (3) a copy which is entered as part of this record. The adoption of the foregoing resolution having been moved by John H. Lopez and duly seconded by John L. Witt the vote thereon was as follows: James E. Lively, aye, John H. Lopez, Aye, John L. Witt, aye. "Request of Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

On the 27th day of November, 1985, the Fayette County Commission meeting in a regularly called session and finding it necessary to do so does hereby allocate a sum of \$3,000.00 to the Town of Pax for the purpose of snagging and cleaning Paint Creek as specified on a previous contract.

Employer's Initial Statement, West Virginia, Department of Employment Security, Requiree by Article 10, Section 11, of the West Virginia Unemployment Compensation Law as signed by the Commissioners as required.

The Fayette County Commission of Fayette County signed a resolution related to the proposed sale by the U. S. Government of Consolidated Rail Corporation (Conrail). Copy attached.

The Fayette County Commission on the 27th day of November, 1985 does hereby resolve to rescind its resolution which was duly adopted on the 5th day of June, 1985, and which endorsed said sale. Be it further resolved that the Fayette County Commission does hereby endorse the resolution proposed by the Region IV Planning and Development Council, a copy of which is attached hereto.

A copy of the audit report of the Fayette County Magistrate Court for the fiscal year ended June 30, 1984 conducted by the State Tax Department under authority of W. Va. Code 50-3-8.

A copy was received from Steptoe and Johnson Attorneys at Law of Industrial Development Bonds., Series 1985 ( C & W Associates Project).

Payroll and all pending bills were approved and paid.

REGULAR MEETING OF THE FAYETTE COUNTY COMMISSION

December 4, 1985

FAYETTE COUNTY COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

MEMBERS PRESENT: Mr. John H. Lopez  
Mr. James E. Lively  
Mr. John L. Witt

Mr. Lee Massey appeared before the Commission on behalf of White Oak Public Service District. Mr. Massey informed the Commission of problem that the White Oak Public Service District has. Mr. Massey stated that they are in dire need of money for repairs of a shaft of rotor and for money to hook up Carlisle Carpet to the sewage. The carpet store has paid the hook up fee that was due, but the rest of the work is to be done by the district and they have no money to do it with. The Commission agreed to contribute \$5,000.00 for the cause and when the district if financially able they will repay the loan.

A notice was received from Sophia Bush stating that she is no longer able to do the laundry for the jail. She ask that her son Melvin Bush be given the job as he is out of work.

A letter was received from Gauley River Public Service for the re-appointment of Louise Grimmatt as Commissioner of the district. This term expires on December 31, 1985.

A report was received from Billy Blake for the dog pick-ups.

Christine Beckelheimer was re-appointed to the Historical Landmark Commission

A hearing was held on the Armstrong Public Service District complaint. This was for removal of William Black and Thomas Bowen. The decision rendered by the County Commission was that no cause for removal of members was proven. The vote was 3-0 in favor of keeping the 2 members on the board.

On this the 4th day of December, 1985, the County Commission of Fayette County meeting in a regularly called session and finding it necessary to so act does hereby resolve to file a Community Development Block Grant application with the Governor's Office of Community and Industrial Development for the improvement and extension of the water collection and delivery systems

owned and operated by the Ames Public Service District.

On this the 4th day of December, 1985, the County Commission of Fayette County meeting in a regularly called session and having been advised that, due to the sudden and untimely death of Mr. Thomas Ashe, Jr, of Mount Hope, a vacancy does exist upon the Board of Directors of the FMRS Mental Health Council, Inc, therefore, be it hereby ordered that Mr. Daniel Wright be appointed to fulfill the unexpired term

Baker-Watts & Co sent a letter to confirm a public hearing to be held by the Commission at 9:15 A. M. on Tues, Dec. 31, 1985. The public hearing will be held concerning the adoption of a proposed report designed to qualify Fayette County and forty-one other West Virginia counties to issue mortgage revenue bonds in calendar year 1986.

All bills presented were approved and paid.

The Commission will meet again on December 13, 1985 for payroll.

The meeting was adjourned.

A handwritten signature in cursive script, appearing to be 'JSL', is written above a solid horizontal line.

REGULAR MEETING OF THE FAYETTE COUNTY COMMISSION  
December 13, 1985  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS PRESENT: MR. John H. Lopez  
Mr. James E. Lively

The Fayette County Commission met for the purpose of approving payroll and all outstanding bills.

The Commission approved the purchase of pistols for the sheriff department, but Mr. Bragg is to put out bids and/or rebid in order to receive more bids.

The Commission approved the purchase of a 4 wheel drive truck for the Fayette County Park.

The Commission will meet again on December 31, 1985.

A handwritten signature in cursive script, likely belonging to John H. Lopez, is positioned above a horizontal line. The signature is fluid and stylized, with the first letter being a large 'J'.



MEETING OF FAYETTE COUNTY COMMISSION  
DECEMBER 31, 1985  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS PRESENT : Mr. James E. Livley  
                          Mr. John H. Lopez  
                          Mr. John L. Witt

The Fayette County Commission met in regular session December 31, 1985, for the purpose of re-organization. Mr. John Lopez declined the nomination for president of the Commission due to his work load with AT&T. Mr. James Lively was appointed as President of the Commission. The motion was made by John Witt and seconded by John Lopez. Mr. Lively will serve as President of the Commission for the year 1986. Copy of reorganization attached to minutes.

A public hearing was held for Mortgage Bond Issue for Housing by Baker-Watts. Chuck Steele appeared before the Commission. The Commission approve the bond.

John McComas of the Valley Ambulance Emergency Service appeared before the Commission with question of concern of who will carry liability insurance. The Commission made no decision at this time, but will decide and talk of the matter at budget time.

A summons was served on the Commission for suit of Deputy Phillip Statler. Papers were served by Deputy Bickford.

Leon Spencer will be ask to make survey of property for magistrate building and to get the report back to the Commission.

A bid quotation from SA-SO was accepted as low bid for Smith & Wesson Model 686 S. S. Revolvers. A bid was received for the Gun Shop of Oak Hill. This bid was rejected as it was the high bid.

Official holidays for 1986 were presented and approved by County Commission. A list will be given to all department heads and court house hours are as follows: 8 A. M. to 4:00 P. M. - Monday thru Friday except for holidays. Other holidays will be declared as recommended by the Governor.

Be it hereby ordered that pursuant to Chapter 7, Article

3, Section 3 of the Code of West Virginia and in lieu of any compensation for said services as described herein, full title and ownership of the said vehicles to be transferred to Mr. Gannon and Mr. Tyrgrett. Copy attached.

John Parrish of Scarbro was appointed to White Oak Public Service district for a period of six years, term to expire January 1. 1992.

A letter was sent to Sheriff Adam Toney in regard to payment of attorney fees for representation in Magistrate Court of the opinion that due to the nature of the complaint against you, i.e., criminal rather than civil the Commission can only pay attorney fees if successful in defending your case in court.

Form letter sent to West Virginia Department of Highways to certify that the County Commission of Fayette County does not assess or have a B & O Tax for the fiscal year 1985.

Letter received from Keenan, Gallaher & Keenan, Attorney at Law in reference to Mental Hygiene Commitment Proceeding Expenses for statement for Janet Surface & Tichenor Reporting Service, Inc.

Invoice received from Donald H. Stark for Architectural/Engineering Services in Connection with Judicial Annex to Fayette County Courthouse, \$8,400.00.

Letter was received from John P. David Commissioner/Secretary of Page-Kincaid Public Service District for funds to be allocated from FY85-86 (West Virginia Department of Highway - \$5,198.40 - Page -Kincaid P. S. D. water account \$93.81. Balance due \$19,708.42.

Letter was received from Gordon Billiheimer, Jr., President of FCCOCS to state they have selected January 8, 1986 to meet. If this is not a good date for everyone the alternate date of Wednesday, January 15, 1986 at 9:30 A. M. has been set.

At a special session of the County Commission of Fayette County, held on the 31st day of December, 1985, the following order was made and entered:

Subject: The revision of the 1985-86 Revenue Sharing Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John H. Lopez:

RESOLVED: That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number four(4), a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by John H. Lopez, and duly seconded by John L. Witt, the vote thereon was as follows:

James E Lively, Aye;

John H. Lopez, Aye;

John L. Witt, Aye;

Copy attached to minutes.

On the 31st day of December, 1985, the following order was made: Subject: The revision of the 1985-86 Coal Severance Fund Budget of the County Commission of Fayette County.

The resolution was offered by John H. Lopez:

The adoption of the foregoing resolution having been moved by John H. Lopez, and duly seconded by John L. Witt, the vote thereon was as follows:

James E. Lively, Aye;

John H. Lopez, Aye

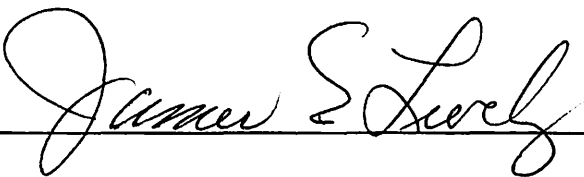
John L. Witt, Aye

Copy attached to minutes.

On this the 31st day of December, 1985, the Fayette County Commission meeting in Special Session and acting pursuant to statute does hereby order the balance of the Fayette County General School Fund (\$5,304.84) for the calendar year 1985, to be transferred to the Fayette County Jail Improvement Fund. This was signed by all three commissioners.

The Commission approved the payment in the amount of \$84.99, for Mental Hygiene Commitment Proceeding Expenses, from monies in the County Treasury. Court reporter Janet Surface.

There being no further business to come before the Commission the meeting was adjourned. The Commission will meet again on January 8, 1986.

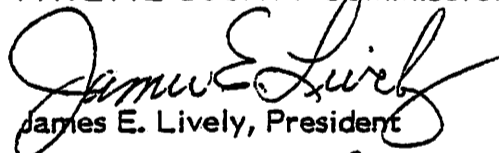
  
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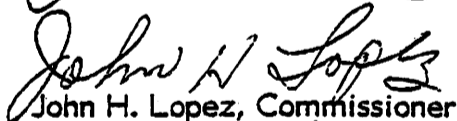
## ORGANIZATION FAYETTE COUNTY COMMISSION

On the 31st day of December, 1985, the County Commission of Fayette County, West Virginia, met in Special Session and proceeded to organize for the year 1986. Thereupon three members being present and voting, James E. Lively was unanimously elected President of said Commission for the year 1986, and John L. Witt was elected Purchasing Agent and Charlotte N. Holly designated Assistant Purchasing Agent for the year 1986. All purchases in excess of \$2,000.00 must be personally authorized by Commissioner Witt.

The constitution of this State requiring that four regular sessions of the County Commission shall be held each year, but the Commission deeming it to be in the best interest of the general public, it is therefore ordered that a regular session of the Commission be held on the first Wednesday after the first Monday of each month; the 15th of each month unless such date should be on a Saturday, Sunday or legal holiday, then said Commission meeting will be held on the next preceding work day; and the last Wednesday of each month during the calendar year of 1986, and that the Clerk of this Commission issue calls for Special Sessions as deemed necessary, or whenever directed by the Commission of this County.

FAYETTE COUNTY COMMISSION

  
James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

On this the 31st day of December, 1985, the County Commission of Fayette

County meeting in a regularly called session and having determined:

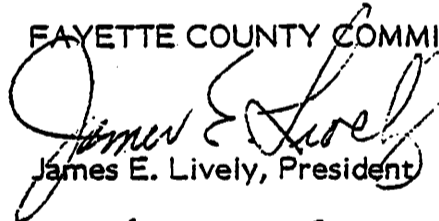
1. That the Commission does hold title to certain vehicles, an enumerated list which is attached hereto and made a part thereof, which are in such physical condition that the added estimated life would not warrant the cost of repair;
2. That the salvage value of said vehicles is not in excess of \$ 1,000.00;
3. That Mr. Jim Gannon and Mr. Pat Tygrett have on numerous occasions performed valuable services including, but not limited to, the repair and modification of County cruisers, maintenance vehicles, landfill vehicles, and other equipment;
4. That neither Mr. Gannon nor Mr. Tygrett have received any compensation or remuneration in any form for said labor.

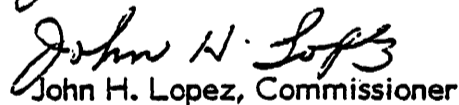
Now, therefore, be it hereby ordered that pursuant to Chapter 7, Article 3, Section 3 of the Code of West Virginia, and in lieu of any compensation for said services as described herein, full title and ownership of the said vehicles be transferred to Mr. Gannon and Mr. Tygrett, said transfer to be perfected as follows:

Mr. Jim Gannon shall receive . . . 1981 Chevrolet Malibu serial number 1G1ATZ7JXBD419435.

Mr. Pat Tygrett, Jr. shall receive . . . 1977 Pontiac sedan serial number 2D2927P174329 and 1973 Dodge truck serial number B11AE3V037844.

FAYETTE COUNTY COMMISSION

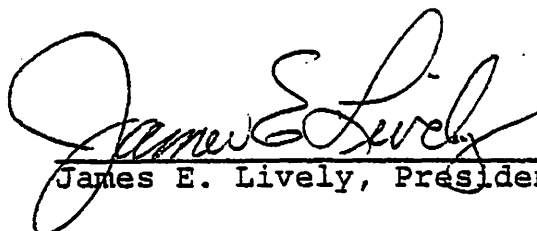
  
James E. Lively, President


  
John H. Lopez, Commissioner

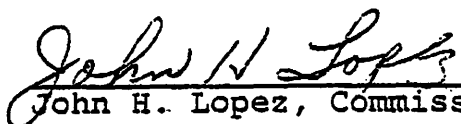
  
John L. Witt, Commissioner

FAYETTE COUNTY COMMISSION

On this the 31st day of December, 1985, it appearing to the Commission that the term of John Parrish expires on January 1, 1986, and upon recommendation of the Board of White Oak Public Service District it is hereby ordered that John Parrish be and he is hereby appointed as Commission of said White Oak Public Service District Board as and of January 1, 1986, to serve for and during a period of six years, said term to expire January 1, 1992.

  
James E. Lively, President

  
John L. Witt, Commissioner

  
John H. Lopez, Commissioner

At a special session of the County Commission of Fayette County, held on the 31st day of December, 1985, the following order was made and entered:

**SUBJECT:** The revision of the 1985-86 Coal Severance Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John H. Lopez:

**RESOLVED:** That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number four (4), a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by John H. Lopez, and duly seconded by John L. Witt, the vote thereon was as follows:

James E. Lively	Aye;
John H. Lopez	Aye;
John L. Witt	Aye.

Whereupon, James E. Lively, President, declared said resolution duly adopted, and it is therefore **ADJUDGED** and **ORDERED** stated above, and the same is, hereby adopted as so stated above, and John H. Lopez is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the 1985-86 Coal Severance Fund budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner



STATE TAX COMMISSIONER  
LOCAL GOVERNMENT RELATIONS DIVISION  
DRAWER 2389  
CHARLESTON, W V 25305

County Commission of Fayette County

GOVERNMENTAL ENTITY

12-31-85

ENTITY APPROVAL DATE

P. O. Box 307

STREET OR P.O. BOX

Fayetteville,

WV 25840

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
399		\$15,173	\$2,000		\$17,173

NET INCREASE/(DECREASE) \$2,000

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
602	66-70	\$15,173		\$2,000	\$17,173

NET INCREASE/(DECREASE) \$2,000

TAX DEPARTMENT USE ONLY

RECEIVED \_\_\_\_\_  
POSTED \_\_\_\_\_ BY \_\_\_\_\_

APPROVED FOR THE STATE TAX COMMISSIONER BY:

DIRECTOR-LOCAL GOVERNMENT RELATIONS

*[Signature]* 12-31-85  
AUTHORIZED SIGNATURE President, Member DATE OF REQUEST  
FOR GOVERNING BODY Fayette County Commission

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE ACCOMPANIED BY A STATEMENT CONTAINING SIGNATURES OF ALL COUNTY COMMISSIONERS (§ 7-1-9)

At a special session of the County Commission of Fayette County, held on the 31st day of December, 1985, the following order was made and entered:

SUBJECT: The revision of the 1985-86 Revenue Sharing Fund Budget of the County Commission of Fayette County.

The following resolution was offered by John H. Lopez:

RESOLVED: That subject to the approval of the State Tax Commissioner (as required), the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number four (4), a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by John H. Lopez, and duly seconded by John L. Witt, the vote thereon was as follows:

James E. Lively	Aye;
John H. Lopez	Aye;
John L. Witt	Aye.

Whereupon, James E. Lively, President, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED stated above, and the same is, hereby adopted as so stated above, and John H. Lopez is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Tax Commissioner for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the 1985-86 Revenue Sharing Fund Budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

James E. Lively, President

  
John H. Lopez, Commissioner

  
John L. Witt, Commissioner

REQUEST FOR REVISION TO APPROVED BUDGET

(§ 11-8-26a)

STATE TAX COMMISSIONER  
LOCAL GOVERNMENT RELATIONS DIVISION

RAWER 2389  
CHARLESTON, W V 25305

County Commission of Fayette County

12-31-85

GOVERNMENTAL ENTITY

ENTITY APPROVAL DATE

P. O. Box 307

Fayetteville, WV 25840

CITY

ZIP CODE

RECEIPTS: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
344		\$50,000	\$40,000		\$90,000

NET INCREASE/(DECREASE) \$40,000

EXPENDITURES: (net each acct)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
401	1-10	\$ 1,408		\$ 341	\$ 1,749
403	1-10	7,504		7,410	14,914
441	56-65	300,000	<del>517,095</del> <del>300,000</del>		<del>121,905</del> <del>300,000</del>
456	1-10	96,640		95,774	192,414
532	1-10	79,906		37,070	116,976
448	66-70	74,222		62,500	136,722
553	66-70	10,000		10,000	20,000
572	66-70	5,000		5,000	10,000

NET INCREASE/(DECREASE) \$40,000

TAX DEPARTMENT USE ONLY

NET INCREASE/(DECREASE)

RECEIVED \_\_\_\_\_  
POSTED \_\_\_\_\_ BY \_\_\_\_\_

12-31-85

APPROVED FOR THE STATE TAX COMMISSIONER BY:

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE OF REQUEST  
FOR GOVERNING BODY Fayette County Commission

DIRECTOR-LOCAL GOVERNMENT RELATIONS

SPECIAL NOTE: TRANSFERS TO/ FROM SPECIAL FUNDS MUST BE  
ACCOMPANIED BY A STATEMENT CONTAINING  
SIGNATURES OF ALL COUNTY COMMISSIONERS. (7-1-9)

MEETING OF THE FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
January 8, 1986  
FAYETTE COUNTY COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS PRESENT: Mr. John L. Witt  
Mr. John H. Lopez

The Commission met in regular session for the first meeting of the year. Ms. Louise Grimmett was reappointed to the Gauley River Public Service District for a period of 6 years, as her term expired on the 31st day of December, 1985.

Sam Calloway was reappointed to the Fayette County Planning Commission for a period of 3 years as his term expired on January 1, 1986.

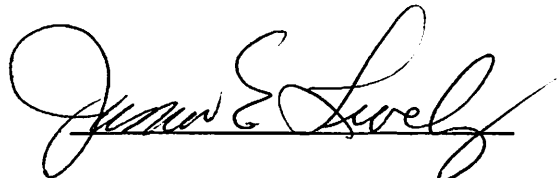
A letter was sent to Members of the Board of Directors of Mountain Transit Authority, due to the fact that they have no notification of any progress on action given for the claim of damage to property of Mr. Charles Rivers of RED Star, that MTA bus damaged. They also noted Mr. Rivers has no status of this claim at this date.

A letter was sent to the Honorable David Hypes and Members of the Council, Town of Fayetteville; of desire to purchase a parcel of land (parcel 133) located on Maple Avenue which is owned by the Town of Fayetteville. The Commission agreed on a price of offer of \$25,000.00 for the parcel of land and the town could retain the stone from the building if so desired.

A contested hearing between T. E. Myles and Wayne Inge, Attorneys, for the guardian ship of the Mc Kinney children was posponed until the 15th of January.

All pending bills wer approved and paid.

The meeting adjourned.

A handwritten signature in cursive script, appearing to read "James E. Lovelace", written over a horizontal line.

REGULAR SESSION OF FAYETTE COUNTY COMMISSION

January 15, 1986

FAYETTE COUNTY COURTHOUSE

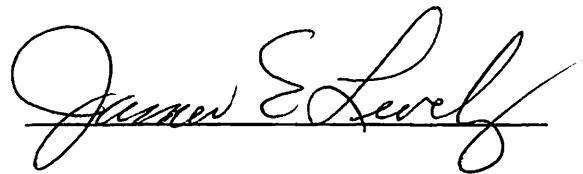
FAYETTEVILLE, WEST VIRGINIA 25840

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

On January 15, 1986, the Commission approved all outstanding bills and payroll . The remainder of the day was used for a contested hearing of the Mc Kinney children, The Commission will make and decision and submit this to the lawyers on the 29th of January, 1986.

At 4 P. M. the meeting was adjourned.

The Commission will meet in special session on January 21, 1986 to take care of any matter to come before them that was not take care of the 15th due to the hearing.

A handwritten signature in cursive script, reading "James E. Lively", written over a horizontal line.