

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 6, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

Also Present: George Bragg, Mannix Porterfield, Joe Myers

The Fayette County Commission met in Regular Session on this 6th day of April, 1994.

Ms. Holly informed the Commission she received Governor's Summer Youth Program (GSYP) applications on April 1, 1994. Informed the Commissioners of the changes, applications due Friday, April 8, 1994; Supervisors have to be teachers. In addition to Page-Kincaid, Beards Fork and Fayette County Park, Ms. Holly requested thoughts on project areas. Commissioner Carte suggested Harlem Heights and Jodie and Commissioner Lopez suggested Civitan Park in Deepwater. Earl Pauley to submit proposal of what he is going to do. Ms. Holly questioned if possible could use to do landscaping here at Court House. Commissioner Witt informed he wants the job done professionally, feels employees here could do. Approved. Gene Carte to sign application when complete.

Ms. Holly presented to the Commissioners a rough draft of Polling Places for the Primary Election being held on May 10, 1994. Polling places approved as presented. Jackie will type.

The Commissioners received and reviewed adjustment notice from Operation Buckledown.

The Commissioners received/reviewed and signed letter from Department of Tax and Revenue confirming audit for fiscal year 92-93. Maintenance to clean up room downstairs for auditor.

Ms. Holly presented to the Commission for their approval legal ad advertising for seasonal positions at Fayette County Park. Okay to advertise per Commission.

The Commissioners received from Sheriff Laird letter regarding Project SAINT Grant #88-102 informing of balance previously awarded through Governor's Community Partnership Program. Ms. Holly informed the Sheriff had talked with Bill Spence with West Virginia Development Office will ask for Budget Revision and money be realigned for training. Letter was signed.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges informing claimant Dovie Christian protest had been received. Copy sent to the Sheriff.

Ms. Holly informed received response letter from West Virginia Development Office regarding the comments the Commissioners sent regarding Small Cities Block Grant. Ms. Holly informed the Commissioners she feel good about projects being completed. Informed White Oak Public Service District Final Performance Report had been submitted.

The Commissioners received and reviewed check in the amount of \$27,876.19 for the Emergency Telephone System for the month of February, 1994.

The Commissioners received and reviewed letter from Sheriff Laird requesting reimbursement to inmate Roger Tincher for boots.

Amount \$95. This was approved.

The Commissioners received/reviewed and approved letter from Sheriff Laird requesting that 2 deputy sheriffs attend the Ohio Peace Officer Training Academy in London, Ohio for training and certification as departmental trainers for Intermediate Force Weapons. Amount \$440.00.

The Commissioners received and reviewed letter from Danese Public Service District regarding reappointing William Fox to serve on board.

The Commissioners received and reviewed from Region 4 Planning and Development Council memorandum inviting the Commission to attend meeting at 1:00 p.m. on April 15, 1994 in the Commission Office regarding provision of Public Water for the New Haven Public Service District.

Ms. Holly presented to the Commissioners names from Ann Skaggs requesting clean up letters be sent to B. E. Anderson, and Kathy Ellis.

Commissioner Witt also presented a list of persons for clean up letter of residents in the Town of Pax. Commissioner Witt suggested a picture be presented of complaint about property would help.

Gary Harding to review all properties prior to sending clean up letter

Attorney Tom Fast appeared before the Commission with Committee Appointment for Margaret Atkins informed this was a continuance. Present was Attorney T. E. Myles. Attorney Fast

asked the Commissioners that all disinterested be removed if possible. Commissioner Carte asked all disinterested be removed. Joe Myers questioned feels he would like to assist the Commission in doing things properly. Mannix Porterfield asked if this included the press. Commissioner Carte informed this was of a sensitive nature. Attorney Jack Thompson informed he would not close for a committee hearing. Attorney Fast informed sensitivity of the issues person present declaiming incompetent. President Carte referred to the Code. Attorney T. E. Myles appointed guardian et litem. Attorney Fast and Attorney Myles requested to the Commission to go into Executive Session because of the sensitive nature of committee appointment. Commissioner Witt offer motion to go into executive session as per request due to the physical and mental health of his ward. Commissioner Lopez seconded. All in favor. Debbie left meeting.

The Commissioners approved exonerations presented by Tom Aiello, Assessor for the month of March. Received and signed by the Prosecuting Attorney.

Discussion was held regarding Bonnie Sarver's request regarding insurance premium of employees who was previous employed who returned on instances out of their control. Commissioner Witt informed only if left on instances out of persons control but with no retroactive relief. Policy to apply to all previous employees leaving employment for circumstances beyond their control (i.e. firing/lay off, etc.) Approved.

The Commissioners signed and approved minutes of Zoning

Office from last meeting.

The Commissioners received and reviewed copy of accident report from Jan-Care Ambulance Company.

Ms. Holly informed the Commissioners she received letter from Judge John Hatcher requesting that Probation Department be vacuumed either every workday evening after 4:00 p.m. or every workday morning before 8:00 a.m. Ms. Holly informed the Commissioners Dee Lively will take care of.

Discussion was held regarding maintenance crew. Commissioner Witt informed entire courthouse should be inspected and cleaned periodically. Commissioner Lopez suggested maybe have some work contracted. Commissioner Witt informed need to know what employees can do before being hired.

Ms. Holly informed the Commissioner the Prosecuting Attorney Office need to add telephone jack to office. Ms. Holly informed will pass on to maintenance.

The Commissioner received and reviewed letter from Southern Soil Conservation District informing they support the Fayette County Commission's request for flood assistance on Armstrong and Smithers Creek in Fayette County and enclosed photo documentation and a cost estimate for the removal of debris and obstructions. Commissioner Carte asked that copies be sent to Mayor Eddie Long and Council Members of the Town of Smithers.

Attorney John Shumate appeared before the Commission to present application for Darlene Goodwin request to close unused and undeveloped portion of 2 streets--Sherwood Addition--Section

1 and 2. Mr. Shumate presented affidavit published in Fayette Tribune, informed the property was South of Mount Hope/Old Beckley Road. No objections received by Commission. Map presented. Commissioner Witt questioned if Ms. Goodwin was requesting to close only the properties she owns. Mr. Shumate inquired yes. Commissioner Lopez made motion to approve abandonment. Commissioner Witt seconded. Motion passed unanimously.

Ms. Holly informed the Commissioner she received letter from Nationwide Insurance regarding payment of medical bill for Katheryn Horrocks, spouse of retiree Billy Horrocks. Amount \$406.35. Ms. Holly informed they are asking the Commission to make payment. The Commissioner asked Ms. Holly to check with Prosecuting Attorney Office regarding matter. Per Carl Harris Assistant Prosecuting Attorney advised to send copy of letter to Health Economics Corporation (HEC) informing they expect the matter to be resolved by May 1, 1994, in event Medicare begins legal proceedings against the Commission will make Health Economics Corporation (HEC) a party to the action, expect to be reimbursed for any legal cost as a result of failure to pay.

The Commissioners received and reviewed letter from Jack Thompson, President County Legends Limited requesting use of Memorial Building for the New River Heritage Festival to sponsor a country show on July 2, 1994. Discussion was held. Request was not for a waiver of fees. Rental was approved but Charlotte Holly to call Peggy Freeman regarding reason request was sent to County Commission and to confirm availability.

Commissioner Carte questioned when roofers coming in to repair roof at Memorial Building. Ms. Holly informed it would be mid April.

Ms. Shirley Roberts, representing the Town of Pax appeared before the Commission requesting funding in the amount of \$6,200.00 to be used for debts created from prior administrations. Discussion held. Commissioner Witt made motion to refer matter to Prosecuting Attorney Office for some advice on what the Commission can do. Commissioner Lopez seconded. Commissioner Carte opposed feel county has given funds for other outstanding debts--911 funds--City of Oak Hill radios. Commissioner Lopez informed Ms. Roberts will get back and let her know of Prosecuting Attorney and Commission decision.

Ms. Holly submitted from Earl bids for bed for dump truck to review Lift Bodies, Inc.--\$3,329.00, Thiele, Inc.--\$4,050.00, Baker Truck Equipment Company--\$4,743.00. The Commissioners approved of lower bid. Lift Bodies, Inc.

Ms. Holly to meet with Maintenance Staff.

Commissioner Witt suggested organizing a Fayette County Handbook Policy inviting all elected officials to attend meeting to set Policy for employees.

Commissioner Witt made motion suggesting starting tomorrow morning start Daily Record of Commission employees and write down what each employee do daily. Commissioner Lopez seconded. All approved.

Discussion was held regarding letter received from Thomas

Gilkerson filing an objection to the final settlement of the Estate of Marie Gilkerson. Commission Lopez questioned what the Commission intends to do regarding administrator fees of 5%. It was decided to send copy of objections to Carl Harris for reply and let him review objections and report back to County Commission.

Commissioner Lopez informed the Commission that Earl Pauley had not taken vacation since employment. Mr. Lopez suggested to give money. Ms. Holly informed generally you loose after end of year. Ms. Holly informed the Commission they had policy in 1975 dealing with vacation. Commissioner Lopez and Commissioner Witt in favor of compensation. Commissioner Carte suggested paying any employee for any unused vacation.

Ms. Holly informed the Commission Bob Ford plans to retire 1st of fiscal year.

The Commissioner signed clean up letter to Fred Washington.

The Commissioners received and reviewed letter from LaFayette Post 149 The American Legion informing of Know Your County Government Day being held Friday, May 6, 1994.

The Commissioners received and reviewed brief update from Cablevision.

The Commissioners received and reviewed copy of letter from Pentree, Incorporated informing the Beards Fork Sewer Project was completed as of March 14, 1994.

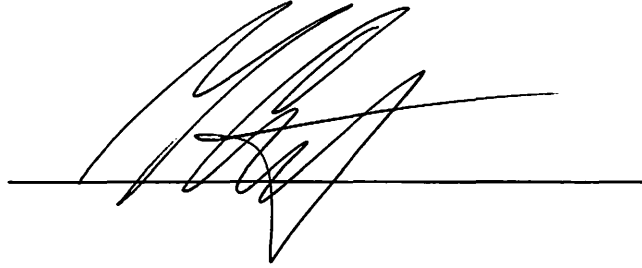
The Commissioners received and reviewed letter from Fayette County Solid Waste Authority informing the Authority will be re-

taining private counsel to represent them in law suit.

The Commissioners received and reviewed dog Warden Report for the month of March.

Vouchers and outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is April 15, 1994.

A handwritten signature in black ink, consisting of several overlapping, stylized loops and lines, positioned above a horizontal line that spans the width of the signature.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 15, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 15th day of April, 1994.

Paul Brant introduced David Wood with the National Park Service out of Philadelphia to the Commissioners.

The Commissioners received and reviewed response from David Neal, E911 Coordinator regarding complaint made by General Ambulance, Inc.

The Commissioners received and reviewed monthly financial report from Boomer Volunteer Fire Department.

Ms. Holly informed the Commissioners Earl received letter from Ashland Exploration, Inc. informing the request for natural gas has been referred to Ashland's Senior Management for review. Also, Earl need to notify Ashland of any gas companies which service area and inform of how many feet it is to the well and canteen.

The Commissioners received and reviewed Final Performance Assessment Report Small Cities Block Grant from Page-Kincaid Public Service District this year.

Ms. Holly informed the Commissioners Earl had received proposal from C and P Telephone Company for improving service at Fayette County Park. Ms. Holly advised the Commissioners she would check into a little bit more since proposal was made in

1992.

Ms. Holly presented copy of Polling Places for Primary Election informed she met with David Clagg all schools are okay. Kimberly school will be open.

The Commissioners received and reviewed response from Senator Robert Byrd informing he would contact U. S. Army Corps of Engineers to reiterate our request that the Smithers Creek be dredged.

Ms. Holly reminded the Commissioners that Danese Community Center will be sponsoring Know Your Candidate night, April 23, at 7:00 p.m.

The Commissioners received and reviewed letter from Elizabeth Zeb regarding pot hole between the telephone company and her house. It was suggested to forward letter to Mike Cobb with the Department of Highways.

Ms. Holly informed Linda Johnson need to test tabulator for Primary Election on May 3rd. Ms. Holly asked the Commissioners if they could change May 4th meeting to May 3. This was approved.

Ms. Holly informed the Commissioners she received letter from Elizabeth Larson with the County Commissioners' Association informing she will be attending the May 4th meeting. Ms. Holly to call and inform Ms. Larson of change in meeting.

Ms. Holly informed the Commissioners they will have special session on April 19th, 1994 at 10:00 to Lay Levy.

Ms. Holly informed she had been contacted by Green Thumb informed they would like to place 2 Green Thumb workers (Robert

Blackburn and Herman Hudnall) with us until June 30, 1994. Ms. Holly informed they had already started working and she contacted Commissioner Carte and Commissioner Witt and informed them of this.

Invoice to the Division of Correction for rent for parole office space leased for the months of March and April was signed and approved. Amount \$600.00.

The Commissioners received/reviewed and signed drawdown request No. 22 for the White Oak Public Service District Sewer System Improvement.

Ms. Holly informed Tom Aiello, Assessor brought a copy copy of exonerations that were presented in last meeting that Commissioner Carte missed signing.

The Commissioners received and reviewed list of Election Officials designated by the Clerk to have appointed as alternates who may be instructed to attend training as alternates or replace those Election Officials appointed by order of said Commission on March 22, 1994 who decline to serve. Order prepared and signed.

Letter was signed to Penelope Crandall, Director of Family Law Master for reimbursement for rent for the month of March. Amount \$550.00. Ms. Holly informed landlord furnished wallpaper. Dee and Eddie will work on. Ms. Holly informed Matt purchased carpet from Direct Carpet. Informed removal and installation would be \$4.00 a yard. Discussion was held. Commissioner Lopez suggested checking with Prosecuting Attorney regarding installa-

tion.

Letter was signed to Wilford Elliot and Montie Elliot informing the Commission has reviewed notice sent February 28, 1994 regarding clean up of property and informed property to be accepted as is.

The Commissioners signed order reappointing William Fox as Commissioner for the Danese Public Service District.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council asking the Commission for their support. Commissioner Lopez made motion the Commission support Region 4. Commissioner Witt seconded. All approved.

Commissioner Carte signed registration card for truck at Fayette County Park.

The Commissioner received and reviewed letter form West Virginia Development Office informing Fiscal Year 1988 budget revision for Governor's Community Partnership Grant Project SAINT was approved.

Ms. Holly informed the Commissioners Gary Harding had investigated complaint regarding B. E. Anderson etux and Robert L. Ellis properties. Mr. Harding feels letters should be sent. Commissioner Witt moved clean up letters be sent to B. E. Anderson etux and Robert L. Ellis. Commissioner Lopez seconded.

The Commissioners received and reviewed letter from Hall's Sanitation, Inc. informing effective April 1, 1994 there will be a rate increase of 11.9%.

Ms. Holly informed the Commissioners Clyde Yeager had called regarding tree between ERA and Fayette County Commission property informed dead wood and limbs needed to be trimmed. Ms. Holly informed Mr. Yeager would pay. Discussion was held. Charlotte to make arrangements.

Ms. Holly asked Commissioner what they are going to do regarding exoneration for Dale Cummings. Informed talked with the Assessor they denied relief for 93 taxes mistake made by Mr. Cummings CPA, but 94 taxes needed exoneration since he did appear in February. Commissioner Lopez made motion to deny exoneration of relief for 93 taxes but approved exoneration of 94 taxes. Commissioner Witt seconded. All approved. Ms. Holly to contact Scott Burgess regarding 94 assessment.

Discussion was held regarding the landfill. Commissioner Carte made comment; less environmental damage than the salt the Department of Highways put on roads.

The Commission received and reviewed letter from Carl Harris regarding request of funding for Town of Pax informed he found no instances where the Commission can fund payment for a municipality for past administrative debts.

The Commissioners received and reviewed from Carl Harris, Assistant Prosecuting Attorney letter sent to Evelyn Estep offering to purchase the Mattie Thomas Property for the Fayette County Commission located on Wiseman Avenue, Fayetteville, West Virginia for the sum of \$44,500.00.

Ms. Holly informed the Assessor requesting to build shelves

in boiler room at Annex to store somethings. Commissioner Witt suggested checking with Fire Marshall. Discussion was held. Commissioner Carte and Commissioner Lopez suggested asking Steve

The Commissioners approved to pay for wallpaper brushes.

Ms. Holly asked the Commissioners to purchase printer for Jackie to print minutes. She informed the Commissioner she has small Epson at home feels one that size would be sufficient. This was approved.

Ms. Holly informed the Commissioners Gary Harding need typist for his office. Informed Helen Hudson doesn't type. Commissioner Lopez suggested Nancy to assist Gary with typing. Commissioner Carte made motion to move the Switchboard hours for Nancy and Frances back to 8:00 a.m. to 4:00 p.m. Green Thumb worker would work 4:00 p.m. to 6:00 p.m. hours. Commissioner Lopez seconded with the understanding that Nancy help Gary in his office. Motion passed. All approved.

Ms. Holly informed she talked with Maintenance Crew regarding working on schedule for cleaning different offices. She informed talked with Bob Arthur and had a request from Magistrate Mike Parsons. Mr. Parsons called Earl to clean Danese Magistrate Office once a week. Ms. Holly informed Earl volunteered to purchase supplies for downstairs. Informed maintenance crew asked if they could purchase little things for downstairs they might need right then instead of calling Earl for something small. The Commission gave authorization for maintenance crew to purchase little things they might need but check with Charlotte

first before purchasing. Commissioner Witt suggested if purchasing something they might use often, to buy in bulk instead of going everyday for same item.

Ms. Holly advised the Commissioners to consider closure on jail and to get with Sheriff to discuss.

Ms. Holly informed the Switchboard asked if cabinet could be built so they could store pocketbooks. Ms. Holly suggested getting file cabinet with lock. This was approved.

Ms. Holly asked the Commissioners if they wanted her to send letters setting a date to meet with Officeholder regarding personnel handbook informed she had personnel handbook of Ohio Commission. Ms. Holly was told to send copy to officeholder for them to review but no date was set.

Ms. Holly reminded the Commissioners meeting with New Haven Public Service District today at 1:00 p.m. in Commission Chambers.

Commissioner Lopez questioned the Commission regarding daily time sheets for their employees. Informed he had talked with Charlotte she had calls and questions on how to fill out. Informed he was not satisfied with this. Commissioner Lopez made motion to negating time sheets for Commission employees. Commissioner Carte seconded. All approved.

Commissioner Witt apologized informed he did not want each employee to fill out time sheets. Informed he wanted a book for one individual to take care of with every employees name, vacation, sick and comp time.

Ms. Holly informed James asked if he would receive comp time or overtime for days he worked during the snow removal. Charlotte informed the Commission during the time when they held meeting with officeholders regarding inclement weather policy they discussed paying park employees overtime. Commissioner Carte asked Ms. Holly to check to see if park employees got paid overtime if so, pay James. Charlotte to check.

Ms. Holly presented to the Commission copy of order regarding reinstating an employee to health insurance. The Commissioners reviewed order informed Section 4 sufficient in regard to reemployment of persons terminated for reasons beyond their control eligible for benefits as provided in Section 2.

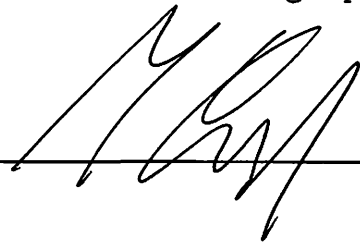
Ms. Holly was informed no need to revise order as discussed in meeting held on April 6, 1994 per Commissioner Carte and Commissioner Witt.

The Commissioners received and reviewed letter from Danny Anguis regarding Armstrong Creek.

The Commissioners received and reviewed copy of letter from Michael Sales, with Fayette County Health Department responding to opinion expressed in the April 4, 1994 issue of The Tribune Kilsyth.

Payroll and outstanding bills were approved.

Meeting was adjourned. Next scheduled meeting April 30, 1994.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 19, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Special Session on this 19th day of April, 1994.

Commissioner Lopez questioned Kelvin regarding the Poll Official List. Discussion was held.

Administrator Holly presented letter from State Tax Department regarding approval of Levy Estimate (Budget) for fiscal year July 1, 1994. Ms. Holly informed the Commissioners she had written letter for their signature to the Tax Department responding to Notice of a Conditional approval of the Levy Estimate dated April 12, 1994 informed the Tax Department the Commissioners did allocate funds for fiscal year 1995 to the 4-C Economic Development from Coal Severance Account 435-68 (Regional Development Authority-Other Contributions. Ms. Holly informed Tax Department will take comment out of budget.

Commissioner Lopez made motion to lay the levy for fiscal year 1994-95. Commissioner Witt seconded. All approved. Vote passed 3-0. Necessary forms and order signed.

Administrator Holly informed the Commissioners Sheriff Laird called informed would like the Commissioners to approve vouchers and checks for Project SAINT Grant for Workshop being held April 20-22, 1994. This was approved.

Commissioner Carte signed registration card for vehicle

at Fayette County Park.

The Commissioners signed letter of invitation to each office-holder to participate in the development of a "Fayette County Employee Handbook".

Administrator Holly informed she had talked with Earl informed he need 10 lifeguards, lost two employees April Workman and Johnnie Mann. Would need 3 day shift workers to mow the grass. Commissioner Lopez informed Harold L. Smith quit. Ms. Holly informed she did ask Earl to find out reason why Harold didn't report for work and what the problem was. Wind had blown tar paper off roof. Commissioner Lopez suggested getting radio for the Park. Discussion held. Mr. Lopez suggested Earl check to see what type radios is needed and get together with Steve Cruikshank.

Ms. Holly informed the Commissioners Bert with Fayette County Humane Society had picked up a dog, owner called the society was told dog was put to sleep. Informed owner did talk with Ms. Abbot.

Commissioner Witt asked if anyone heard anything regarding Leash Law . Ms. Holly informed she hadn't receive anything from Legislative Digest.

Ms. Holly informed she talked with Roy Lee regarding installation of carpet in Family Law Master Office, informed he is contracted and could not install. Receive no benefits. Informed talked with Paul Blake no problem for the County to pay for installation. Matt to go ahead and make arrangements.

Ms. Holly informed talked with Clyde Yeager, the guy he had asked to cut dead wood from tree could not. Per Commissioners cut dead limbs out. Tree is on County property.

The Commissioners received and reviewed letter from George Vickers informing he is discontinuing legal practice as of today, asked if he could continue to act as A Fiduciary Commissioner for County. The Commissioners voted unanimously to approve Mr. Vickers request to continue as a Fiduciary Commissioner. Commissioner Carte advised letter be written. Letter was signed.

Ms. Holly to check with Carl regarding Gilkerson Estate.

Commissioner Witt questioned about the New River Heritage Festival request for waiver use of Memorial Building from Jack Thompson. Ms. Holly explained his request wasn't to waive rental fee it was for the use of building. After discussion letter to waive rental fee for New River Heritage Festival and Civil War Re-enactment Ball was approved.

The Commissioners received and reviewed statistics reflect responses dispatched thru the E-911 Center to the respective resource agencies for the month of March.

The Commissioners received and reviewed letter from Department of Commerce, Labor and Environmental Resources regarding their withdrawal of grant for recycling assistance to the Fayette County Solid Waste Authority. Amount \$87,000.00.

The Commissioners received and reviewed letter to Adrian Goff from David, E-911 Coordinator regarding complaint dated March 24, 1994. The Commissioners reviewed and approved letter

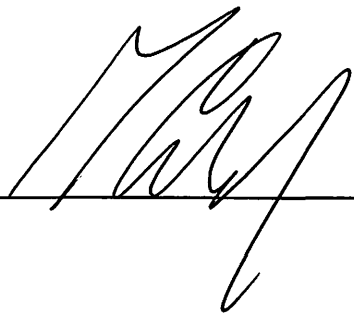
be sent.

The Commissioners received and reviewed from Cable Equities of the Virginias, Ltd franchise tax for the period March 1 through March 31, 1994. Amount \$1,442.65. Discussion was held regarding Tele-Media. Ms. Holly informed Carl Harris is working on letter, informed the Code does provide some penalties.

Commissioner Witt informed Phyllis Farley with Department of Natural resources would be honoring 2 individuals for their help in cleaning up the different areas in Fayette County and surrounding areas. Recognition will be held on May 25, 1994. Commissioner Carte suggested to the Commission they have recognition also. It was suggested it be set at another time.

The Final Performance Report was signed for Page-Kincaid Public Service/Beards Fork Sewer Project.

The meeting was adjourned. Next scheduled meeting is April 27, 1994.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 27, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 27th day of April, 1994.

The Commissioners reviewed the total number of registered voters and the number of registered voters of each party in each precinct and having determined the number of voting devices needed to accommodate voters without long delays. Order was signed.

The Commissioners signed letter to Mountain Transit Authority (MTA) informing they have appropriated \$2,500.00 for fiscal year 1994-95.

Ms. Holly informed she had completed Liability Insurance questionnaire for equipment owned by County for James Lively Insurance. Informed she's waiting on update of equipment from Health Department and Ear at the Park.

Ms. Holly informed she had talked with Ann Berry again regarding tax relief for Pocahontas Land Corporation. Ms. Berry informed order dated September 8, 1993 was correct asked that the Commission rescind order dated February 18, 1994. Amended order typed and signed.

Ms. Holly informed the Commissioners order for request for tax relief, Harry E. Ward, Jr. est/Dale Cummings had been prepared and based on information from Scott Burgess with the Tax Department and the Assessor's Office order approved. Ms. Holly

questioned the decision of the Commissioners to make sure order was correct, that the Commissioners denied relief for Tax Year 1993, but Mr. Cummmings be afforded tax relief for Tax year 1994 based on the corrected 1994 assessed value and applicable tax levy rates in effect on July 1, 1994 in the form of an exoneration.

The Commissioners signed letter to Ann Skaggs and Kay Jeffries requesting they attend Commission meeting Wednesday, May 25, 1994 to discuss the progress of the clean up effort in Fayette County.

Commissioner Witt made motion that the county contribute funds to the New Haven Public Service District. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she had Steve to check regarding putting shelves up in boiler room. Steve informed since it was mostly paper he suggested putting up dividers. Commissioner Witt suggested waiting until after the jail close. County Clerk Kelvin Holliday informed he needed storage space also.

Ms. Holly presented to the Commissioners 3 bids from Earl for replacement of cabin roof 1) Richard Myles--\$4,300, Persinger Power and Construction Company--\$4,650.83, Steven R. Malay, Sr.--\$4,986.73. The Commissioners approved to except lower bid.

Ms. Holly informed Earl inspected roof at Prosecuting Attorney's Office informed nothing wrong with rubber roof do not see anything wrong with roof, Earl suggested looking into

replacing mortar between brick in front. Commissioner Lopez suggested getting Rick Myles to look at and report recommendations.

Earl recommended that James Kincaid work part time at park. This was approved for ninety day trial period.

The Commissioners received and reviewed petition from residents along Sewell Creek. Ms. Holly suggested sending letter to Soil Conservation Service.

The Commissioners received and reviewed letter from West Virginia Development Office acknowledging receipt and acceptance of the Small Cities Block Grant (SCBG) Final Performance Report. Ms. Holly informed she was advised on telephone they also excepted Page-Kincaid Public Service District Final Performance Report.

The Commissioners received and reviewed request from Steve Cruikshank to issue a check in the amount of \$1,987.35 to the Fayette County Board of Education for reimbursement for half the cost of the base station in 911 Center. Mr. Cruikshank informed this amount has been received from Federal Emergency Management Agency Grant. This was approved.

Ms. Holly reminded the Commissioners Know Your Government Day is Friday, May 6, 1994.

Administrator Holly informed the Commissioners she received final drawdown #26 from Page-Kincaid Public Service District. Amount \$2,598.00.

The Commissioners received and reviewed letter from Attorney

Belinda Morton informing she had been retained by Elizabeth A. Blackburn to represent her in Employment hearing. Sent copy to Paul Blake, Prosecuting Attorney.

Administrator Holly informed the Commissioners she received letter from Health Economics Corporation informing payment of claim had been paid to Nationwide Medicare for retiree Billy Horrocks.

The Commissioners received and reviewed letter from Attorney Phil Tissue regarding annexation by minor boundary adjustment of 19.79 acres of U. S. Route 19.

Commissioner Witt made comment regarding voucher for medicine for first aid cabinet downstairs.

The Commissioners received and reviewed letter from County Clerk Kelvin Holliday informing preparation of the vote recording devices were completed and inspection will be held May 3, 1994 at 1:00 p.m.

The Commissioners received and reviewed letter from J. W. Walter, Inc. requesting hearing for relief in Assessment for tax year 1993. Commissioner Carte suggested setting hearing. Letters were signed to J. W. Walters, Inc., Thomas Aiello, Assessor, James H. Paige, Jerry Knight with State Tax Department, and Paul Blake, Prosecuting Attorney informing of hearing scheduled for Wednesday, May 18, 1994 at 10:30 a.m.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges regarding claimant Earnest K. Lester.

The Commissioners received and reviewed letter from Governor Gaston Caperton informing Highway Safety Grant proposal approved. Amount \$25,920.00.

The Commissioners received and reviewed from Gary Harding, Zoning Officer investigating report complaint of James and Mary Hurley, Jr. property located at Pax Branch. Informed letter to clean up property should be sent, but gave explanation to the Commission of situation. The Commissioners suggested holding off sending letter.

The Commissioners received and reviewed letter from Page-Kincaid Public Service District regarding follow-up of problem they had.

Administrator Holly informed the Commissioners Bellwood community requested renewing Governor's Community Partnership application. Informed Ms. Alice King with Region 4 Planning and Development Council will work with residents to resubmitting application.

The Commissioners received and reviewed Guardianship Law pamphlet.

Administrator Holly informed Leash Law did not pass in Legislative Session.

Canvass is scheduled for May 13 at 9:00 a.m. Ms. Holly to check on using Court Room upstairs.

Ms. Holly informed she talked with Carl regarding Gilkerson Estate.

Ms. Holly informed the Commissioners she received 2 quotes

on printer will try to get 1 more. Cost would be from \$400 to \$500.

The Commissioners received and reviewed copy of letter Earl sent to John F. Kilver, Gas Contracts Administrator for Ashland Exploration regarding information requested.

Charlotte presented to the Commissioners a list of people Earl recommended to hire at Park. It was suggested looking at winter applications before they approve list.

The Commissioners approved to pay invoice for Civil Service hearing for Mary Parsons.

Administrator Holly asked the Commissioners if they wanted to follow up on funding for Pax. Commissioner Witt moved to table. Commissioner Lopez seconded. Commissioner Carte opposed.

Ms. Holly informed Steve did talk with Earl regarding radio equipment for park. Earl indicated he wanted cellular telephone. Steve informed Earl will get back in touch.

Bills and payroll were approved. The Commissioners approved for Jackie Hickman to receive payroll check today due to death in family.

The Commissioners received and reviewed Dog Warden report for the month of April.

The Commissioners signed letters to all Fayette County Correctional Officers giving official notification of permanently closing the Fayette County Jail.

Gary Harding appeared before the Commission with 2 zoning cases: Z-387-94-1: Request of William C. and Yvonne Washburn,

owners, for a change in land classification from RR-1, Agricultural and Rural Residence, to B-2, General Business District, on Lot 21, Cove Subdivision, located on Route 21 at Sanger Road, Hilltop, Plateau District.

Mrs. Washburn was present. Mr. Harding informed the Commission this was a proposal to build a 24'x24' building to house a grocery store and that the Planning Commission did on Monday vote 9-0 to recommend this be changed to a B-1 classification because there was opposition to the B-2, General Business . Discussion was held. Commissioner Witt made motion that this be changed to B-1 as recommended by the Planning Commission. Commissioner Lopez seconded. All approved. Vote passed 3-0.

Z-388-94-1: On the County Commission's Own Motion, for a change in land classification from RR-1, Agricultural and Rural Residence, to I-2, Heavy Industrial District, on 47.769 acres, Fayette Plateau Business Development Corporation Property, located on Route 19, Glen Jean, Plateau District. Mr. Harding informed the Commission the Planning Commission did by a vote of 8-1 recommend that this request be approved for I-2. Mr. Harding informed Mr. Dorado voted against the request because he felt that the Commission should show what they proposed to use the property for just as any other applicant. Discussion was held. Commissioner Lopez made motion that this be approved as recommended by the Planning Commission. Commissioner Witt seconded. All approved. Vote passed 3-0.

Attorney Phil Tissue appeared before the Commission with

Committee Appointment for Ottie Delridge, Petitioner Mary Ann Serron. Also present were Michael and Paul Delridge, Attorney Clint Gallaher, and Paul Clay. James Blankenship was appointed guardian et litem. Ms. Serron, Paul, and Michael was sworn in and questioned. Discussion was held. Commissioner Lopez made motion that Mary Ann Serron be appointed committee for Ottie Delridge with the condition that Ms. Delridge live in her home in Oak Hill. Commissioner Witt seconded. All approved. Bond set \$160,000.00.

Attorney Fred Jesser appeared before the Commissioners regarding petition for value augmented estate of Curtis Lay (Lay vs. Corbett). Robert Paul owner of Factory Discount Store was sworn in and questioned. Elizabeth Lay was sworn in and questioned. The Commissioners accepted exhibits presented by Attorney Fred Jesser. John Shumate Attorney for Brenda Corbett was present. Teresa Daniels from Prosecuting Attorney's Office was present. Discussion was held. Attorney Jesser informed Commissioners he would go over list of items with Attorney Shumate and will prepare order and present to Commission.

Ms. Holly informed the Commissioners they have to set a date to certify election.

The Commissioners will be meeting in special session on the 18th of May at 10:00 a.m. to Certify Election Results, 10:15 a.m. to have first public meeting for Small Cities Block Grant (SCBG), and at 10:30 a.m. with J. W. Walters Home, Inc. regarding clerical error.

The Commissioners authorized Charlotte to stamp their names on an order prepared by Attorney Phil Tissue for Committee Appointment for Oattie Delridge.

The meeting was adjourned. Next scheduled meeting is May 3, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 3, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 3rd day of August, 1994.

Ms. Holly presented to the Commissioners minutes from previous meetings for approval.

The Commissioners signed letter to Mercer County Commission denying request for contribution of \$2,000 for cost of air conditioning for the Southern Regional Detention Center.

The Commissioners signed letter of support to Department of Housing and Urban Development in support of the Raleigh Housing Authority's application for certificates and/or vouchers.

The Commissioners signed orders reappointing James Painter, Shirley Love, Jesse Bibb, and Sam Dorado to the Fayette County Planning Commission. The Commissioners also approved appointing Jack Hamra to fill the unexpired term of A.W.Orndorff (deceased).

Commissioner Lopez suggested appointing Naaman Clonch to Fayette County Planning Commission. Commissioner Witt opposed. Discussion was held. Commissioner Lopez wants to look at list of Planning Commission members. It was decided to hold for 15th of August meeting.

Administrator Holly asked the Commissioners if they had made any decision on Town of Pax request. The Commissioners informed to pass information along to Prosecuting Attorney Paul Blake. Would discuss on August 15th.

The Commissioners received and reviewed list of refusals to pay associated with the Emergency Telephone System for the month of June, 1994.

The Commissioners received and reviewed letter from Belinda Morton protesting the denial request for reopening Percy Gilliam claimant file.

The Commissioners received and reviewed franchise fees from Cable Equities of the Virginians, Ltd., Master Telecable, Inc. and Rifkin Communications Partners, L.P.

Commissioner Lopez asked Ms. Holly if she had heard anything from Tele-Media. Ms. Holly informed Tele-Media had signed agreements.

The Commissioners received and reviewed from Sheriff Laird copy of invoices to West Virginia Division of Corrections for Housing of State prisoners for the period from December 1, 1993 through the closure of jail June 27, 1994.

The Commissioners received and reviewed letter from Judge Hatcher informing the Commissioners the West Virginia Legislature had passed a law during 1994 session making it shall be unlawful for any person to possess any firearm or any other deadly weapon on any premises which houses a court of law or in the offices of a family law master. Ms. Holly presented to the Commissioners an Administrative Order issued by Judge Hatcher. Discussion was held. The Commissioners approved to get signs for Courthouse and Annex to post notice.

The Commissioners received and reviewed letter from Ron

Walton asking the Commissioners to send clean up letters to two property owners in Whipple. The Commissioners decided to hold until August 15th meeting.

Ms. Holly informed a representative from American Cancer had stopped in to talk with her about a place and time he could talk with employees to give them an update of cancer insurance. The Commissioners approved table to be set up in hallway.

Ms. Holly asked the Commissioners if any one had asked about Courthouse Picnic this year; informed the Commissioners Earl is holding shelter. The Commissioners asked Ms. Holly to tell Earl to release shelter sin employees had not expressed an interest in holding a picnic.

Ms. Holly presented to the Commissioners Dog Warden Report from Bert Horrocks. Commissioner Lopez asked if Bert made rounds like Billy Blake. Mr. Lopez suggested Bert use same policy as Billy did and needs to schedule to check in with the Town Halls. It was suggested by Commissioner Lopez to talk with Bert regarding dog warden duties.

Ms. Holly informed she received several calls from Thelma Baldry regarding Gene Walker property. Commissioner Lopez suggested holding until Commissioner Carte returns. Commissioner Witt informed he had several complaints regarding this property. Discussion was held. Hold until August 15th.

Ms. Holly informed she had received petition to clean up Derek Arbogast property in Minden; informed the Commissioners letter had been sent to this property owner before. Ms. Holly also informed she had received complaint on Stanley Matthews pro-

perty; informed letters had also been sent to him. Hold to discuss August 15th.

Ms. Holly informed Earl called yesterday regarding getting rebuilt motor for Deputy Boley's cruiser. The oil pump went out and had damaged the motor. Vehicle has 93,000 miles.

Earl was present and informed the Commission he recommend purchasing from Jasper Engineer for \$1,200 with an 18-month warranty.

Commissioner Witt suggested getting bids from local auto shops. Discussion was held Mr. Pauley informed he had talked with several auto shops and none of them could give him a certified police package as good as Jasper Engineers. This was approved.

Ms. Holly informed Friday, Aug. 5, was Nancy Singleton's last day at Fayette County Park. She had submitted her resignation in order to accept another position.

Discussion was held regarding bench at annex and sign at parole office. Ms. Holly informed the Commissioners that sign is located at same area as public defender sign had been. Commissioner Witt informed he still wasn't satisfied with the location. It was suggested they look at areas before making any decisions.

Paul Blake appeared before the Commission. Discussion was held regarding baseball field at Boomer. Mr. Blake informed he had made correction on draft agreement Elkem Metals Company. Commissioner Lopez suggested making appointment with Rick Powell, Board of Education and with Terry Rupert, West Virginia Institute

of Technology on August 15th to discuss who is responsible for the upkeep of the field. Commissioner Witt stated the Commission does not need to over-extend itself on purchasing property.

Commissioner Lopez gave request from Town of Pax to Paul Blake for his opinion. Mr. Blake informed the Commission that the County is limited as to what it can give to municipalities. Mr. Witt stated that Pax may receive money from the empowerment zone grants; he also stated that the County needed to establish some type of policy regarding requests of municipalities because the County can't fund these types of requests. It was suggested to table the request to see if other funds come through.

Discussion was held regarding parking regulations on Wiseman Avenue. Mr. Blake informed the space doesn't have to be a parking lot the Commission could use it for anything. Mr. Blake informed you couldn't just limit it to just county employees because you have the jury and witnesses trying to find parking space. Commissioner Lopez suggested disposing of property, but suggested as a courtesy to Mr. Carte since he wasn't present to hold off on any decision until August 15. Commissioner Witt suggested having property appraised at fair market value and auction. Mr. Blake informed he trusts that the Commissioners would make best decision. Mrs. Holly asked the Commissioners whether they wished to proceed or hold off on drafting the parking regulations; the Commission advised Mrs. Holly to hold off until they determined the outcome of the lot in question.

Minutes of June 29 and July 27 meetings were approved.

Ms. Holly informed the Commissioners that Deepwater Civitan

Park equipment and buildings needed to be painted. Commissioner Witt stated the County shouldn't have to maintain upkeep of property. Commissioner Lopez informed he was in favor of letting County employees do the painting. Commissioner Witt informed he approved this time, but he would not be in favor after this. Mrs. Holly will ask Earl Pauley to order the paint and will send some of the Courthouse maintenance staff to do the painting.

Commissioner Witt informed the Mahan Family and John Lee had donated pictures to County for courthouse and would like for county to put plaques under pictures. This was approved.

Ms. Holly informed the Commissioners Earl Pauley had left application for person he would like to hire at park as a part-time secretary.

Commissioner Witt suggested advertising for the part-time position. Commissioner Lopez said the decision should be up to Earl and position should not be advertised. After discussion it was decided to post the part-time position on the bulletin board in the Courthouse. Amount of pay \$4.50 an hour, no benefits.

The Commission approved the request of County Clerk Kelvin Holliday to pay the registration fee of \$20.00 per person from election travel for Kelvin, Linda Johnson, Treatha Sexton, and Sherry Davis to the Secretary of State/County Clerks Conference in Flatwoods on Sept. 28--29.

The Commissioners went into Executive Session with Kelvin Holliday regarding personnel matter.

The Commissioners received and reviewed letter from Depart-

ment of Tax and Revenue regarding mineral appraisal change.

The Commissioners received and reviewed letter from West Virginia Office of Emergency Services regarding contacts during non-duty hours. Copy sent to Steve Cruikshank.

Letter was signed authorizing Harvey E. Young and Donald Hogan to charge their sleeping rooms, meals, room guarantees and parking fees while they are attending the Data Collection Classes.

The invoices presented for payment were approved.

The meeting was adjourned. Next scheduled meeting is August 15, 1994.

A handwritten signature in blue ink is written over a solid horizontal black line. The signature is stylized and appears to consist of several overlapping loops and strokes, possibly representing the initials 'HJ' or a similar set of initials.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 15, 1994

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 15th day of August, 1994.

Commissioner Carte signed letter to New River Health Association endorsing their program and grant request to the United States Public Health Service.

Stephen Cruikshank appeared before the Commission to discuss editorial published in the Fayette Tribune. Steve informed the Commission the intent of the editorial was to be in support of E911. Steve informed the Commissioners several had not even seen article. Commissioner Witt informed he listen to 2 people from Beckley and they informed E911 at Fayette County is excellent and the county is right on top. Steve informed the Commissioners that 2 guys came in from West Virginia Office of Emergency Service and Federal Emergency Management and complimented the E911 Center. Steve asked the Commissioners if he should respond to article. Commissioner Witt informed there's a chance of over responding and ask Steve not to respond.

Steve presented a request to the Commissioners for permission to sell low band base station equipment. Steve informed equipment no longer in use, informed the money received from sale to be encumbered for radio equipment. Commissioner Witt asked Steve if there's anything he could do to set up a radio base for Earl. Steve informed the money from the sale of the low base

station would be used to adapt other older radio equipment or for matching funds for grants for new equipment.

Payroll was approved. The Commissioners went into Executive Session with Earl Pauley, Park Superintendent.

The Commissioners received and reviewed notices of resignation for contracted services from Wilbert D. Lively and James A. Perdue, effective August 31, 1994.

Commissioner Lopez suggested hiring Jackie Danbury for contracted service, also informed he had talked with Magistrate Mike Parsons was informed Jerry Snyder is doing excellent job, building in a-one shape. Mr. Lopez asked that Danbury be hired full time 30 or 60 days trial bases.

Commissioner Carte suggested holding for decision until Charlotte return for August 31st meeting.

Commissioner Lopez informed that in Executive Session discussion was held regarding hiring part time secretary at park. Commissioner Lopez made motion to hire Tammy Dorman as part time secretary at Fayette County Park no benefits. Commissioner Witt seconded. Motion carried. All approved.

Commissioner Carte presented to the Commissioners 2 proposals from Kelvin Holliday, County Clerk from Cott Computer System; one covers the Index to Estates from the beginning through December 31, 1987, the other covers the Index to Power of Attorneys from beginning through 1994. Amount \$14,305.00. This was approved.

Minutes of August 3 were approved and signed.

Debbie Berry and Linda Johnson appeared before the Commis-

sion to inform them that an order or letter had to be sent to the Executive Committee to ask that they submit a list of those persons nominated and the positions for which they are designated filed in writing no later than September 13, 1994. Linda informed the Commissioners they needed 20 more alternates for each district. This was approved. Order signed.

Commissioner Lopez and Commissioner Witt voted to table Town of Pax request. Commissioner Carte opposed.

The Commissioners voted to table Imperial Colliery Company and informed no comment necessary.

The Commissioners approved payroll for August 30, 1994.

The Commissioners received and reviewed from Judge Hatcher letter regarding adding security to Magistrate Court. This was approved, placing an electronic door bell, placing push button bell at front door and installing lights on the front of building.

The Commissioners received/reviewed and signed from Region 4 Planning and Development Council application regarding Summerlee Bay Heights Water Project.

The Commissioners received and reviewed letter from Steve Rhodes regarding incorrect classification. Commissioner Carte informed would be taken care of when Assessor's office enter exonerations.

The Commissioners received and reviewed letter from West Virginia Cable Television Advisory Board informing they received copies of the franchise agreements between Cedar Grove Cablevision Associates, Ltd., Cable Franchises, Inc., and Fayette

County Commission.

Commissioner Carte signed letter to Civic Center Holiday, Inc. authorizing Teresa Daniel to have her sleeping room, meals, room guarantees and parking fees charged to the Commission.

Ms. Hickman informed the Commissioners Charlotte had talked with Carl Harris on August 9, 1994, regarding Leash Law; informed Mr. Harris has been reviewing, but it will probably be after September 1 (due to court schedule) before he has a draft.

Ms. Hickman informed the Commissioners "Doughboy" portrait ceremony is scheduled for September 15, 1994 at 11:00 a.m. at the Memorial Building.

The Commissioners informed they still wanted to hold Mountain Transit Authority contributions.

The Commissioners signed resolution authorizing an application with the state of West Virginia for Energy Efficiency Program funds for the Alternate Fuels Grant Program.

The Commissioners signed letter to Sutter Roofing and Metal Company, Inc. requesting certification that all material installed and worked performed was completed in compliance with Firestone Technical specifications; request that Firestone inspect all completed repairs as soon as possible.

The Commissioners received and reviewed thank you note from Fayetteville Public Library for donation of book for Freda Cincinnati's sister.

The Commissioners received and reviewed letter of appreciation from Mike Parsons for pictures in Magistrate Court hallways and for thanks to the Photo Club for their fine selections.

The Commissioners received and signed monthly Sales Tax Report for the month of July for Fayette County Park.

The Commissioners received/reviewed and signed Fire Levy Fire Protection Agreements for Town of Fayetteville, Montgomery Volunteer Fire Department, Mount Hope Fire Department, Mount Hope Volunteer Fire Department (pump), Pax Fire Department, Smithers Volunteer Fire Department, Boomer Volunteer Fire Department.

The Commissioners received and reviewed audit report from Smithers Volunteer Fire Department for fiscal year June 30, 1993 and 1994.

The Commissioners received and reviewed letter of thanks from Jack Tamplin for his appointment to the Fayette County Board of Health.

The Commissioners met with Terry Rupert with West Virginia Institute of Technology, Joseph Groom with Elkem Metals, and Ray Carson with Fayette County Board of Education to discuss Boomer Baseball Field. Commissioner Lopez presented a draft agreement between the County and Elkem Metals for their review and informed the Commission is prepared to handle liability of field, but County do not want the responsibility of maintenance to field and parking area. Terry informed the Commission Tech have bleacher covers and lumber they are willing to donate, also informed the Commission that they hired people to do maintenance.

Commissioner Witt asked the group if any of them were willing to take on the responsibility.

Mr. Carson asked Elkem if they had made any type of proposal to the Board, don't think Board would be able to commit.

Commissioner Carte asked why Elkem want to give up field. Mr. Groom informed Elkem is more of a base company and they have to reduce cost back on funding, informed Elkem is leasing part of the property. Discussion was held regarding security of property. Commissioner Lopez asked the Prosecuting Attorney for his comment. Paul informed could have something put into draft agreement. Terry asked the Commission to check into Federal grants to upgrade recreational facilities. Commissioner Lopez informed before the County take over would like to get bathrooms built. Commissioner asked if Board could help with bathrooms. Mr. Carson informed that would be out of the question, Board could not commit. After discussion of user fees, water and sewer and the security of area, the Commissioners asked each group to go back and work with their organization and see whose willing to help.

Commissioner Carte informed the Commission would get back with them. Commissioner Witt thanked the groups for their time and informed the Commission would get back in touch the 1st part of September or the last of September. The meeting was adjourned.

The Commissioners signed and approved exonerations from the Assessor's Office for personal and real property.

Commissioner Witt asked the Commissioners to write to the Elected Officials regarding access road to Georgia Pacific Plant informed the Department of Highways was not cooperating.

Commissioner Lopez asked Mr. Witt if that wasn't the responsibility of the City of Mount Hope. Mr. Witt informed no.

Discussion was held. The Commission agreed to ask its legislative delegation for help in asking Department of Highways to proceed with access road.

The Commissioners received and reviewed memorandum from Criminal Justice and Highway Safety Division regarding Academy Tuition.

The Commissioners received and reviewed minutes from Southern Regional Juvenile Detention Center for June, 1994.

The Commissioners received and reviewed cancellation notice from Board of Risk and Insurance Management.

The Commissioner received and reviewed forms I-88 "SCBG Contract and Subcontract Activity Reporting Form" for White Oak Public Service District Sewer System Improvement.

The Commissioners received and reviewed check in the amount of \$28,119.79 for the Emergency Telephone System for the month of June, 1994.

The Commissioners received and reviewed from Department of Health and Human Resources memorandum with list of Public Health Advisory Council members and Advisory Team Chairs and Co-chairs.

The Commissioners received and reviewed from West Virginia Division of Labor legislative rules that became effective June 1, 1994 for Elevator Safety Inspections.

The Commissioners received and reviewed statistics reflect responses dispatched through the E911 Center to the respective agencies during the period July 1-15, 1994 and July 15-31, 1994.

The Commissioners received and reviewed copy of Draft proposal of the topics discussed during the West Virginia En-

hanced 911 Council's Legislative Committee held July 21, 1994.

The Commissioners received and reviewed monthly report from Danese Volunteer Fire Department for the month of July.

The Commissioners received and reviewed from Cleek, Pullin, Knopf and Flower Certificate of Services for "Defendants' First Request for Production of Documents" regarding Clinton R. Lawson, Sr. v. Gene Carte, Jr., etal. File #5:94-0509.

The Commissioners received and reviewed from Division of Natural Resources memorandum requesting an Data Collection for Recyclables assistance in providing some clerical help on an annual bases.

The Commissioners received and reviewed from State Tax Department letter regarding their responses to mineral valuation questions.

Outstanding invoices were approved for payment.

The Commissioners made no decision for a replacement for Robert Stephens on the Fayette County Planning Commission Board.

The members of the Commission reviewed and certified the Annual County Financial Statement and list of vendors for fiscal year ending June 30, 1994.

The Commission agreed to send clean up letters to several property owners in Fayette County.

The meeting was adjourned. Next scheduled meeting is August 31, 1994.



Special

9-21-94

Julian W. Fandorly

STEVE P. HORVATH

SHERMAN LAZARUS

Terry V. Salyer

~~John Willy~~

Bob Wetmore

Joe Hutchinson - Oak Hill G.

Duff Hall HALL'S SAN.

Allen Fox

Go Stump

Leon A. Cypel

FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 31, 1994

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Regular Session on this 31st day of August, 1994.

Commissioner Witt informed the Commission that Bob Barker with the Division of Highways recommend Elmer Hess, Jr. to be appointed to the New River Gorge Bridge Day Commission. This was approved. Order to be typed.

Commissioner Witt made motion to appoint James E. Lively, Sr. to the Fayette County Building Commission. Commissioner Lopez seconded. All approved. Vote passed 3-0.

Commissioner Carte presented minutes from August 15th meeting for approval. Commissioner Lopez made motion minutes be approved and signed. Commissioner Witt seconded. Minutes approved.

Commissioner Carte informed the Commission he received complaint from T. E. Myles regarding parking lot not being clean.

Commissioner Lopez asked about the contracted services job and asked if they would consider hiring Jackie Danbury. Commissioner Carte informed he would like to give James Perdue a chance. Ms. Holly informed she did talk with James about contracted service job, but he informed brother-in-law had backed out. Commissioner Carte asked if they were abolishing contracted services. Commissioner Witt informed he would go along with

hiring Jackie Danbury but suggested to the Commissioners the next time to check applications already on file. The Commissioners approved hiring Jackie Danbury full time at \$935.00 a month with benefits. Commissioner Lopez informed he would talk with Jackie first. Commissioner Witt questioned about the hours he would be working. Discussion was held.

Commissioner Witt informed he would like agenda a day before the meeting. This was approved.

The Commissioners signed several clean-up letters to property owners.

The Commissioners approved purchase order be issued to Kustom Signals, Inc. to purchase in-car mobile video cameras. Amount \$28,128.00 (\$25,920 payable from Highway Grant).

The Commissioners signed resolution and letter to Andrew Boyd, Partnership Coordinator with Partnership for Progress designating the 4-C Economic Development Authority as the lead economic development organization representing Fayette County.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting rent for the month of August, 1994. Amount \$550.00.

The Commissioner received and reviewed letter from Governor Caperton's office informing approval of Drug Control and System Improvement Grant for \$9,278 (Project DARE).

The Commissioners received and signed contract and all certifications. Commissioner Lopez moved approval of Project DARE resolution for coming year. Commissioner Witt seconded. All approved.

Ms. Holly informed the Commissioners effective July all elevators needed to be registered. Informed there might be inspection fee cost. Commissioner Witt asked if that would take care of our monthly inspection. Ms. Holly informed a school for training inspectors is scheduled in Beckley sometime in October. Will check and get back with Commission.

The Commissioners received/reviewed and signed Fire Levy pumper replacement agreement for Montgomery Fire Department and Fire Levy Agreement for City of Oak Hill.

The Commissioners signed letter to Kelvin Holliday informing effective September 1, 1994 the monthly salary to be paid from E-911 Fund to Joetta Adkins is \$1,002.33 plus benefits and effective October 1, 1994 the monthly salary to Jeffrey A. Surgeon is \$1,002.33 plus benefits.

The Commissioners approved request of One Valley Bank to replace lost certificate #R-17727 registered in the name of Andrew Zaleski.

The Commissioners signed order reappointing Loretta Lively to the Board of Directors of the Fayette County Public Library.

Commissioner Carte signed notice of claim with the West Virginia Court of Claims against West Virginia Division of Corrections for invoices submitted by Sheriff Laird for housing of state inmates for the period from December 1, 1993 through June 27, 1994. Amount \$63,948.87. Original given back to Sheriff.

Commissioner Witt questioned about 2 vouchers; informed he

felt elected officials should sign and asked why vouchers were stamped paid.

Ms. Holly informed Mr. Witt that vouchers were signed by the designated person; she also informed that the established policy for approving vouchers has been to have Debbie check each bill, give to each designated person to approve, and stamp paid/date on bill, and have Judy prepare checks. If the Commissioners did not approve of payment, the check would be held or voided.

Lee Massey appeared before the Commission with proposal from Woolpert Engineering for Route 19 Zoning Proposal for Fayette County. Discussion was held it was suggested by Guy Dooley that Planning and Zoning Commission needed to update zoning regulations. Commissioner Lopez asked about Route 60 being considered. Commissioner Witt made motion that Woolpert's proposal be authorized to go before the Planning and Zoning Commission for approval. Commissioner Lopez seconded the motion and asked that Planning and Zoning get a break down of everything.

Lee Massey submitted Leonard Nelson name to be appointed to the Fayette County Planning Commission. Commissioner Witt moved that Leonard Nelson be appointed to the Fayette County Planning Commission. Commissioner Lopez seconded. All approved. Order typed and signed.

John Hunt appeared before the Commission requesting the Commission to endorse Industrial Access Road Application to upgrade Rout 27 near the entrance to the new Georgia-Pacific OSB plant near Mount Hope.

Commissioner Witt moved to approve and authorize the adoption of resolution on behalf of Georgia Pacific for an industrial park access road near Mount Hope. President Carte seconded. All approved.

Commissioner Witt made motion to prepare resolution to endorse the adoption of Amendment #3 for Clean Water and Jobs and pledge its full support at the November 8, General Election. Approved.

The Commissioners received and reviewed letter from Fayette County Solid Waste Authority informing effective September 30, 1994 Landfill will close.

The Commissioners signed letters of invitation to Senators Shirley Love, Randy Schoonover, John D. Rockefeller, Robert C. Byrd, Representative Nick Rahall, Phil Tissue, Daniel Wright, David Arritt, Jan Young, Jack Flint members of the Fayette County Board of Education, and all other elected officials to attend ceremony to be held at Fayette County Soldiers and Sailors Memorial Building on Thursday, September 15, 1994 at 11:00 a.m. at which an official portrait of the "Doughboy" statue will be dedicated in honor of Mr. Thomas Love and rededication of Memorial Building. Ms. Holly informed portrait and plaque were shipped today.

Ms. Holly informed the Commissioners that at last meeting they approved to install doorbell and buzzer for Magistrate Court. Ms. Holly informed Bob and Dee found items at State Electric; informed they looked at light to be attached to side of

Circuit Clerk's outside wall. Amount \$303.00. Approved.

President Carte signed maintenance agreement for 1994 for Fax machine effective September 17, 1994 to September 17, 1995.

The Commissioners received and reviewed employment application from Rachel Casto.

Ms. Holly informed the Commission she had received a call from Jo Davis on behalf of the United Daughters of the Confederacy regarding cleaning up cemetery on Harlem Heights property. Ms. Davis believes that a Confederate soldier is buried on the site, and said organization wants to place a marker on the grave. Discussion was held; Ms. Holly was told to send Earl's crew if he has the time. The Commissioners suggested talking with Judge Hatcher and Mike Parsons regarding getting Home Confinement to do community services. Ms. Holly informed that Harlem Heights property has to be maintained by the Commission since the County had previously received Land & Water Conservation grant for said park. Commissioner Witt informed he would check with VFW and Legion to see if they could get someone to clean property.

Ms. Holly informed she received message from Earl regarding putting James Kincaid on full time as mechanic at Fayette County Park. This was approved. The Commissioners asked Ms. Holly to check with Earl regarding salary.

Carl Harris and Jack Thompson appeared before the Commissioners. Mr. Harris informed he would like to have the Glen Jean property appraised. Mr. Thompson advised Commission that the Building Commission had approved for Appalachian Power to do

feasibility study; however, approximately \$2,500 would be needed for industrial appraisal cost. Commissioner Witt made motion to approve payment of appraisal cost from any funds returned to the Commission from the acquisition of said property from the dissolution of Fayette Plateau Business Development Corporation unless their funds to be received were insufficient to cover the cost. Appraisal cost of the property is not to exceed \$2,500. Commissioner Lopez seconded. Approved.

Jamie Blankenship, Attorney for the Town of Fayetteville presented petitions for annexation by minor boundary adjustment of 15.821 acre tract adjoining the Town of Fayetteville owned by the Town of Fayetteville and situate on Marrs Branch Adjacent to the Town of Fayetteville and annexation by minor boundary adjustment of 55 acre tract adjoining the Town of Fayetteville owned by Cecil Alvin Robertson and Randall R. Robertson and situate on Laurel Creek Adjacent to the Town of Fayetteville. No opposition.

Commissioner Witt moved the Annexations be approved. Commissioner Carte seconded. All approved.

Ms. Holly informed the Commissioners that Judge Hatcher had notified her that the Supreme Court would be installing a fax machine in Magistrate Court; the Supreme Court is purchasing the machine, and the Commission would need to approve installing new line and paying monthly cost from Magistrate Court Fund. This was approved.

The Commissioners received and reviewed Audit Report from Fayette County Solid Waste Authority for fiscal years ended June 30, 1992 and 1993.

The Commissioners received and reviewed from Workers' Compensation Office of Judges Order Submitting Protest, claimant Earnest K. Lester.

The Commissioners received and reviewed from Bell Atlantic a list of "refusals to pay" associated with the Emergency Telephone System for the month of July, 1994.

The Commissioners approved for Stephanie Harrah and Charlotte Holly to attend Basic Probate Procedure & Practice seminar on September 16.

Commissioner Witt questioned about class for Elevator Inspection. Ms. Holly stated that she had been advised that a national seminar was to be held in St. Louis (date unknown) and that a local seminar was to be held in Beckley in October.

The Commissioners received and reviewed invoices from the Regional Jail and Correctional Facility Authority for Fayette County inmates at the Southern Regional Jail for June and July, 1994. The Sheriff suggested typing separate checks for each month. Approved.

The Commissioners received and reviewed notice from Helicon Cable Vision informing of rate increase effective October 1, 1994.

Janet Zamiela and concerned senior citizens appeared before the Commission to request additional funds for the Fayette Senior Program. Ms. Zamiela thanked the Commission for their previous \$1,000 donation. Discussion was held. It was decided to give an additional \$1,500 to the Fayette Senior Program. The Commissioners asked that Ms. Zamiela send in written request. Ms.

Zamiela presented to the Commissioners copies of letters sent to the Mayors requesting that municipalities no longer charge program rent for the operation of nutrition programs.

Phil Tissue, Attorney for the City of Oak Hill appeared before the Commission with petition for annexation by minor boundary adjustment of revised lots C, E and F of the Lola Jeffers property situated on Roundhill Road, Plateau District, Adjoining the City of Oak Hill, Fayette County, West Virginia; petition accepted and hearing scheduled for 11:00 A.M., September 28, 1994. Also, Mr. Tissue appeared for final hearing for annexation by minor boundary adjustment of approximately 248 acres owned by Turkey Creek Hardwood, Inc., adjoining the City of Oak Hill, Plateau District, Fayette County, West Virginia. No one appeared to opposed annexation. Commissioner Witt made motion that annexation be approved. Commissioner Lopez seconded. Approved.

The Commissioners approved for Elbert Horrocks to attend basic cruelty investigation seminar on October 6 at Lewisburg. Amount of registration \$24.00.

The Commissioners received and reviewed letter from attorney for Jack Clark confirming he has a client interested in purchasing property.

Ms. Holly informed the Commissioners she received a call from Linda Myers advising that Herb Mann would be hiring Linda Clonch September 6 part time for General Election to be paid out of Election Expense Fund. This was approved.

Ms. Holly informed the Commissioners that reindexing in

County Clerk has to be advertised. Ms. Holly informed the Commissioners she was waiting on information regarding reindexing software currently available for IBM System 36 as opposed to the Cott bid, but Kelvin and his staff have to decide if they want it or not.

Ms. Holly informed Denver Corley had recommend a consultant to look at proposal submitted by Software Systems for upgrade and migration of System 36 to System 400. This was approved.

The Commissioners approved and signed exonerations from Assessor's Office.

The Commissioners received and reviewed from Bell Atlantic check in the amount of \$28,231.52 for the Emergency Telephone System for the month of July, 1994.

Ms. Holly informed she talked with Earl and that he had found a door for courthouse handicap restroom. Courthouse maintenance crew can start renovation if the Commission has no objections. Due to noise and dust, Ms. Holly suggested working evenings. Approved.

The Commissioners approved payment of mileage for Judson Wallace for attendance of Correctional Officer Civil Service Commission meetings in the amount \$528.60.

All outstanding bills were approved.

The Commissioners received and reviewed from Henry Armstrong, Assistant Prosecuting Attorney, memorandum regarding title of the 4.67 acres near Whipple; informed everything is okay but 1993 and 1994 taxes are due. The Commissioners asked that Henry write letter of offer for \$4,000 for property.

Ms. Holly informed the Commissioners that CNA Insurance did not file claim on Bernard Forren vehicle because amount of damage is less than the deductible; informed Earl had received estimates from Custom Autobody works--\$400.00, King Coal Chevrolet, Inc.--\$608.95, and Lewis Chevrolet Company--\$896.61. The Commissioners approved to go with lower bid.

Ms. Holly asked the Commissioners if they wanted her to advertise for roofing at Prosecuting Attorney's Office; informed that Rick Myles investigated the leaks last week and said that water was entering through the roof and cracks in the brick and gave his recommendations of what needed to be done. Ms. Holly informed the Commissioners she would advertise as separate bids.

The Commissioners received and reviewed from Department of Tax and Revenue letter informing the recommended mineral appraisal change in property.

The Commissioners received and reviewed letter from Department of Tax and Revenue regarding Sandra L. Nuckolls property in the Valley District.

The Commissioners received and reviewed from Kanawha County Commission regarding Participation by Elected Officials in PEIA program; the Commissioners feel they do not see problem. No action taken.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding pending litigations for audit for fiscal year June 30, 1993.

The Commissioners received and reviewed letter from Sheriff Laird regarding reimbursement payment for investigative expenses

for State of West Virginia v. Terry Foster, Jr. 92-F-48.

The Commissioners received and reviewed from Izaak Walton League of America New River Chapter opposing the proposed trash "composting" facility for Fayette County.

The Commissioners received and reviewed thank you card from Jo Davis, Chairman C. W. Ball Committee during re-enactment week.

President Carte signed letter authorizing William Laird, Ann Berry, and Jan Neal to have their sleeping rooms, meals, room guarantees, and parking fees charged to the Fayette County Commission while they are attending the State Tax Commissioner's Annual In-Service Training Seminar.

The Commissioners received and reviewed letter from Bell Atlantic informing of change of address.

The Commissioners received and reviewed copy of Deepwater Public Service District minutes for the month of July.

The Commissioners received and reviewed copy of Gauley River Public Service District minutes for the month of July.

The Commissioners received and reviewed thank you letter from New River Health Association, Inc. for letter of support.

The Commissioners received and reviewed from Board of Risk and Insurance Management notice regarding CA Number 92-C-1035, Plaintiff, William & Lois McClung, Estate.

The Commissioners received and reviewed from Steptoe and Johnson informing they have been retained by the State of West Virginia to represent the Commission and Sheriff in Blair v. Fayette County Commission and Fayette County Sheriff's Department.

The Commissioners received notice of hearing in Thomas Blair case, Tuesday, September 13, 1994.

Ms. Holly informed the Commissioners she had forwarded copy of a summons and complaint by Nancy Horrocks, Administratrix against the Sheriff of the County of Fayette etal to Jim Lively Insurance for submission and process of claim.

The Commissioners received and reviewed from West Virginia Development Office letter acknowledging receipt of the Governor's Community Partnership grant application requesting \$132,539 to extend water service to the Bay Heights (Summerlee) area of Fayette County.

The Commissioners received and reviewed from Gary A. Condit, U. S. House of Representatives, a letter regarding an editorial on mandate relief legislation that appeared in the Wall Street Journal.

The Commissioners signed orders reappointing John L. Witt, William Laird, and Dale Payne on the Fayette County New River Gorge Bridge Day Commission.

The Commissioners received/reviewed and signed Fire Levy Fire Protection Agreement from Armstrong Creek Volunteer Fire Department.

The Commissioners met with Mike Sales, Fayette County Health Department Sanitarian, John Perdue and Joe Shelton with the Governors Office, Delegates Louisos, Pino, and Petersen, Senator Love, Lee Massey, Fayette County Health Department, and concerned citizens regarding the sewer/septic tank problem at Ames Heights.

Mike informed the Commissioners he had received a complaint from an individual in Ames Heights regarding his neighbor's septic tank and that was how everything got started. When he investigated the problem, he found that the community septic system was failing and recommended a larger community sewer system be installed; the lowest cost to each family would be approximately \$2600. Informed out of the 10 homes involved 3 have corrected problem, but the other 7 have not. Discussion was held on what solution could solve the problem. Mr. Perdue informed that the State could not help with a putting in individual septic system. Lee Massey suggested checking with Farmers Home Administration, but homeowners would have to apply individually. It was suggested that homes go together and get system. Mr. Perdue informed that the only solution is to put own system in. Mr. Massey suggested getting bids from more than one person. Mr. Sales informed they would still have to form Homeowners Association. Commissioner Witt asked they get prices. Mr. Perdue suggested getting Partnership Grant with Ames Public Service District. Ms. Holly informed the Commissioners she would check the code regarding procedure for public service district to follow in order to extend sewer service to service area.

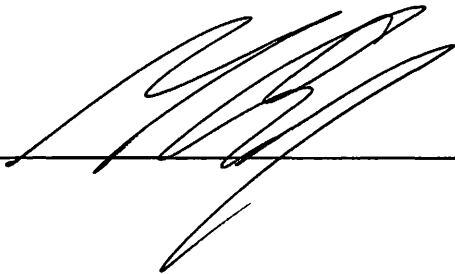
Commissioners received and reviewed letter from Ferris-Watts regarding refinancing of bonds and asking for resolution with preliminary approval. Commissioner Witt informed other counties are in favor of.

Discussion was held regarding bench at Annex building. Commission approved extending lava rock from the building and

between the sidewalks at the Assessor's and Tax Office for the bench.

Ms. Holly reported to the Commission that the maintenance staff had inquired about tearing down the old fence on County property between the annex and the "Thomas" property. The Commissioners stated that the fence should not be torn down until they determine how the property will be used.

The meeting was adjourned. Next scheduled meeting is September 7, 1994.



8. 31. 94

Janet Zamelia - Series

H.Z. O'Neil - Smithew

Rev. Vigil L. Madsen Meadow Bridge

Paul Heard

Drew B. Hillis - Smithew

Janie Carr - M.B.

Janita Martin - Meadow Bridge

Marge Bartlett - Meadow Bridge

Emma Otha, Site Person Smithew Nutrition

Louise Otha

Janet Zamelia

8-31-94

Ames Heights Delegation

Name

1. Mike Sale Fayette County Health Dept.
2. ~~Paul Dimeff~~ Ames Heights
3. ~~John Smith~~ Ames Heights
4. Arthur Crist Ames Heights
5. Louise Crist Ames Heights
6. Dennis Workman Ames
7. Beulah McMullen Ames Heights
8. Jeff Proctor Ames Heights
9. M. Lee Massey Fayette Co. Health Dept.
10. Helma Allport Ames Heights
11. Alma Workman Ames Heights
12. Galleen Denoff Ames Heights
13. Maxine Shuff Ames Heights
14. Shirley Love Oak Hill W. Va.
15. Joe Shelton Charleston
16. Susan Williams Grass River
17. John King Delegate Fayette District
18. Tom Goussor Delegate
19. John Perdue Governor Office
20. Bruce Peters Delegate, W. Va. House
- 21.
- 22.
- 23.
- 24.
- 25.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 7, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 7th day of December, 1994.

Ms. Holly informed the Commission she had talked with Martha Hager regarding the Juvenile Justice and Delinquency Program (JJDP) employee's salary and had been advised that the employee was to be paid on a contractual basis and not salary; the county will not be responsible for processing payroll and benefits for the social worker.

Ms. Holly informed the Commissioners she had talked with Carl Harris, Assistant Prosecuting Attorney, regarding parking lot rules and regulations and that Carl needed to know what they wanted to put in regulations. Commissioner Lopez stated that the Commission would have to make the general public aware of county's regulations. Commissioner Carte suggested treating all parking lots the same or selling the small lot on Wiseman Avenue. Commissioner Lopez suggested getting appraisal of the small parking lot; approved.

Ms. Holly informed the Commissioners she received title search report of Whipple properties from Carl Harris, Assistant Prosecuting Attorney, and that most of the property owners are deceased or that the property has been sold to the state for taxes. Ms. Holly informed the Commission that proper 90-day

notice would have to be given to each heir about the cleaning up of their property through certified letter or legal advertisement. Commissioner Carte informed the Commission he had talked with Mayor Gene Larrick and the cleaning of the properties in Whipple by the National Guard has been postponed for January.

Ms. Holly informed the Commissioners she had checked about the refrigerator in the jury room at the Annex, and it is attached in the kitchenette unit. She had talked to the courthouse maintenance workers and they did not feel that they would have any problem installing a new refrigerator; Ms. Holly informed the Commission she had gotten bids from Lowe's, white--\$199.00, K-Mart, brown--\$179.00, National TV Appliance, white--\$259.00. Commissioner Lopez suggested purchasing a new refrigerator; Ms. Holly informed the Commission that the color in stock was white and if the Commission wanted to purchase in almond, the cost was an additional \$10.00, if color is available. Commissioner Witt suggested purchasing GE refrigerator from National TV Appliance for \$259.00 plus charge for almond color, if available; approved.

Ms. Holly informed the Commissioners that she called Mike's New and Used Appliances this morning regarding a bid for a wringer washer and that she had called before but they had not returned her call; Mike's Appliances bid for wringer washer was \$369.00. The Commissioners approved to purchase from Mike's Appliance. Commissioner Carte suggested checking with Freda Cincinnati to see if the wringer washer was satisfactory.

The Commissioners received and reviewed Dog Warden Report

for the month of November.

Commissioner Carte informed the Commission that he had received a telephone call from Mary Abbot requesting additional funds for the Humane Society because the Raleigh County Landfill is charging \$500.00 a month to dump dogs; Ms. Abbot is asking for an additional \$400.00 a month. Discussion was held regarding calling Raleigh County Landfill about getting a waiver; Ms. Holly reported that she had called Bryan Shumate with the Raleigh County SWA on October 18 and had been advised that a request for a waiver or a reduction of fees for Fayette County, including the Humane Society, would be discussed at the next SWA meeting. Commissioner Carte informed he was for increasing funds and feels it is a legitimate expense. The Commission informed they would discuss the request at the December 15th meeting. Ms. Holly to call Ms. Abbot.

Discussion was held regarding proposed sick leave and vacation leave order. The Commission informed they would discuss the proposed order with the other elected officials at meeting on December 15th at 10:00 a.m. and directed that a letter and copy of proposal without the sick leave incentive be sent to each Elected Official.

Faye Adkins, Mabel Harvey, Bobby Gee, and Mary Gee appeared before the Commission to discuss ongoing complaints of Page-Kincaid Public Service District. Commissioner Carte informed the group that the Commission's only duties are to appoint the Public Service District Commissioner and would need advice of Prosecuting Attorney's Office to see if there's anything the

Commission could do in regards to removing a Public Service District Commissioner before term is up. Commissioner Carte informed the group they would have to petition the Circuit Court but they would have to have proof of accusations, if not the total expense would be theirs. The Commissioners gave a copy of the PSD Audit report and a copy of a letter from the Page-Kincaid Public Service District Commissioners regarding the letter the Fayette County Commission wrote on November 21, 1994.

Members of the Fayette County Solid Waste Authority and Sheriff Bill Laird met with the Commission to discuss inmate work program. Jim Murdock asked the Commission for their support on getting prisoners from Regional Jail to help with clean-up of litter; afterwards he turned the discussion over to Sheriff Laird for more details. Sheriff Laird presented inmate rules and regulations for the program to the Commission and informed that Mercer County is operating an inmate program which is doing well. Commissioner Carte had several questions regarding program (1) while inmates are here who would supervise, (2) do they have a uniformed officer. Clyde Bennett informed they do not have a uniformed officer just a regular Solid Waste Authority employee who supervises and informed that the Division of Environmental Protection will continue to support the program. Commissioner Witt commended the Department of Natural Resources for their work with the program and would like to see some of the highways cleaned, especially Route 61. Commissioner Lopez questioned if Fayette County Solid Waste Authority have any equipment. Bob Arthur informed they have van and truck and that the Department

of Highways also picks up. Commissioner Carte stated that he did not think the Commission should enter into the agreement and that it should be a uniformed officer to supervise inmates and questioned about the liability of the program, read West Virginia Code. Clyde Bennett stated that the inmate program has worked in the last 4 years. Commissioner Witt informed he had no problem with not using uniformed personnel and did not see any problem. Commissioner Carte suggested trying program for 6 months with uniform and gun. Commissioner Witt stated that he was not in favor of those conditions. Commissioner Carte suggested Prosecuting Attorney's Office review rules and regulations. Commissioner Lopez informed he was against salary of \$24,000.00. Jim Murdock informed the Commission that the Fayette County SWA had taken steps to get grants and informed the Commission that Larry Parsons realizes that his salary could not stay as is. Mr. Murdock expressed again to the Commission to continue its support of the Fayette County Litter Control Program. Commissioner Witt made motion to go ahead with inmate program but withdrew motion and stated that he would like to see this program worked upon at next meeting. Commissioner Lopez agreed. Commissioner Carte informed the Authority and the Sheriff and others present that he appreciated their comments and suggestions, and the Commission would take matter under advisement.

Ms. Holly thanked the members of the Solid Waste Authority for donating the SWA computer equipment to the County.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners that Carl Harris,

Assistant Prosecuting Attorney, had recommended that the Commission send property owner information to the Prosecuting Attorney's Office do title search before sending any future property clean up letters because sometimes the person who receives the tax tickets might not be the property owner. The Commission approved.

Discussion was held regarding parking regulations on county owned lots. The Commission suggested to Carl Harris to include regulations regarding designated/nondesignated spaces, violators to be subject to a tow fee and \$25 fine, limiting length of time for parking on County lots (i.e. 24 hours), enforcement, and treating like town violations. Carl Harris to have parking regulations and dog leash law ordinance prepared before meeting on December 15th.

Carl Harris requested the Commission to approve for him to prepare an order revoking the appointment of Phil Tissue as Fiduciary Commissioner of the Estate of Marie Gilkerson; approved.

Commissioner Carte signed an invoice to the Division of Corrections for lease of parole office for the months of October, November and December.

The Commissioners received, reviewed and signed from the West Virginia Housing Development Fund a notice advising that the Page Affordable Housing Project was consistent with community plans and objectives in Fayette County. Gary Harding had reviewed project and found it to be consistent.

The Commissioners received and reviewed a notice from

Helicon CableVision advising that as of January 1, 1995, cost of service will increase.

The Commissioners received and reviewed thank you letter from Fayette County Emergency Food Assistance Center for \$1,500 donation for truck repair.

The Commissioners received and reviewed invoice from the Fayette County Board of Education for custodial fees for General Election held on November 8, 1994, amount \$1,630.30. Invoice was approved and check prepared.

The Commissioners received and reviewed notice from the Food Pantry Friday asking County employees to each bring a couple cans of food Friday, December 9, 1994 for the 5th Annual Food Pantry Friday.

The Commissioners received/reviewed and signed financing contracts from IBM on new computer equipment for County.

Ms. Holly informed the Commission that she had advertised for bids for record indexing software for the County Clerk's office; the only bid received was from Software Systems, Inc. in the amount \$15,339.20. Ms. Holly informed that the previous bid of over \$14,305 for reindexing of estates and power of attorneys by Cott would cost this much, did not include filming and data entry, and the county would not have the software to address all functions of the County Clerk's office. The record indexing software from Software Systems operates on the new AS/400 computer system and the County would have the software. Ms. Holly advised the Commission that Software Systems had discovered some problems with the software and planned to rewrite the

program in January, 1995 to correct these problems; the upgrade would be sent to the County at no cost when they rewrite to upgrade and correct program. The Commission approved to purchase.

The Commissioners received and reviewed letter from the Office of Economic Opportunity informing an evaluation of the Weatherization Program will be conducted, after nine months (December 31, 1994) to determine the future administration of the program in Fayette County.

The Commissioners received and reviewed letter from Senator Schoonover informing that he is in agreement with the Fayette County Commission that they should be the sponsors of the Weatherization Program.

The Commissioners received and reviewed the first minutes of the Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners received and reviewed invitation from the members of the Fayette County Bar Association inviting the Commission to Courthouse Christmas Dinner on Friday, December 16, 1994, at 1:00 p.m. at Mountain Laurel Restaurant.

The Commissioners received and reviewed update from CableVision.

The Commissioners received and reviewed letter to Henry Armstrong, Assistant Prosecuting Attorney informing of decision of Bonnie G. Pace Woodson not to sell property located at Whipple (Estate of Argil Porter Pace).

Ms. Holly presented purchase agreement to the Commission

from Steve Cruikshank, Fayette County OES, from Nicholas County Commission for purchase of old radio equipment, amount \$5,550.00.

The Commissioners received and reviewed from Workers' Compensation Office of Judges an order reversing decision of September 29, 1992, allowing claim of Earnest Lester to be compensable and finding TTD benefits to be held as overpayments. Copy sent to Sheriff.

The Commissioners received and reviewed copy of letter from Water Development Authority regarding closing of two loans in Fayette County.

Ms. Holly informed the Commission that Earl Pauley brought in an application from Kathy Price for the position of Pool Manager. Discussion was held; approved for Earl to hire at part-time employee at \$7.00 per hour during swim season only.

Ms. Holly presented to the Commission maintenance vehicle report for the month of November from Earl Pauley. Discussion was held regarding Mitch Canterbury's Unit 15; motor blown up in 1987 GMC Jimmy with 102,348 miles; Earl Pauley got a bid of \$1,215.00 to replace motor and advised that was a real good price. The Commission approved for Earl to use his own discretion.

The Commissioners received and reviewed letter from Jodie Environmental Committee regarding property clean up; the Commission approved for Ms. Holly to send letter to the Prosecuting Attorney's Office to do title search.

Ms. Holly informed the Commission she received estimate from Earl Pauley for painting Fayette County Park 4x4 truck, cost

would be \$1,000.00; approved.

Ms. Holly informed the Commissioners that at the last meeting she was told to hold payment to Raleigh General Hospital and Raleigh Radiology until after they checked with the Sheriff Laird. Ms. Holly reported that Chief Everette Steele had informed this invoice was from arrest prior to transporting to Regional Jail. The Commission informed okay to release for payment.

Ms. Holly informed the Commissioners she had been asked if Tim Richardson was to be paid for 7 hours or 8 hours per day. The Commission informed Ms. Holly that he would get paid for 8 hours per day at \$8.00 per hour.

The Commissioners received and reviewed letter from State Self-Insurance Risk Retention Group., Inc. Copy forwarded to Jim Lively Insurance.

Invoices presented for payment were approved.

The meeting was adjourned. Next scheduled meeting is December 15, 1994.



12-07-94

FCSWA-Hearing

- Bob Arthur
- James [unclear] chair FCSWA
- Clare Bennett DEP
- Joe Nitcher FCSWA
- Ray Hall FCSWA
- Les [unclear] FCSWA
- R.L. McCluskey D.N.A.
- Lacy Zimmerman DEP

12-07-94

Page Kincaid
Hearing

Mary See
MabbHarvey
Faye Perkins
Gabby Lee

R

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 15, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 15th day of December, 1994.

Earl Pauley, Superintendent for Fayette County Park appeared before the Commission informing that the county has 51 licensed vehicles on highway, and also to discuss hiring of Kathy Price as Pool Manager and want the County to pay for her to attend school in Pennsylvania. The Commissioners reviewed Ms. Price resume. Commissioner Lopez and Commissioner Carte agreed to hire Ms. Price as part time at \$7.00 an hour no benefits to bring on in January. Commissioner Witt informed the Commission and Earl that he feel the Commission should check applicants already on file before hiring, informed they might find someone who is already certified for position. Earl asked the Commission not to bring on until March. Commissioner Lopez made motion to discuss in budget session and see how things look; if its okay financially Ms. Price to start April 1st at \$7.00 an hour part time no benefits, county to pay for school. Commissioner Carte seconded. Commissioner Lopez suggested meeting with the Fayette County Fair Association. The Commissioners reviewed salaries and expenditures of the Fayette County Park.

Exonerations were approved and signed.

The Commissioners met with the Elected Officials to discuss proposal for sick leave and annual leave. Discussion was held, Ms.

Holly informed that everything that was discussed in prior meetings was included in proposal. Henry Armstrong asked about prior employment he felt this shouldn't be included. Tom Aiello made motion not to count prior employment if they left within a year and came back. Commissioner Witt seconded; also Tom made motion that employee

s should have doctors excuse if out sick for three days. Commissioner Witt seconded. Commissioner Carte made motion all those in favor of policy. Motion approved, proposal passed.

The Commissioners met with State Tax Department regarding industrial personal property. No decisions was made.

Minutes from November 30th and December 7th were approved.

Ms. Holly informed the Commissioners that on November 30th they were made aware of Gerome Litton overpayment on 1st and 2nd half taxes for 1993, Ms. Holly informed she had prepared order for their signature regarding this matter, informed she had to get some figures from the Assessor's Office. Order signed.

Ms. Holly presented to the Commissioners order from Carl Harris, Assistant Prosecuting Attorney revoking the appointment of Attorney Philip Tissue as Fiduciary Supervisor in the Estate of Marie Gilkerson.

The Commissioners signed letter to Penelope Crandall, Director with Family Law Masters requesting reimbursement for rent for the months of October and November, amount \$1,100.00.

Commissioner Witt questioned Wal-Mart invoice. Ms. holly informed Commissioner Witt that the invoice was for film.

The Commissioners signed order transferring funds from General

School Fund to General County Fund for the ending year, amount

Commissioners Carte signed Sales Report Tax return for the month of November for the Fayette County Park.

Ms. Holly informed she had called Brian Shumate regarding getting a waiver for Raleigh County Landfill to dump dogs, but she hadn't heard anything from Mr. Shumate. Commissioner Witt informed he had talked with Vernon Bailey was informed by Mr. Bailey they would discuss at their next meeting. The Commissioners decided to hold off decision regarding request from Mary Abbot until they hear from Mr. Bailey.

Ms. Holly informed the Commissioners that Gary Harding sent over letter requesting that David Turner and Robert Chuyka be reappointed to the Board of Zoning Appeals. Order prepared and signed.

Ms. Holly presented letter from Appalachian Railroad Heritage Partnership requesting an appropriation of \$500.00 from Fayette County. The Commissioners asked that this be tabled.

It was approved that Commissioner Carte and Commissioner Witt attend the National Associations of Counties 1995 Legislative Conference in Washington, D. C. on March 3 - 7, 1995.

Ms. Holly presented letter to the Commissioners from Steve Cruikshank informing them of emergency purchase of generator for Discussion was held Commissioner Lopez and Commissioner Witt approved; but Commissioner Witt informed Steve should have notified the President of the Commission or the Administrator as soon as possible as to what was going on. Commissioner Carte opposed approving the invoice would like to talk with Steve.

Ms. Holly reminded the Commission the Fayette County Bar Association is having their Christmas Dinner today at 1:00 p.m. at the Mountain Laurel Restaurant.

The Commissioners received and reviewed letter from Tele-Media Company informing the Commission of their rate increase effective February, 1995.

The Commissioners received and reviewed report from Danese Volunteer Fire Department and Rescue Squad, Inc. for the month of November.

The Commissioners received and reviewed application for employment from Jerry Lee Goins.

Ms. Holly informed the Commissioners she received notice around 12:00, December 9th that Judge Hatcher wanted to have Courthouse open for trial, Dee worked 4 1/2 hours overtime Saturday.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges informing they are in receipt of a notice of appeal from Attorney Belinda Morton, regarding Earnest Lester.

The Commissioners received and reviewed General Advisory Memorandum from the State Tax Department regarding eligibility of any elected official to participate fully in the Public Employees Insurance Agency (PEIA), Certification of Eligibility was signed by the Commissioners.

The Commissioners approved for Mike Walbrown to do appraisal on county property located at Wiseman Avenue. Cost would be \$200.00.

The Commissioners received and reviewed letter from Delegate John Pino asking the Commission to review Bellwood's estimated participation in their Improvement and extension Program.

The Commissioners received and reviewed report from Salem-Gatewood Public Service District for the month of November.

Ms. Holly presented to the Commissioners Parking rules and Regulations from Carl Harris, Assistant Prosecuting Attorney. The Commissioners suggested holding to discuss at next meeting in January.

The Commissioners approved for Charlotte Holly and Gene Carte to attend the West Virginia Employment and Labor Seminar on January 18, 1995 at Charleston.

Commissioner Carte and Commissioner Lopez informed they would not be attending deputy's Christmas Dinner, Commissioner Witt informed he would be attending.

Ms. Holly informed the Commissioner in last meeting they had postponed making any decision about inmate labor agreement. Commissioner Lopez informed the Commission he's not sure what the Commission responsibility would be; also asked about getting financial statement from Authority. Discussion was held it was decided to ask the Authority to meet with the Commission on January 4, 1995 at 11:00 a.m. to discuss.

The Commissioners excepted the list of sales of tax liens on real estate in Fayette County from Sheriff Bill Laird.

Commissioner Witt informed the Commission that they needed to set a time to review the vouchers.

Ms. Holly informed the Commissioners Gordon Billheimer

informed her that the Centennial Committee will be meeting on Friday.

The Commissioners approved for Ms. Holly to place order for County Clerk software.

Ms. Holy informed the Commissioners she would be taking vacation starting December 23rd.

Commissioner Carte recessed meeting until 1:00 p.m.

Meeting resumed; Ms. Holly informed the Commissioners that December 31st, Bob Massey would be employed for six months and he is due 5 days vacation, since vacation just run from year to year and you can't carry over to next year he would be entitled to vacation. The Commissioner recommend Bob Massey be given 5 days vacation.

Final discussion was held regarding sick leave and vacation leave. Order signed and approved.

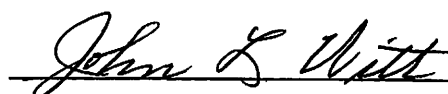
Payroll and outstanding bills were approved.

The Commissioners approved part time payroll and overtime for last half of December.

The Commissioners received and reviewed letter from One Valley Bank regarding the County Commissioners of Raleigh County, Fayette County and Nicholas County, WV Municipal Refunding Collateralized Mortgage Obligations.

The Commissioners received and reviewed financial re-cap from Martha Hager regarding Juvenile Justice and Delinquency Prevention Grant.

The meeting was adjourned. Next scheduled meeting is January 4, 1995.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION & REVIEW
FEBRUARY 1, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Special Session on this 1st day of February, 1994 as Board of Equalization and Review of property assessment.

There were two scheduled hearings for Board of Equalization and Review of Property Assessment. One appointment (Rudolph Falbo) was rescheduled for Friday, February 4, 1994 at 10:00 a.m.

Billy Perdue appeared before the Commission with questions regarding his property in Smithers area. Eddie Young from the Assessor's office was present.

After discussion of property and comparison with surrounding properties, Mr. Perdue withdrew his application. The Commissioners accepted Mr. Perdue verbal withdrawal and informed they would notify him at the end of February if any change.

Attorney Jamie Blankenship and Mayor Tom Woodrum appeared before the Commissioners informing they did not think City has the authority to ticket any one who is parked in areas marked for County employees. Discussion was held. Commissioner Witt moved to adopt policy regarding parking regulations. Commissioner Carte seconded.

Tom Aiello, Assessor appeared before the Commissioners requesting that an order be issued giving the Assessor's Office permission to correct errors caused by their office and giving

them permission to contact the Department of Tax and Revenue to request that all errors created by them be corrected before the 28th day of February. Commissioner Witt made motion order be typed. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed message from Ron Dempsey regarding the retirement of Wayne Milam, custodian at the Memorial Building. Mr. Witt stated he would check into matter.

Ms. Holly informed the Commissioners Brenda Richardson with Green Thumb had called and wanted to know if the Commissioners would be interested in hiring worker. Ms. Holly suggested using Helen Hudson to relieve switchboard and help in Zoning Office. This was approved.

The Commissioners received and reviewed minutes from Deepwater Public Service District.

The Commissioners received and reviewed signed order from Attorney Wilbert Payne concerning Bruce J. Hizer.

The Commissioners received/reviewed and signed order for tax relief to Pennzoil Products.

The Commissioners received and reviewed notice from Department of Tax and Revenue regarding increase in Surf. 12.75/Dunloup Map 5, Parcel 0001.0002.

The Commissioners received and reviewed fax from Ben Todaro regarding revised franchise tax notice.

The Commissioners received and reviewed 1993 Jail Inspection Report.

The Commissioners received and reviewed list of "refusals to

pay" associated with the Emergency Telephone System for the month of December, 1993.

The Commissioners received and reviewed copy of Dog Warden Report for the month of January, 1994.

Commissioner Witt suggested checking into Leash Law for County. Discussion was held. It was suggested meeting on May 15th would discuss further. The Commissioners would like for the Assessor, Sheriff and Bert Horrocks be in attendance.

Ms. Holly informed the Commissioners the Prosecuting Attorney's Office had given her the okay to send purchase order to Sutter Roofing and Metal Company, Inc. The Commissioners had no objections, Okay to mail. Work to commence as soon as weather permits (approximate 4-1-94).

Ms. Holly reminded the Commissioner to register for Association of Counties meeting.

Ms. Holly informed the Commissioners she received call from Roma Lilly requesting funds for Mossy Public Service District for purchase of tools. The Commissioners informed no funds available for purchase of tools for Public Service Districts.

The Commissioners signed for Charlotte Holly, Earl Pauley, Eddie Young, Clarence Martin, Debbie Berry, and R. C. Godsey to charge at the Wal-Mart Stores.

Ms. Holly informed the Commissioners she was contacted by Ann Skaggs an informed time has expired on Stone property.

The Commissioners signed and approved exonerations from

Tom Aiello, Assessor.

The Commissioners met with Jack Thompson and Major Johnson, Building Commissioners, Jim Lively and C. R. Hill, Fayette Plateau Development Corporation, Judy Radford, 4-C Economic Development Authority, and Ray Vest, Appalachian Power regarding purchase of Glen Jean Property for Industrial Park. Discussion was held regarding feasibility study on property. Mr. Thompson informed the building commission could not formerly act on anything because of no quorum. President Carte turned check over to the Prosecuting Attorney Office.

Mannix Porterfield is new reporter for the Register Herald.

The meeting was adjourned. Next scheduled meeting is February 4, 1994.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom, positioned in the lower right quadrant of the page.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 4, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Special Session on this 4th day of February, 1994 as Board of Equalization and Review of property Assessment.

There were two scheduled hearings for Board of Equalization and Review of Property Assessment. One appointment (Rudolph Falbo) was rescheduled for Wednesday, February 9, 1994.

Minnie Kincaid, Douglas Kincaid, and Carolyn Kincaid appeared before the Commissioners with a market analysis and application for review of Minnie Kincaid property in Oak Hill. Eddie Young from Assessor's office was present. After discussion concerning this property Commissioner Lopez suggested Mr. Young go review the property and get back in touch with Commission. The Commissioners informed if they could give any relief, they would let Ms. Kincaid know by the end of the month.

Steve Cruikshank and David Neal appeared before the Commissioners with update on calls received after 4:00 p.m. After discussion was held regarding number of calls received after courthouse close, Commissioner Lopez made motion that switchboard hours are to be 8:00 a.m. to 6:00 p.m. Commissioner Witt seconded. Gene Carte Abstained. Vote passed 2-1.

Nancy Massie and Frances Webb appeared before Commission and was informed about switchboard hours and the hiring of a

Green Thumb (Helen Hudson) to relieve on switchboard. If Green Thumb worker is assigned, she will be assigned to switchboard from 4-6 p.m. but Nancy or Frances will stay until 5 p.m. Nancy and Frances reminded to call Administrator as soon as possible (by 7:00 a.m. if possible) when sick and to contact Administrator when they have problems or complaints. Operators voiced complaints regarding relief for breaks, noise in hall, lighting, people eating in switchboard room and use of drop button in Tax Department.

Discussion was held regarding parking spaces around E-911 Center and Memorial Building. Commissioner Witt informed would ask C and P Telephone if 2 parking spaces could be used for E-911 parking for employees.

For public relations purposes Ms. Holly to cut E-911 employees to 3 parking spaces and to park on C and P Telephone parking lot. Ms. Holly to notify C and P Telephone.

Gary Light with Valley Emergency Medical Services appeared before the Commissioners regarding grant request made. Informed he received letter saying funding was 100% and informed later it was for 50% only.

Commissioner Witt suggested getting in touch with Dr. Petersen to ask why he would back out of commitment of 100%. Feel Legislative Digest should stick with commitment. The Commissioners informed Mr. Light they would check into further and get back in touch with him.

The Commissioners received/reviewed and accepted letter of

resignation from Major Johnson from the Building Commission.

Commissioner Lopez made motion to appoint Mike Hastings to Building Commission. Commissioner Witt seconded. Mrs. Holly advised Mr. Hastings cannot serve since elected to Executive Committee.

Letters of thanks to Virginia Beckett Morgan, Paul Beuer and Major Johnson was signed.

The Commissioners signed order informing any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County and found in the initial assessment roll be corrected before the 28th of February, 1994.

The Commissioners signed letter to Prosecuting Attorney Paul Blake informing the West Virginia Development Office is initiating an administrators closeout of the Land and Water Conservation Fund Grant that was awarded to construct a basketball court and playground at Harlem Heights. The Commissioners informed Mr. Blake they need an executed deed with certain restrictions on the project property.

Ms. Holly to call State Delegates and Senators to advise them that the Fayette County Commission supports the Solid Waste Authority in seeking legislation to extend deadline for landfill closure.

The Commissioners received and reviewed (2) adjustment notices from State of West Virginia Criminal Justice and Highway Safety. Project Operation Buckledown.

The Commissioners received and reviewed check in the amount

of \$27,969.81 for the Emergency Telephone System for the month of December, 1993.

The Commissioners received and reviewed payroll adjustment from Sheriff William Laird informing effective February 1, 1994, Gary Wilkerson required salary is \$1,285.00, effective February 8, 1994, Duane Rakes, Wallace Cutright salaries are \$1,285.00 a month.

Commissioner Lopez informed the Commission he feel David Neal, 911 Coordinator should have more responsibility. Commissioners Carte and Witt agreed. Mr. Lopez suggested David be over 911 Center, and Steve Cruikshank be over Fire Departments. This will be discussed in next meeting.

Commissioner Carte suggested activating an Advisory Committee for 911. Total number of members 5. This will be discussed in next meeting.

Charlotte Holly informed Commission that Earl Pauley recommended hiring Eddie Keeney to fill contract position of Andrew Canada at \$255.00 montly; hold per Fayette County Commission.

The meeting was adjourned. Next scheduled meeting is February 9th, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 9, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Regular Session on this 9th day of February, 1994 as Board of Equalization and Review of Property Assessment.

The Commissioners received and reviewed letter from Citizen's Advisory Board informing of meeting Tuesday, February 15, 1994 at 4:00 p.m. in the front lobby of the center.

The Commissioners approved purchase of Accura 144 & Fax144-14 data fax for Prosecuting Attorney's Office. Amount \$219.46.

The Commissioners received and reviewed letter from Public Service Commission informing that Leon Newman, Robert Vandall, Barney Wade, Imogene Pennington (replaced Paul Breuer), Frank Hill, Claude Bess, Charles Toombs (replaced James Lively, Jr.), have not completed the required training class upon accepting appointment to the district board.

The Commissioners received and reviewed letter from Attorney James W. Keenan, President Fayette County Bar Association informing Thomas Fast, Esquire have been appointed to the Fayette County Correctional Officers Civil Service Commission. Discussion was held. Ms. Holly to prepare order appointing Mr. Fast.

The Commissioners received and reviewed letter of resignation from William R. Skaggs from the Building Commission.

Commissioner Carte suggested to the Commission to appoint

William H. Jayne, Jr. to Fayette County Building Commission.

Letter of appreciation was signed to William R. Skaggs.

The Commissioners received and reviewed letter from White Oak Public Service District regarding reappointing of Edward "Eddy" Chornobay to the White Oak Public Service District.

Order prepared and signed.

The Commissioners received and reviewed Order from Workers' Compensation Office of Judges regarding claim of Percy Gilliam.

The Commissioners approved voucher for \$1,855.00 to the West Virginia Association of Counties for one-half year dues.

The Commissioners received and reviewed letter from West Virginia Consolidated Public Retirement regarding resolution to tax defer employee contributions. The Commissioners voted no.

Gary Light appeared before the Commissioners to see if the Commission had any word on grant for Valley Emergency Medical Service. Discussion was held.

Ms. Holly informed had talked with Delegates and Senators regarding the extension on the deadline for closure of Fayette County Landfill.

Commissioner Lopez asked the Commissioners if there were any kind of assistance the City of Smithers could get for Smithers Creek for flood control. Discussion was held. It was suggested checking with City of Smithers first before writing letters to Delegates and Senators.

Ann Skaggs appeared before the Commission with update of clean-up program. Informed the Commissioners the Stone house

is being torn down by family members. Appalachian Land might give building to the Town of Gauley Bridge. Presented list of 5 property owners who need to be sent clean-up letters. Ask the Commissioners to do legal notice on Crawford property. Ms. Skaggs suggested sending Jack Clark final letter.

Ms. Evelyn O'Dell with Retired Seniors Voluntter Program (RSVP) appeared thanking the Commissioners for their support and requesting the Commissions include \$6,000.00 contribution for program in fiscal year budget 1994-95.

Ms. Holly asked that request be written. Commissioner Witt moved request be taken under advisement. Commissioner Lopez seconded. All approved.

Attorney Thomas Fast appeared before the Commissioners with Committee Appointment for Harvey Jarrell, Petitioner Norma A. Thomas was sworn in and questioned. T. E. Myles appointed guardian et litem. Commissioner Witt moved Norma A. Thomas be appointed Committee for Harvey Jarrell. Commissioner Lopez seconded. All approved. Bond set at \$26,000.00.

Attorney Phil Tissue and City Manager of Oak Hill, Tom Oxley appeared with order for the Commission to sign for Annexation by minor boundary adjustments of 19.79 acres of U. S. Route 19 right of way and 8.39 section of WV Department of Highway right of way adjoining the City of Oak Hill, WV. Final hearing on the 9th day of March, 1994 at 11:00 a.m. Copy of annexation to Prosecuting Attorney Office for their review.

Marc Gaber with West Virginia Soil Conservation appeared be-

fore the Commission regarding Dunloup Creek Watershed Association. Charles Biggs, council member at City of Mount Hope requested the County Commission act as sponsor of project for 2 channels in creek. Informed Soil Conservation will study at no cost and make recommendations. No money at this time but money will be needed later for easements, attorney, etc. Informed City of Mount Hope will act as sponsor in corporate limits. Commissioner Carte moved Commission become active sponsor for Dunloup Creek Watershed Association. Commissioner Witt seconded. All approved. Letter to be typed to initiate preliminary study.

Commissioner Witt informed the Commission he received letter from Region IV Development and Planning Council requesting the Commission list priority projects rate 1-13 with 1 being of the highest/greatest priority and 13 being of the lowest/least important.

Attorney Noah Richmond and Joseph Cozart with Smithers Limited Partnership, II and Smithers Elderly Limited Partnership appeared before the Commission requesting relief and questions concerning property. Eddie Young from the Assessor's office present. Teresa Daniels from Prosecuting Attorney's Office present. After discussion concerning the property the Commission informed if they could give any relief, they would let them know by the end of the month.

Rudoklph Falbo rescheduled for February 18, 1994 at 9:45 a.m.

Ms. Holly to send letters to Nick Rahall, Robert Byrd and

delegates regarding creek in Smithers. Mr. Lopez to ask City of Smithers to write letters also.

Ms. Holly informed the Commission she talked with Earl Monday regarding hiring someone fill the position left vacant by Andrew Canada under the Contract Service Agreement. Earl informed he felt the Commission did not need to hire anyone. Commissioner Witt moved to take recommendation of Earl and not hire anyone for the position. Commissioner Lopez seconded.

It was suggested to discuss 911 Advisory Board Tuesday, February 15, 1994.

Ms. Holly informed the Commissioners Jim Tucker wanted list of all commissions and committees Fayette County Commission appoint. Okay to mail list.

The Commissioners received and reviewed copy of "Memorandum of Understanding" between the County Commission of Fayette County and the West Virginia Regional Jail and Correctional Facility Authority.

The Commissioners received and reviewed from Burt Horrocks number of dogs and cats in kennel from January 1, 1992 through December 31, 1992.

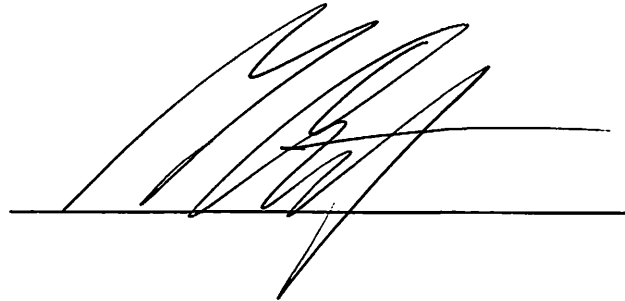
The Commissioners received and reviewed letter from Prosecuting Attorney office regarding parking rules and regulations for County Commission, WV Code 7-1-35.

The Commissioners received and reviewed copy of letter from West Virginia Extension informing of the different regional forums scheduled in West Virginia.

The Commissioners received call from Nancy Harper regarding not being able to vote on Valley Emergency Medical Services matters.

The Commissioners signed letter to Peggy Freeman waiving \$500.00 rental fee for Gospel Concert sponsored by Fayette County Volunteer, Inc. for February 12, 1994 at 7:00 p.m.

The meeting was adjourned. Next scheduled meeting is February 15, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 15, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Regular Session on this 15th day of February, 1994.

Discussion was held regarding public's use of voter's registration office unsupervised. Commissioner Lopez questioned legality, feels a county employee should be present when public is going through records. Prosecuting Attorney Paul Blake informed his personal opinion he would want someone there for his own protection.

Commissioner Lopez moved bills and payroll approved.

The Commissioners received and reviewed bid from Professional Service Electronic Equipment for professional service and lease of automatic tabulating equipment and service for the conduct of the 1994 Primary and General Election. It was decided to delay decision until receive mail.

The Commissioners signed order appointing Walter Harless to the Meadow Bridge Public Service District.

The Commissioners received/reviewed and signed Federal Excise Tax Exemption Certificate for Exxon.

Exonerations was received/reviewed and signed.

Attorney Fred Jesser appeared before the Commissioners representing Christian Colliery. Mr. Jesser informed the Commissioners several years Christian Colliery was placed on com-

bined accounts. Informed he and Charleston (Tax Department) have worked together on error, has been corrected. In 1993 was doubled assessed should have been broken down, taxes have been paid on Fayette County books and State Tax.

Mr. Aiello informed the Commissioners Christian Colliery is entitled to refund. Commissioner Carte signed exoneration as recommended by Assessor.

Mr. Aiello pertains order dated August for Pennzoil relief was similar to Christian Colliery. Informed to avoid penalty, the Commissioners should waive order to Ann Berry.

Ms. Holly informed a hearing was set in September, 1993, order entered prior to date for end of 2nd half discount.

Commissioner Carte informed will not get discount on 1st half but will get discount on 2nd half.

The Commissioners met as Board of Equalization.

June Bell will call, application for review of property assessment was reviewed. Donald Hogan from Assessor's office was present. Informed Lot 157 could not be lowered anymore, 1/2 Lot 170 value could be reduced. Commissioner Lopez informed would except recommendation of Assessor's Office. Ms. Bell will be notified.

Discussion was held regarding Valley Emergency Medical Service due to an error by the committee in granting grant. Motion was made by the Commission to grant \$12,500 to Valley Emergency Medical Service, committee to reimburse county. This was approved. Ms. Holly informed \$12,500 funding would not be

available until July 1st. It was suggested to make application for grant. Ms. Holly to inform Gary Light of decision and to make application for grant for construction to park. Copies of repairs are to be mailed to Dr. Bruce Petersen, Delegate.

The Commissioners received and reviewed letter form Ann Berry, Chief Deputy in Tax Office asking the Commissioners to give her permission to cancel 6 outdated checks and reissue new ones. This was approved.

Commissioners Lopez suggested holding off sending clean-up letters to 3 property owners presented by Ann Skaggs.

Ms. Holly informed she received 1 bid for advertisement of tabulator for primary and general election. Ms. Holly to talk with Kelvin.

The Commissioners received and reviewed letter form West Virginia Development informing the county could not apply for Small Cities Block Grant funds due to several unfinished projects.

The Commissioners signed letters to White Oak Public Service District and Page-Kincaid Public Service District asking that a written status report and a project completion schedule to be submitted by February 28, 1994.

The Commissioners signed letters to Billy Perdue, Smithers Ltd, and Minnie Kincaid informing of their decision as Board of Equalization and Review.

The Commissioners received and reviewed letter from Judy Radford with 4-C Economic Development Authority regarding Glen

Jean Property Phase 1 Environmental Review.

Commissioner Witt suggested letter be sent out today and request they proceed with said review immediately. Letter was signed.

Ms. Holly to talk with Billy Blake regarding supplies and vehicle purchasing.

The Sheriff and Bill Webb appeared before the Commissioners to stop payment of check to Regional Jail and Correctional Facility Authority. Amount \$7,926.88.

The Commissioners received and reviewed from West Virginia Court of Claims awarding Fayette County Commission vs Division of Corrections, Claim #CC-93-451. Amount awarded \$34,391.38.

The Commissioners received and reviewed letter from Multi-Cap, Inc. informing the Commissioners they are entitled to seat on the board or they may select a representative to act on their behalf.

The Commissioners received and reviewed letter from State of West Virginia Board of Risk and Insurance Management proposing the use of electronic payment of premiums. The Commissioners voted no.

The Commissioners received and reviewed letter from Otis Elevator Company informing current ANSI code requires a handrail be installed on the elevator at Courthouse Annex. Amount \$425.00. This was approved.

The Commissioners reviewed amended contract from Vision Service Plan.

The Commissioners received and reviewed electric service agreement from Appalachian Power Company.

The Commissioners reviewed and signed letters to Gospel Hill Ministry, Black Diamond Girl Scout Camp, Camp Kismet, Hico United Methodist Church and Bob Arthur informing of the regulations for camping at the Fayette County Park. Charlotte Holly to confirm reasons for difference in camping fees.

The Commissioners received and reviewed brief appraisal techniques from the Department of Tax and Revenue to assistant in duties as a Board of Equalization when discussing the tax payers property appeals.

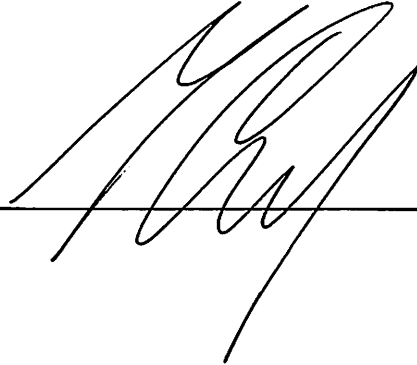
The Commissioners meeting as Board of Equalization met with Doug Parobek and Attorney Herschel Rhodes with Rivermont Presbyterian Homes/Oak Hill Citizens for Better Housing requesting review of property. Eddie Young with the Assessor's Office was present. Doug Parobek was sworn in and questioned. Attorney Rhodes presented exhibition and explanation on why property tax should be decreased. President Carte informed the Commission would take evidence presented in consideration and would get back with them at the end of the month.

The Commissioners met with Scott Wilcher and Attorney Jeff Wilcher with Christian Colliery Company requesting appraised valuation of property be changed. Scott Burgess with the State Tax Office was present. Scott Wilcher and Scott Burgess was sworn in. Discussion was held. President Carte informed the Commission would take evidence presented in consideration and

would have decision at the end of the month.

Outstanding bills and payroll were approved.

The meeting was adjourned. Next scheduled meeting is
February 18, 1994.



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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 18, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Special Session on this 18th day as Board of Equalization and Review of Property Assessment.

Ruldoph and Mary Falbo appeared before the Commission requesting change in property value. Eddie Young with the Assessor Office was present. Mr. Falbo was sworn in. Mr. Young made comparisons of other property in area. Discussion was held. The Commissioners informed Mr. & Mrs. Falbo they would be notified of decision by the end of the month.

Margaret Marchio appeared before the Commission requesting relief on property. Eddie Young with Assessor's Office was present. Ms. Marchio was sworn in. Discussion was held. The Commissioners informed will take under consideration and advise of decision by the end of the month.

Clyde Dowdy appeared before the Commission requesting relief on property. Mr. Dowdy was sworn in, and presented evidence. President Carte informed would take under consideration and let him know by the end of the month.

Constance Taylor appeared before the Commission regarding relief on New River Catering. Ms. Taylor was sworn in. Eddie Young with the Assessor's Office was present and compared the surrounding building in area with Ms. Taylor. Commissioner Witt asked Mr. Young to check properties. President Carte informed

will let Ms. Taylor know decision at the end of the month.

Robert Wood appeared before the Commisison asking for relief on property, Lot 61, part lot 62 was withdrawn. Discussion was held. President Carte asked Eddie Young to work with Mr. Wood on valuation and get back with the Commission on decision before the end of the month.

Jerry Wickline was not able to attend but submitted material for the Commission to review. Commission will let Mr. Wickline know decision by the end of the month.

Bill Harris with Soil Conservation appeared before the Commissioners with letter for Commissioners signature regarding assistance for the Dunloup Creek Flood Control Project.

Commissioner Lopez asked Mr. Harris if there were any assistance the Soil Conservation could give the Town of Smithers. Would like them to assist in planning and removal of obstructions and debris along Smithers Creek.

Mr. Harris suggested the Town of Smithers and the Commissioners write letter to Aubrey Riner Chairman, Southern Soil Conservation District.

The Commissioners signed letter to the Fayette County Solid Waste Authority informing they endorse and support a plan to locate a new landfill at an approved site in Fayette County.

The Commissioners received and reviewed letter from John David with Page-Kincaid Public Service District regarding and update and closeout day of Page-Kincaid Public Service District Beards Fork Project.

The Commissioners signed letter to Joe Holland Chevrolet regarding the intent of the Fayette County Commission to purchase four (4) police cruisers (1994 Chevrolet Caprice Classics) at \$14,382.00 during fiscal year 1994-95.

The Commissioners reviewed and signed letters to June A. Bell, Rivermont Presbyterian Homes Oak Hill Citizens for Better Housing regarding decision of the Board of Equalization and Review for 1994.

The Commissioners received quote from Persinger Power Construction to stucco the outside block walls on the park garage. This was approved \$3,280 for the entire building.

Ms. Holly informed the Commissioners Earl had priced carpet for Road Office. Lee Carpet--\$1,312.00 installation included. The Commissioners suggested to Ms. Holly to have Earl get other estimates with or without labor.

The Commissioners received and reviewed letter from David Neal recommending Joetta Adkins be changed from part time to full time position at 911 Center, effective March 1, 1994. The Commissioners accepted Mr. Neal's recommendation.

The Commissioners received and reviewed deed to the Harlem Heights property.

The Commissioners reviewed and signed amended Order for Pocahontas Land Corporation.

The Commissioners received and reviewed letter from Fayette County Solid Waste Authority asking for their comment on mandatory garbage disposal. The Commissioners had no comments.

The Commissioners signed letter to Ken Hechler, Secretary of State informing of bid reviewed from Business Records Corporation for professional services and lease of automatic tabulating equipment and services for the 1994 Primary and General Election.

The Commissioners received and reviewed letter from Sheriff Bill Laird regarding closing of Fayette County Jail around July 1, 1994.

The Commissioners signed letter to Fayette County Solid Waste Authority informing they received proposed regulations for mandatory disposal of solid waste and have no objections.

The meeting was adjourned. Next scheduled meeting is February 23, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 23, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt
(10:10 a.m.)

The Fayette County Commission met in Regular Session on this 23rd day of February, 1994 as Board of Equalization and Review of Property Assessment.

Billy Keeney with Imperial Colliery appeared before the Commission. Mr. Keeney was sworn in informed the Commission after talking with Gloria Bozo in Assessor's Office he would be withdrawing his application. The Commissioners excepted withdrawal.

Commissioner Witt informed the Commission, John Hunt with 4-C suggested we put a price on the property in Glen Jean. Mr. Hunt suggested not less than \$7,500 to \$10,000 per acre because of location.

Commissioner Lopez questioned why the members of the Correctional Officers Civil Service Commission don't get paid for travel. Ms. Holly to check travel expense vouchers submitted by the members.

Gary Light appeared before the Commission with revised project grant for Commissioners signature. This was signed by Commissioner Witt and Commissioner Lopez. The Commissioners approved ambulance contribution to Valley Emergency Medical Service for \$12,500.00.

Charlotte Holly to prepare request for \$50,000 Partnership Grant to be included in Legislative Digest for improvements at Fayette County Park.

The Commissioners signed letter to Aubrey Riner, Chairman Southern Soil Conservation District requesting their assistance and the assistance of the State Soil Conservation Committee for the planning and removal of obstructions and debris in Smithers Creek, Armstrong Creek and Bell Creek.

The Commissioners received and reviewed letter from Sheriff Laird requesting reimbursement for loss of inmate property during fire at jail (Dwayne Brown). Amount \$225.00. This was approved.

The Commissioners received and reviewed letter from Thelma Baldry regarding cleaning up of property of Gene Walker in Minden. It was suggested to have Gary Harding, Zoning Officer inspect. Certified letter was mailed to Gene Walker.

The Commissioner received and reviewed from State Tax Department summary regarding Appraisal Ratio Report.

Ms. Holly informed Commissioners, County Clerk had been informed of the tabulator equipment bid, but has not gotten back in touch with her. The Commissioners suggested to Ms. Holly to hold off on any decision until she hear from County Clerk.

Ms. Holly informed the Commissioners the Green Thumb worker, Helen Hudson started work Febraury 22, 1994.

Ms. Holly informed she had talked with Bob Arthur regarding mandatory garbage disposal did not see any discrepencies.

Payroll and outstanding bills were approved.

Gary Harding appeared before the Commission with Zoning Hearing Z-384-94-1: Request of Earnest K. Lester, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on 5.62 acres, Headwaters Arbuckle and Lot 36, Newtown Subdivision, located on Allman Street, Summerlee, Plateau District.

Mr. Lester was present and the Zoning Officer informed the Commission that this was a proposal to build a 100' x 200' garage on Allman Street and that the Planning Commission did by a unanimous vote recommend that this request be approved. Mr. Lopez inquired as to whether there had been any opposition and was told no by the Zoning Officer. Commissioner Lopez moved that they uphold the Planning Commission's recommendation and approve this request. Commissioner Witt seconded. All approved. Vote passed 3-0.

Attorney Tom Stanley appeared before the Commission with Committee Appointment for Lizzie Short, the petitioner Linda Phillips was sworn in and questioned. It was recommended Carl Harris be appointed guardian et litem. Commissioner Lopez moved Linda Phillips be appointed committee for Lizzie Short. Minimum bond \$500.00. Commissioner Witt seconded. All approved. After discussion regarding incoming funds bond was amended to \$20,000. All approved orders signed.

Attorney Ralph Dunn appeared before the Commission with Committee Appointment for William O. Wills, the petitioner Joseph P. Wills was sworn in and questioned. Carl Harris appointed guardian et litem. Commissioner Witt moved Joseph P. Wills be

appointed committee for William O. Wills. Commissioner Lopez seconded subject to waivers being signed by three brothers. Bond set \$500.00. All approved.

Dale Cummings appeared before the Commission meeting as Board of Equalization and Review. Mr. Cummings informed the Commission part of property he owned and some parts he did not own, do not own mineral rights on property. It was suggested by the Commission Mr. Cummings work with Scott Burgess, with the State Tax Department and Eddie Young, Assessor's Office to determine ownership. After discussion Mr. Burgess and Mr. Young informed they would work with Mr. Cummings and inform the Commissioners of decision before the end of the month. The Commissioners informed Mr. Cummings this was not Board of Equalization problem. Application withdrawn. Commissioners informed ownership question rather than appraisal.

The Commissioners met with Scott O'Mara with New Market Corporation as Board of Equalization and Review informed Commission he felt appraisal of land is too high. Eddie Young with the Assessor's Office was present. Discussion was held. The Commission informed Mr. O'Mara will take matter under consideration a decision would be made by the end of the month.

Gloria Bozo with the Assessor's Office submitted before the Commission applications for Lightning, Inc., and New Land Leasing. Ms. Bozo informed problem had been worked out, agreed with Assessor calculations. President Carte informed matter will be submitted.

Thomas Johnson with W. R. Coal Company and Attorney Clint Gallaher appeared before the Commission informed they have withdrawn 2 of their applications from Board of Equalization and Review. Mr. Johnson feel the appraisal of Kanawha Valley Coal & Coke Company is too high. Scot Burgess informed he would be glad to go over appraisal with Mr. Johnson and his attorney. After discussion Commissioner Carte asked Scott and Clint to let the Commission know their decision before the end of the month.

Thomas Aiello, Assessor appeared before the Commission regarding Vandalia and Appalachian Mining informed Vandalia would not change and Appalachian Mining recommend they be taken off list should be listed in Kentucky.

The Commissioners signed letter to Gene Walker regarding clean up of property.

Minutes from Zoning Hearing was signed.

The Commissioners signed letter to Jerry Bird, Commissioner of Clay County informing they unanimously agree and align in the matter of Enterprise Communities and the Empowerment Revitalization Program.

The Commissioners signed letter to Governor Gaston Caperton informing they received the "Proposed Small Cities Block Grant Program Design Statement" for fiscal year 1994 and request his intervention to accomplish change in Item 6.b.1 Threshold Requirement: oppose.

The Commissioner received and reviewed letter from Prosecuting Attorney Office informing petition and order regarding

City of Oak Hill Minor Boundary Adjustment is in compliance with West Virginia Code Chapter 8, Article 6, Section 5, as amended.

The Commissioners received and reviewed letter from Richard K. Graham confirming cancellation of application for Road closure hearing at Ames Mill Creek.

The Commissioners met as Board of Equalization and Review of Assessment Property with Attorney Thomas McJunkin with Elkem Metals, Inc. The parties met off the record and agreed the total appraised value of all Elkem's property as reflected in the notice from the State of West Virginia Department of Tax and Revenue, dated February 22, 1994, to the Fayette County Commission, would be accepted by all parties as the total value for Elkem. Total value was \$37,907,3399, covering all land, buildings and personal property, including intangibles, machinery, equipment, inventory and supplies. (See attached)

The Commissioners received and reviewed letter from International Bio-Tech, Inc. regarding Fayette County Municipal Solid Waste Material Recycling/Resource Recovery Facility.

The Commissioners received and reviewed audit report of the Fayette County Magistrate Court for the period ended December 31, 1990.

The Commissioners received and reviewed certificate of insurance for Fayette County Jail.

The Commissioners received and reviewed letter from Department of Tax and Revenue regarding a list of parcels that required adjustments to the appraised value.

Ms. Holly informed the Commissioners she had talked with

Gloria and Tom and was informed the previous order signed on
February 1, 1994 was sufficient.

The meeting was adjourned. Next scheduled meeting is
February 28, 1994.



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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 28, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Special Session on this 28th day of February, 1994 as Board of Equalization and Review of Property Assessments.

Doug Newell with White Oak Lumber Company and Glen Lowe, Secretary of Treasurer with White Oak Lumber appeared before the Commission requesting relief of taxes. Also present was Scott Burgess with State Tax Department. Exhibits was presented to the Commission for their review. The Commissioners informed would let them know something by the end of the month.

The Commissioners voted no relief.

J. Matthew Hall with Westvaco appeared before the Commission informed the Commission he had talked with Gloria in Assessor's office and was satisfied with values if they stay as they are.

Bob Beury with Beury Laurel Limited Partnership appeared before the Commission with application for review of property assessment asked if the Commission would adjust property from unmineable to mined out. Discussion was held. Scott Burgess informed the Commission he had no problem with making adjustment.

Ms. Holly informed the Commission Billy Blake will be retiring as of May 30, 1994. Last working day is May 15th, will be taking his 2 weeks vacation.

Ms. Holly asked the Commission before the Board of Equaliza-

tion and Review send out letters to each applicant she would like an update to make sure everyone was in agreement with their decision.

The Commissioners received and reviewed letter from Page-Kincaid Public Service District informing of tentative project schedule for closeout of Beards Fork Sewer Project.

The Commissioners received and reviewed letter from Region 4 Planning and Development informing as of February 22, 1994 the Final Performance Report for White Oak Public Service District is complete. Also, a final performance Report will need to be completed and submitted by April 1, 1994 for the Page-Kincaid Public Service District Sewer System Project.

The Commissioners received and reviewed letter from Region 4 Planning and Development informing they need to know immediately if we are planning to submit/resubmit an application to be considered for funding for Small Cities Community Development Block Grant.

Ms. Holly informed the Commissioners Judge Hatcher had ruled in favor of the Commission in Koch v. Fayette County Commission, etal, Civil Action #92-C-0974.

The Commissioners received and reviewed letter from Attorney Fred Jesser, III regarding recognizing the authorization of the construction of the new Courthouse and appoint a commission to prepare a centennial celebration of its completion.

Ms. Holly informed Elbert M. Horrocks left resume for Dog Warden position. Discussion was held but no decision made in

replacing Mr. Horrocks as Dog Warden.

Ms. Holly informed she talked with Earl regarding letter addressed to the Virginia Street Baptist Church regarding camp fee. Earl informed fee should be \$300 instead of \$250.00 okay to change.

Ms. Holly informed the Commissioners County Clerk is satisfied with proposal from Business Records Corporation Ballot Counting System for Primary and General Election 1994. Agreement signed.

Ms. Holly presented application for the Commissioners signature for Green Thumb worker, Helen Hudson.

The Commissioners signed letter to Essa Howard, Manager with Office of Economic Opportunity requesting that the Weatherization Program in Fayette County no longer be under the Summers County agency and the Fayette County Commission agree to be the sponsor for the program.

Ms. Holly informed she received call from Steve Brown regarding community park in Scarbro/Whipple area.

Ms. Holly informed Patricia Morgan has submitted her resignation from the 911 Center effective March 9, 1994.

Commissioner Lopez informed should talk with Steve about letting David be totally in charge of running 911 Center. Discussion was also held regarding selection an Advisory Board for 911 Center.

Discussion of parking space at Memorial Building was held.

Commissioner Witt made motion the parking spaces stay as

originally designated 6-spaces and 2-handicap. This was approved.

Discussion was held regarding contractual services at Court-house. Commissioner Witt informed Earl recommend to do away with contract. Commissioner Lopez moved to hire Eddie Keeney for contract service. Commissioner Carte seconded. Commissioner Witt voted no. Vote passed 2-1.

The Commissioners received and reviewed from West Virginia Development Office copy of the Proposed Small Cities Block Grant Program Design Statement for fiscal year 1994.

The Commissioners received and reviewed from One Valley Bank notice of redemption.

The Commissioners signed letter to Dr. Bruce Petersen requesting an appropriation in the amount of \$50,000 be included in the Legislative Digest for the Fayette County Park Project.

The Commissioners received and reviewed letter of introduction from Michele Gracia, Account Executive Consumer Sales Division with AT&T.

The Commissioners signed letter to Beury Laurel Limited Partnership convening as Board of Equalization and Review 1994 informing appraised valuations of parcels Q1-13 & Q2-62 will be adjusted from unmineable to mined out barren.

The Commissioners received and reviewed signed copy of the United States Department of Agriculture from the Dunloup Creek Watershed Project to Lance Tabor, Executive Director, State Soil Conservation Committee.

The Commissioners signed letter to Christian Colliery

Company convening as Board of Equalization and Review 1994 informing appraised valuation of the property in question will be--Eagle Seam \$200 per acre, Powellton no change.

The Commissioners signed letters to Dale Cummings, Lightning, Inc., Westvaco, Appalachian Mining, Inc., Vandalia Resources, Imperial Colliery Company, New Land Leasing, Inc., Kanawha-Gauley Coal and Coke Company, White Oak Lumber Company, and New Market Corporation convening as Board of Equalization and Review 1994 informing applicants the valuations of the properties in questioned will not be changed.

The Commissioners signed letter to Rudolph and Mary M. Falbo informing of their decision as Board of Equalization and Review that the 1994 assessed valuation of the property will be, Lot 15 W. Montgomery, Assessed Value-\$26,220, Appraised Value-\$43,700.

The Commissioners signed letter to Constance Taylor informing of their decision as Board of Equalization and Review that the 1994 assessed valuation of the property will be Lot 46, Assessed Value-\$35,280, Appraised Value-\$58,800.

The Commissioners signed letter to Margaret D. Marchio informing of their decision as Board of Equalization and Review that the 1994 assessed valuation of the property will be Pt. Lot 56, Assessed Value- \$120, Appraised Value-\$200, Lot 57, Assessed Value-\$24,600, Appraised Value-\$41,000, Lots 58-59, Assessed Value-\$1,620, Appraised Value-\$2,700.

The Commissioners signed letter to Jerry D. Wickline informing of their decision as Board of Equalization and Review

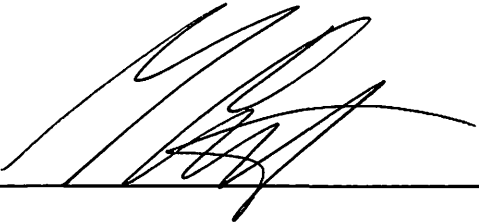
that the 1994 assessed valuation of the property will be, Surf. Lot 9 Neubert SD, Assessed Value-\$1,680, Appraised Value-\$2,800.

The Commissioners signed letter to Robert C. Wood informing of their decision as Board of Equalization and Review that the 1994 assessed valuation of the property will be, Lot 8 5 ft of Lot 9 Beall, Assessed value-\$17,880, Appraised Value-\$29,800.

The Commissioners signed letter to Clyde Dowdy informing of their decision as Board of Equalization and Review that the 1994 assessed valuation of the property will be, Lot 1-2-3 Blk 8 Warner, Assessed Value-\$8,800, Appraised Value-\$14,800.

The Commissioners signed letter to Elkem Metals informing of their decision as Board of Equalization and Review that the 1994 appraised valuations of the properties will be (See attached).

The meeting was adjourned. Next scheduled meeting is March 9, 1994.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 7, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 7th day of January, 1994.

The Commissioners signed organization order. Commissioner Lopez made motion to elect Commissioner Gene Carte, Jr. as President and Commissioner John Witt as Purchasing Agent and Debbie Berry designated Assistant Purchasing Agent for the year 1994.

The Commissioners signed order lowering the cable franchise fee from 5% to 3%. Ms. Holly to send copy of order to each cable franchisee.

The Commissioners received and reviewed letter from Consolidated Public Retirement Board allowing employees to defer the taxes on their contributions until separation from employment or retirement time. The Commissioners decided to leave retirement as is, not unless a majority of the employees request change.

Ms. Holly informed the Commissioners purchase order is needed for extra work done at Memorial Building. Per Attorney Carl Harris we would have to pay for extra work.

The Commissioners discussed vision care plan. After discussion, Commissioner Witt made motion to except Modified Plan A with deduction of \$5 examine \$10 glasses. Commissioner Lopez seconded. Commissioner Carte opposed. Vote passed 2-1.

Discussion was held regarding County and National Associa-

tion dues. The Commissioners elected to join until July 1, 1994.

Tom Aiello met with the Commissioners regarding the Board of Equalization. Mr. Aiello asked the Commissioners not to schedule hearings in January.

The Commissioners planned the following dates and times for the purpose of reviewing and equalizing the assessments of the County.

February 1, 1994	Tuesday	9:30 A.M.
February 4, 1994	Friday	9:30 A.M.
February 9, 1994	Wednesday	1:00 P.M.
February 15, 1994	Tuesday	10:30 A.M.
February 18, 1994	Friday	9:30 A.M.
February 23, 1994	Wednesday	1:00 P.M.
February 28, 1994	Monday	9:30 A.M.

Ms. Holly presented to the Commissioners copy of Cancer Insurance agreement signed by an employee agreeing to have payroll deduction.

Ms. Holly informed the Commissioners under the new Election Laws only 1 election Commissioner is appointed by County Commission for every precinct. Others nominated by Executive Committee.

Commissioner Lopez suggested setting up meeting with the Executive Committee regarding increasing election officials money. Ms. Holly reminded Commissioners they will be meeting on Friday, January 14th to finalize division or consolidation to reduce the total number of precincts and to realign the boundaries of the New Haven, Valley and Plateau Magisterial Districts.

The Commissioners received and reviewed resignation of Paul

Breuer from the New Haven Public Service District. Commissioner Witt moved they except resignation and suggested writing a note of appreciation for services. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed resignation of Virginia (Beckett) Morgan from the Wolf Creek Public Service District.

The Commissioners received and reviewed Public Service Commission reports for water and sewer for the fiscal year ending June 30, 1993 for Page-Kincaid Public Service District.

The Commissioner received and reviewed letter from Page-Kincaid Public Service District to Community Development Division regarding financial management system Audit Grant No. B-85-DC-54-001.

The Commissioners received and reviewed budget request from Mountain Transit Authority requesting funding from Fayette County for fiscal year 1995.

The Commissioners received and reviewed letter from Federal Communications Commission (FCC) returning complaint of Joseph Tuholsky form sent was incomplete.

The Commissioners received and reviewed letter from the Board of Education informing the Commissioners the Board has exclusive right to the Kimberly Elementary School property and at the appropriate time, would be interested in discussing selling property to the County. Copy of deed was enclosed.

The Commissioners received and reviewed grant reimbursement purchase of 911 Communication Equipment from the City of Oak

Hill. Amount \$3,350.00.

The Commissioners received and reviewed reimbursement check of \$2,446.38 from the Fayette County Board of Education for Special Election held, December 4, 1993.

The Commissioners received and reviewed letter from West Virginia Development Office regarding an administrative closeout of the county's Land and Water Conservation Fund Grant #54-0270. Also notice to post for park outdoor recreation was enclosed.

Ms. Holly reported none of the schools are interested in the 9200 copier in County Clerk's office. Asked the Commissioners if they wanted to have an excess property auction. No decision was made.

Gary Harding, Zoning Officer appeared before the Commission regarding Z-383-94-1: Request of F. Keith Lyons, Owner, by Marie Bolinger, Contract Owner, for a change in land classification from RR-1, Agricultural and Rural Residence, to B-2, General Business District, on .45 acre, Turnpike, located on Route 16 near Fayetteville, New Haven District.

Mr. Harding informed the Commission that this was a request to locate a green house and nursery operation on Route 16 just outside of Fayetteville Town Limits and that the front portion of the property need to be commercial in order to accommodate retail sales. Mr. Harding informed the Commissioners this was approved by a vote of 8-0 by the Planning Commission. After a general discussion a motion was made by John Lopez that this be approved as recommended by Planning Commission. John

Witt seconded. All approved. Vote passed 3-0.

Ms. Holly advised the Commissioners the County needs to think about implementing an inclement weather policy for county employees.

Commissioner Lopez suggested issuing check to Fayette Plateau Business Development Corporation. Mr. Lopez informed he was satisfied the surface mining bonds have been released on property and he was not in favor of paying for drilling.

Commissioner Witt informed he had researched the former mining operation and found that Division of Environmental Protection records show bonds were released in 1980 for the two areas.

Commissioner Lopez suggested setting up meeting with the Building Commission on Friday, January 14th, 1994 at 11:00 a.m. and check in the amount of \$10,000.00 be issued.

Attorney Pat Hamilton appeared before the Commission with application to have bond reduced for O. L. Nichols. This was approved.

Commissioner Lopez made motion to change switchboard hours form 8:00 a.m.-6:00 p.m. to 8:00 a.m.-5:00 p.m. before motion was passed it was suggested to talk with David Neal regarding the amount of calls 911 Center receive during closing hours of court house. Motion deferred.

It was also suggested to reactive 911 Committee Board, to oversee the 911 Communication Center.

The Commissioners met with David Neal and Stephen Cruikshank was questioned about changing of hours at the switchboard. David

informed the Commissioners 911 receive a lot a calls during 4 p.m. and 6 p.m. that would go to Magistrate Court. After discussion it was suggested that David keep log for a month on calls received after court house hours and get back with Commissioners.

Attorney James Stacy signed real and personal property exonerations presented by Tom Aiello. Commissioner Gene Carte signed. All approved

Attorney Paul Clay appeared before the Commissioners with Committee Appointment for Nona Francesa. Ms. Doris Francesa was questioned. T. E. Myles was appointed guardian et litem. Commissioner Lopez made motion appoint Doris Francesa committee for Nona Francesa. Commissioner Witt seconded. All approved. Bond set at \$10,000.00.

The Commissioners received and reviewed Dog Warden Report for the month of December.

The Commissioners received and reviewed check in the amount of \$28,008.75 for the Emergency Telephone System for the month of November, 1993.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone System for the month of November, 1993.

The Commissioners received and reviewed statistics reflects responses dispatched thru the E-911 center to the respective resource agencies during the periods November 1-15th, 1993 and November 16-30th, 1993.

The Commissioners received and reviewed letter from Dunloup

Creek Watershed Association, Inc. requesting the Fayette County Commission agree to act as sponsor for a flood control project. Commissioner Witt suggested that a meeting be set up with the Dunloup Creek Watershed Association and Soil Conservation Service to discuss matter.

The Commissioners received and reviewed letter from Ashland Exploration, Inc. informing they are in receipt of petition for natural gas service for the Fayette County Park will be taken under consideration by management team.

Ms. Holly informed the Commissioners she received several brochures on seminars being held in Charleston would like to attend. Each seminar averaging around \$150.00. This was approved.

The Commissioners received and reviewed letter from Keep America Beautiful inviting the Commissioners to their next meeting Thursday, January 13, 1994 at 7:30 p.m., regarding the potential of instituting universal garbage pick-up throughout Fayette County.

The Commissioners received and reviewed letter from Stephen J. Zoeller informing of his new position as County Manager at Kanawha County.

The Commissioners received and reviewed letter from the Smart Group, Inc, informing they were in receipt of letter from Ann Berry requesting help on internal control system.

The Commissioners received and reviewed request for proposal from Governor's Drug-Free Committee Program for fiscal year 1993 funding.

The Commissioners received and reviewed certificates of insurance letter for Cable Equities of the Virginias, Ltd. and Rifkin Communications Partners, L.P.

The Commissioners received and reviewed letter from West Virginia Cable Television Advisory Board informing they were in receipt of the executed copies of the franchise agreements between Master Telecable, Inc., The Helicon Group and the Fayette County Commission.

Kelvin Holliday, County Clerk met with the Commissioners regarding updates and finalization on division, or consolidation to reduce the total number of precincts and to realign the boundaries of the New Haven, Valley and Plateau Magisterial Districts.

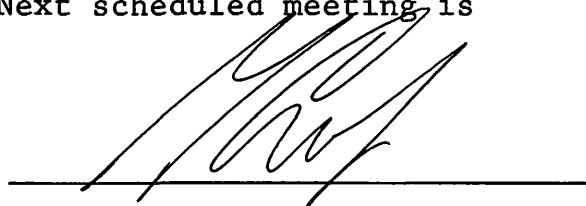
Mr. Holliday gave an update on what his office is doing to implement the new changes.

Commissioner Lopez made motion to go into Executive Session with Kelvin Holliday regarding personnel matter. Commissioner Witt seconded.

Upon return from Executive Session Commissioner Carte inform it was regarding employees going out into field and registering voters.

Sheriff William Laird appeared before the Commissioners with medical services contract for the Fayette County Jail for signature.

The meeting was adjourned. Next scheduled meeting is January 14, 1994.



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FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 14, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr. and John L. Witt

The Fayette County Commission met in regular session on this 14th day of January, 1994.

Attorney Wilbert Payne appeared before the Commission regarding petition to dissolve committee for Bruce Hizer. Mr. Payne presented to the Commissioners a letter dated January 13, 1994 from the Department of Veterans Affairs stating as of January 12, 1994 Bruce Hizer is competent to handle his financial affairs.

Ms. Blume informed the Commissioners that final accounting will be completed by March or April and everything will be turned over to Mr. Hizer's attorney. Mr. Payne to submit order to the Commissioners.

Payroll and outstanding bills were approved.

The Commissioners met with County Clerk Kelvin Holliday regarding signing of two orders (1) order equalizing the apportionment of representation of the Fayette County Magisterial Districts (2) order changing precincts and/or polling places of Fayette County. Copies of orders were sent certified to Ken Hechler, Secretary of State.

It was decided to use Pennington's Building (New River Gorge Campground, Milroy Grose) for polling place for Precinct 65. Amount to be paid for rent and janitor of place is \$100.00 (rent \$80.00, janitor 20.00).

The Commissioners signed order to adopt a policy extending the emergency absentee voting procedure to hospitals or other duly licensed health care facilities in an adjacent county or within thirty-five miles of the county seat or nursing homes within the county. (Copy of order mailed to Secretary of State, Ken Hechler)

The Commissioners received and reviewed statistics reflect responses dispatched thru the E-911 Center to the respective resources agencies during the period December 1-15, 1993 and December 16-31, 1993.

The Commissioners signed letters to the West Virginia Court of Claims accepting settlement of \$34,391.38. This settlement represents unpaid direct expenses of \$40,370.38 incurred by the Fayette County Commission for confinement of inmates at Fayette County Jail.

Ms. Holly informed the Commissioners she received signed contract agreement from M.D.O Professional Services, Inc. for medical services at Jail.

The Commissioners received/reviewed and signed Sales Report for Fayette County Park for the month of December.

The Commissioners received and reviewed respond from Page-Kincaid Public Service District regarding 2 findings by Bill Spence of the West Virginia Development Office regarding Monitoring Visit #2, Fiscal Year 1985 Small Cities Block Grant, Page-Kincaid Public Service District/Beards Fork Sewer Project.

The Commissioners received and reviewed minutes for the

month of December from Salem-Gatewood Public Service District.

The Commissioners signed letter to Penelope Crandall, Director to Family Law Master requesting rent for the month of December. Amount \$550.00.

The Commissioners received and reviewed letter from Stephen Zoeller informing the Commissioners he would be working with Legislature on behalf of the West Virginia Association.

The Commissioners received and reviewed quarterly report from Boomer Volunteer Fire Department, Inc.

Commissioner Carte informed the Commissioners Juanita Akers would like to put mounted and framed photographs in Annex. This was approved. Commissioner Carte also informed the Commissioners Bobby Workman would like to televise Fayette County Commission Meeting. This was not approved.

The Commissioners signed letters to Shirley Love, Chairman, Democratic Executive Committee and Michael Hastings, Chairman, Republican Executive Committee informing that Wednesday, January 26, 1994 at 1:15 p.m. a meeting will be held in the Fayette County Commission Chambers regarding amended procedure for the nomination and appointment of election officials and alternates.

Commissioner Carte made motion to go into Executive Session regarding 911 personal problem.

No action taken in Executive Session on personal problem. The Commissioners approved for 2 part time employees at 911 Center.

The Commissioners will be meeting with the Building Com-

mission on Tuesday, January 18, 1993 at 10:00 a.m.

The Commissioners received/reviewed and signed Vision Service Plan Contract.

The meeting was adjourned. Next scheduled meeting is January 26, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 26, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 26th day of January, 1994.

Ms. Holly presented to the Commissioners agreements from Pax Fire Department, Fayetteville Fire Department, and Montgomery Fire Departments to be signed.

Ms. Holly reminded the Commissioners the Board of Equalization will begin hearings on Tuesday, February 1, 1994.

Notice was signed informing the County Commission will be in session at the Court House on Tuesday, February 1, 1994, for the purpose of reviewing and equalizing the assessments of County. The hours for the session will be Monday through Friday at 9:30 A.M. until 3:00 P.M.

Ms. Holly reminded the Commissioners she will be attending a Seminar in Charleston if weather permits.

The Commissioners received and signed "Memorandum of Understanding" from the Regional Jail and Correctional Facility Authority.

Salvage Certificate for 1989 Chevy Vehicle Identification #1G1BL517XKR198425 was signed.

The Commissioners received and reviewed answer from the Court of Claims denying unpaid direct expenses incurred by the Fayette County Commission for the confinement of inmates in Fayette County Jail for the period from July 1, 1992 through

June 30, 1993. Amount \$34,391.38.

Ms. Holly informed the Commissioners in the meeting held on January 14, 1994 a letter was sent to the West Virginia Court of Claims agreeing to accept settlement. Assistant Prosecuting Attorney Carl Harris will file amended answer.

The Commissioners received and approved invoice from Sheriff William Laird regarding legal services for McCormick v. Laird et al.

The Commissioners received and reviewed letter from Cable-Vision informing according to West Virginia Cable Television Act of 1990, page 23, section 5-18-21, Notice to Subscribers Regarding Quality of Service be sent to each subscriber.

The Commissioners received and reviewed letter from Senator Randy Schoonover giving address and telephone number were he can be reached during the 1994 Regular Session.

The Commissioners received and reviewed from Attorney Wilbert A. Payne Order regarding committee for Bruce J. Hizer.

The Commissioners received and reviewed Notice of Hearing, Motion for Summary Judgment, and a Memorandum in Support of Defendants' Motion for Summary Judgement regarding Koch v. Fayette County Commission, et al, Civil Action #92-C-0974.

The Commissioners received and reviewed Grant Contract Agreement for Operation Buckledown.

The Commissioners approved to advertise for professional services and lease of automatic tabulating equipment and services for the conduct of the 1994 Primary and General Elections

in Fayette County.

Beverly Walkup appeared before the Commissioners regarding hanging of photographs in Court House Annex. The Commission accompanied Ms. Walkup to the Annex to determine areas in which to hang photographs.

The Commissioners signed letter to Thomas Woodrum, Mayor of the Town of Fayetteville, Council members and copy of letter to Jack Smith regarding policing county own parking lots at the Memorial Building due to the designated spaces for handicapped persons and for the 911 personnel. Commissioner Witt suggested copy of letter be sent to Ben Argento.

Robert Lucas was a no show regarding committee appointment for O'Dell White.

Assistant Prosecuting Attorney Carl Harris asked for a continuance for Goldie Virginia Day.

Commissioner Lopez suggested they go into executive session regarding personnel matter. No decision was made in executive session.

Shirley Patrick appeared before the Commissioners regarding closing of right of way (Trump & 1st Street) in Beckwith. Discussion was held. Commissioner Carte informed the Patricks that it is a street and cannot be closed.

Ms. Holly informed the Commissioners that Paul Blake had advised her that effective February 1, 1994 change of procedure regarding juveniles will go into effect. Mr. Blake had requested

paggers for use by on-call staff members. Ms. Holly informed she talked with Steve Cruikshank regarding old paggers and he is to work on them for use by Prosecuting Attorney office staff.

The Commissioners received and reveiwed letter from Ken Hechler, Secretary of State granting waiver of the minimum 200 registered voters for Precinct #31-Jodie.

Attorney Fred Jesser appeared before the Commissioners requesting to reschedule road abandonment--Ames/Mill Creek Road.

The Commissioners signed orders 1) adopting a policy extending the emergency absentee voting procedures and 2) the total number and type of election boards for the various precincts, the number of nominations for each party which may be made for poll clerks, election commissioners, alternates, and emergency absentee ballot commissioners (See attached orders).

Discussion was held regarding raising poll workers pay. Commissioner Lopez suggested paying \$65.00. This was approved.

The Commissioners received and reviewed letter from Herb Mann regarding Emergency Absentee Ballot Commissioners.

The Commissioners to meet with Building Commissioners on Tuesday, February 1, 1994 at 1:00 p.m.

Attorney Jamie Blankenship appeared before the Commissioners regarding committee for Ethel Irene Frame. T. E. Myles was appointed guardian et litem. Jennie Lively was sworn in and questioned. Commissioner Lopez moved that Jennie Lively be appointed committee for Ethel Fram. Commissioner Witt seconded. Bond set \$80,000.00.

Attorney Jamie Blankenship appeared before the Commissioners regarding committee for William E. Ball. T. E. Myles was appointed guardian et litem. William H. Ball was sworn in and questioned. Commissioner Lopez moved that William H. Ball be appointed committee for William E. Ball. Commissioner Witt seconded. Bond set at \$40,000.00.

The Commissioners met with the Executive Committee regarding nomination of election officials. Discussions was held. Herb Mann met with the Executive Committee and informed the committee he would like Paul McGraw and Jesse Tinch to be Emergency Absentee Ballot Commissioners for the 1994 Primary and General Elections.

Outstanding bills and payroll bills were approved.

The Commissioners met with several elected officials regarding adopting a policy for inclement weather. After several discussions it was suggested the Emergency Service Office/ Sheriff Office would contact Commissioners and inform them of the weather and road conditions, Commissioners to contact Elected Officials on whether or not Courthouse should have "skelton" crews, or be closed due to inclement weather. Discussion was held regarding policy for employees who cannot get to work and method to compensate those employees who work. No decisions made.

The Commissioners signed final franchise agreements between the County Commission of Fayette County and Cable Equities of the Virginias, Ltd., and Rifkin Communication Partners, L. P.

Commissioner Gene Carte and Comissioner John Lopez approved a loan agreement for \$6,500.00 to Danese Ambulance. Danese Ambu-

lance to reimburse county back in 6 months, pending the Assistant Prosecuting Attorney Carl Harris doesn't find anything wrong with making loan agreement.

Commissioner Carte and Commissioner Lopez approved for Steve Cruikshank to investigate an escape route for the Town of Pax.

The Commissioners received and reviewed copy of Senate Bill 52 from Senator Mike Ross.

The Commissioners received and reviewed audit report for Twenty-One West Virginia Municipality Single Family Mortgage Revenue Bonds, 1984 Series A.

The Commissioners received and reviewed letter from County Clerk Kelvin Holliday informing the Secretary of State has suggested the documentation of all ballot room openings for our county commencing the beginning of 1994.

The Commissioners received and received from Region IV Planning and Development Council copy of press/ mailing release from the West Virginia Division of Culture and History concerning historic preservation development grant applications.

The Commissioners received and received letters from West Virginia Development Office informing the National Park Service requires each state liaison agency to perform periodic, on-site Land and Water Conservation Fund (LWCF) park inspections.

The Commissioners received and reviewed invoice from Earl Pauley for 25 inspection stickers for county vehicles. Amount \$25.00.

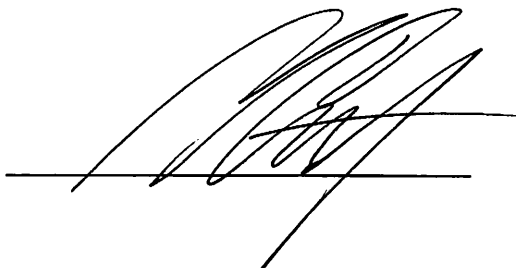
The Commissioners reviewed and signed monthly rent invoice

to the Division of Corrections. Amount \$300.00.

The Commissioners received and reviewed information from the State of West Virginia Criminal Justice and Highway Safety Operation Buckledown adjustment notice.

The Commissioners received and reviewed letter from the Department of Agriculture informing of a new program, the Empowerment Zones and Enterprise Community Initiative.

The meeting was adjourned. Next scheduled meeting is January 28, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 6, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 6th day of July, 1994.

Commissioner Carte informed the Commissioners he had an appointment at 11:30 a.m.

Administrator Holly informed the Commissioners the minutes of last meeting were not ready; Jackie is on vacation, but minutes will be presented at next meeting.

The Commissioners signed letter to Division of Corrections to renew lease under same terms changing dates.

The Commissioners signed letter to Fayette County Board of Education requesting they donate surplus playground equipment to assist in establishing community playgrounds.

Commissioner Carte asked Administrator Holly if Carl had done title search on Whipple property.

Ms. Holly informed Carl had just returned from vacation; Henry is working on title search.

Ms. Holly informed the Commissioners that Cedar Grove Cablevision and Cable Franchises, Inc. (Tele-Media have not signed Cable Franchise agreements. Ms. Holly informed Carl is working on to push litigation if not done soon. Carl sent letter to Tele-Media on July 5, 1994. Ms. Holly informed Cable Advisory Board is getting ready to crack down if not settled soon.

The Commissioners signed letter to Blue Ridge Outdoors, Mountain State Kayak and Canoe Company, New River Mountain Guides notifying them that parking lot on Wiseman Avenue adjacent to their place of business is for courthouse use only. Commissioner Carte would not sign he has employees that park there. Mr. Lopez has no problem. Ms. Holly informed would have to have signs to enforce. Discussion was held on where to put signs.

Commissioner Lopez made motion to appoint Terry Salyer member of the Fayette County Solid Waste Authority. Commissioner Witt seconded. All approved.

Commissioner Carte informed the Commissioners he had seen letter from Division of Environmental Protection regarding extension of landfill, also he's working with the Delegates on trying to get extension.

The Commissioners signed clean up letters to William S. and David Chapman, James W. Salley Youell, Vivian Jones and Bernice Washington, Adelle and Gilbert Wood.

Commissioner Lopez requested letter to Chapman be sent to Kathey Marshall.

The Commissioners received and reviewed deed from the Estate of Mattie S. Thomas. Discussion was held on what to do with property. Commissioner Lopez asked to check plans. Discussion was held regarding jail space. It was decided to look at both buildings decision would be made later.

Ms. Holly informed the Commissioners John Whitmore telephoned and informed her that his well is dry in Summerlee area. Mr. Whitmore informed he is working with West Virginia

American Water Company to see if they could extend water service to area. Ms. Holly informed she had talked with W. D. Smith, Director of Region 4 Planning and Development Council and he suggested Partnership Grant. Ms. Holly informed she faxed information to W. D. If the Commission has no objection she and W. D. will work on application.

Administrator Holly informed the Commissioners she received call from Roma Lively regarding the \$12,000 contribution. She informed Mr. Lively he could receive it after July 1, 1994. Ms. Holly asked the Commissioners if it was okay to write check today. This was approved.

Commissioner Witt informed the Commissioners Mr. Lively will submit records and invoices on how money is spent.

The Commissioners received and reviewed check in the amount of \$28,121.03 for the Emergency telephone system for the month of May, 1994.

The Commissioners received and reviewed letter form One Valley Bank regarding depositories.

The Commissioners received and reviewed statement from County Commissioners Association regarding annual dues. Amount \$1,284.00. This was approved for payment.

The Commissioners received and reviewed from Region 4 Planning and Development Council copy of application submitted to West Virginia Development Office for New Haven Public Service District Water Extension.

The Commissioners received and reviewed minutes of Deep Water Public Service District.

The Commissioners received and reviewed Annual Report for Fayette County Sheriff's Department for the period from June 1, 1993 through May 30, 1994.

The Commissioners received and reviewed from Jim Lively Insurance copy of insurance binders indicating the transfer of county owned property and casualty insurance program to PENCO effective July 1, 1994.

Ms. Holly presented to the Commissioners findings of the Data Search regarding PCB's at the Shaffer Electric Company Site. Representatives with EPA met last Thursday in Commission Office. Ms. Holly informed would not fall under Super Fund.

The Commissioner received and reviewed Budget Statements of Officeholders for fiscal year 1994-95.

The Commissioners approved Stephanie Harrah and Charlotte Holly to attend Basic Probate Procedures and Practices in West Virginia, September 16, 1994 in Charleston.

The Commissioners received and reviewed letter from Sheriff Bill Laird informing they have developed bid specifications for the car mobile video camera per Criminal Justice and Highway Safety Division.

Commissioner Witt questioned about the conversion of the new cars to natural gas. Administrator Holly informed she talked with the Sheriff about the cars, informed too late for change order for cars already ordered and could not make change to Taurus. Sheriff will investigate conversion of two Caprices to natural gas.

Commissioner Witt questioned about County Building Code.

Administrator Holly informed made copy of West Virginia Code and sent to Gary for review and information.

The Commissioners received and reviewed letter from Regional Jail and Correctional Facility Authority informing beginning July 1, 1994 have a statewide per diem rate of \$35.00 per inmate day.

Discussion was held regarding appointing member to the Fayette County Health Department. Commissioner Witt informed he's waiting on recommendations.

Administrator Holly informed the Commissioners the Annual County Commissioners' meeting is August 7-9 at Martinsburg. Commissioner Carte and Commissioner Lopez will not attend. Commissioner Witt will attend. Administrator Holly not sure.

Administrator Holly informed the Commissioners the Governor's Summer Youth Program started today (area Page, Beards Fork, Harlem Heights, and Fayette County Park).

Administrator Holly informed the Commissioners Elbert Horrocks had stopped by to see her had several questions; asked if wife could drive county truck, Ms. Holly informed no. The Commissioners agreed; asked if he could attend seminar in Lewisburg, Investigating Cruelty to Animals. Commissioners informed okay to attend.

The Commissioners informed Ms. Holly that Elbert Horrocks is to report sick, vacation, overtime and comp time, and give time sheets to her. If work at night take off next day. Not sure how Humane Society being run.

David Neal and Steve Cruikshank appeared before the Com-

missioners to discuss the proposed legislation mandatory state-wide E-911. Discussion held.

Commissioner Witt asked that Steve and David draft letter and have Commission to review and sign. Informed if letter have to be in by certain time the Commission approved to have letter read over phone.

Shelly Huffman, Rod Stewart and Martha Shouldis appeared before the Commissioners with proposal requesting assistance for the Pre-Employment Training Program for Corrections Officers. Amount requesting \$10,000. Discussion was held. Commissioner Witt informed would take under advisement. After further discussion and review, the Commission voted to deny request; no funds available.

Ms. Holly informed the Commissioners talked with Earl; lifeguard had been in accident other lifeguards had made other commitments could not work. Since Earl couldn't get any lifeguard the Commissioners decision was to limit pool access to 150.

The Commissioners signed invoice to Division of Highways for janitorial service. Amount \$30.00.

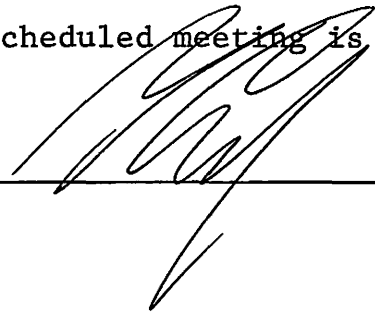
Letter was drafted to Mrs. Conn informing her the property of Mabel Terry was sold to the state.

The Commissioners received and reviewed adjustment notice from West Virginia Criminal Justice and Highway Safety.

The Commissioners received and reviewed minutes from Gauley River Public Service District for the month of April, 1994.

Invoices were approved.

Meeting was adjourned. Next scheduled meeting is July 15,
1994.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 15, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 15th day of July, 1994.

President Carte made motion to go into executive session with Earl Pauley regarding personnel matter.

Martha Hager appeared before the Commission with \$24,000 grant application for Youth Services Development Committee project for signature. Ms. Hager informed the Commission need to prepare resolution with application. Ms. Hager questioned if person that working with project eligible for health plan with County. The Commissioners informed Ms. Hager only employees of County are eligible. Resolution prepared and signed.

Commissioner Witt informed the Commissioners he received memorandum from 4-C Economic Development Authority informing that Appalachian Power Company is ready to do Industrial Park feasibility study on Glen Jean property. Copy sent to Building Commission.

Commissioner Witt informed the Commissioners that Mountain Transit Authority (MTA) have not considered Jim Lively insurance request and ask that the Commission hold off giving contribution until insurance matter is straighten out.

Commissioner Witt informed the Commissioners he had a line on oak benches for courthouse, no cost to county. Approved to proceed.

Minutes for June 27th and July 6th were reviewed and approved. Ms. Holly informed the minutes for June 29th will be presented at next meeting; approved.

The Commissioners received letter from Page Skaggs, Jr. member of the Fayette County Board of Health recommending that Jack Tamplin fill vacancy on Board, informed he had discussed the vacancy with Board members Dr. Newell and Mr. Frazier and they had no objection. The Commissioners approved Jack Tamplin as recommended by Board members.

Ms. Holly informed the Commissioners she had advertised for bids for IBM System 36 Computer Hardware Upgrade/Migration Software (AS400 or equal per specification). Bids were to be opened at 10:00 a.m. Ms. Holly informed she received one (1) bid from Software Systems, Inc. The Commissioners informed they would take under advisement and review. Discussion was held. The Commissioners asked Ms. Holly to advertise again.

The Commissioners signed letter to James W. and Sally Youell apologizing for any inconvenience they might have caused regarding the clean up letter.

Letter of thanks was signed to Fayette County Board of Education for their cooperation in obtaining replacement nets for four tennis courts.

The Commissioners signed order of Budget Revision of the Coal Severance 1994-95 Budget.

The Commissioners received and reviewed letter from Lee Massey asking the Commissioners to reappoint Robert Stephens to

the Fayette County Board of Health. The Commissioners decided to hold off on making appointment.

Leon Axle, I.B.T representative appeared before the Commission to discuss reactivating I.B.T. Composting and Recycling proposal in Fayette County. Also present were members of the Fayette County Solid Waste Authority, and Fayette County Haulers. Mr. Axle informed the Commission would build facility at no cost to County, Fayette County would be partner and permanent holder of facility, facility would be given to County after 20 years. Mr. Axle informed he would like for sight to be located on Route 19 somewhere more accessible to the haulers and citizens of Fayette County. After a lengthy discussion it was decided that the Fayette County Solid Waste Authority, Fayette County Haulers and Leon Axle get together and renegotiate with I.B.T. on his proposal.

Commissioner Carte informed if there are no further comments or suggestions the hearing was adjourned.

Ms. Holly informed the Commission that Ellen McQuade dog was missing, picked up dog at Fayette County Humane Society informed the conditions at shelter was terrible her dog had lice. Want to know who is responsible for upkeep of shelter. Ms. McQuade feel the dog should have been isolated. Commissioner Witt informed it's not the Commissioners problem it's the Humane Society problem.

Ms. Holly informed the Commission that Stanley Wriston with CWEP has person who can do janitor work. Ms. Holly informed his hours are limited to 35 hours a month, trained more in mechanics.

Ms. Holly suggested working evenings with contracted services workers. Commissioner Witt informed he do not go along with him working with contract workers, any place but not on evening shift with contract workers. Commissioner Lopez suggested working him at Annex building to help Joetta and Jerry.

The Commissioners received and reviewed minutes for the month of June from Danese Volunteer Fire Department and Rescue Squad.

The Commissioners received and reviewed and approved request for purchase Order to L & W Printing for training certificates for Sheriff Department. Amount \$93.50.

The Commissioners received and reviewed certificate of insurance from Cable Franchise.

The Commissioners received and reviewed copy of letter from Belinda Morton office to Workers' Compensation Fund requesting investigation, claimant #90-51332, E. Keith Lester.

The Commissioners received, reviewed, and approved draft of letter from Steve Cruikshank and David Neal regarding proposed Legislation for Statewide 911.

The Commissioners received and reviewed two (2) applications for employment, Timothy Rutledge and Jannie Thomas.

The Commissioners signed letters to Paul Blake, Prosecuting Attorney, Eugne Nelson, Director, Equal Employment Opportunity Commission, Flaherty, Sensabaugh and Bonanso, Shuman, Annand and Poe, Cleek, Pullin and Bibb, King, Betts and Allen, Steptoe and Johnson, Erwin Conrad and Robert Corey, Claim Manager, West

Virginia Board of Risk and Insurance Management informing the Department of Tax and Revenue is conducting audit of Fayette County for fiscal year end June 30, 1993, and as legal counsel for the County the Commission are asking they submit information concerning any pending litigation, claims or assessments to Department of Tax and Revenue.

The Commission signed letter to Lisa Stanley, Director, Chief Inspector Division regarding audit FY 92-93.

The Commissioners received and reviewed letter from Fayette County Board of Education regarding request for assistance in obtaining playground equipment was informed to contact Dale Watkins about the availability of equipment.

The Commissioners received/reviewed and signed sales tax report for Fayette County Park for the month of June.

The Commissioners signed letter to West Virginia Development Office regarding copies of the monthly reports and invoices for work completed and paid during the period of April, 1994 thru June, 1994 for Project SAINT.

The Commissioners received and reviewed update of insurance policy from Jim Lively Insurance.

The Commissioners received and reviewed from the West Virginia Development Office extension of State/Local Agreement fiscal year 1989-91 Small Cities Block Grant for White Oak Public Service District.

The Commissioners received and reviewed vehicle expense record of mileage from Bert Horrocks. Ms. Holly informed per

Mr. Horrocks this is not a request for reimbursement.

The Commissioners received and reviewed report for period April 1, 1994 through June 30, 1994 from Boomer Volunteer Fire Department.

The Commissioners received and reviewed from Gary Harding, Zoning Officer follow up of Building Code. Ms. Holly informed the Commissioners that State Fire Marshall referred she send for copy of State Building Code from Secretary of State.

The Commission approved to pay to the Secretary of State \$2.60 for the cost of duplicating rules 87-4.

Ms. Holly informed the Commissioners Jack Clark still has 3 building standing. The Commission informed Ms. Holly when Mr. Clark appeared before them he informed he would be selling property. Commissioners informed Ms. Holly pending sale of property will give him 60 days waiver from today to clean.

The Commissioners received and reviewed acknowledgment from West Virginia Development Office informing they received request for SCBG funds for the New Haven Public Service water extension.

Discussion was held regarding painting of sign for parking lot at Wiseman Avenue. Ms. Holly presented draft of what sign would say. The Commissioners reviewed and approved. Mr. Lopez in favor or sign. Commissioner Witt made motion to put up sign. Commissioner Lopez seconded. Commissioner Carte voted no. Commissioner Lopez asked Carl his opinion about the sign.

Ms. Holly informed the Commissioners she received call from Thelma Baldry regarding Gene Walker property in Minden. The

Commissioners informed to hold.

Ms. Holly informed the Commissioners she haven't had a response from Lee's or Young's Carpet for circuit courtroom. Commissioner Carte informed he would call.

The Commissioners received and reviewed notice regarding statewide housing and community meetings in different areas of state.

Ms. Holly presented to the Commissioners complaint regarding cutting of weeds on property in Summerlee. Gary checked property on July 8th weeds were cut, okay.

The Commissioners received/reviewed and approved application for certificate to operate courthouse incinerator. Amount \$200.00.

The Commissioners received and reviewed letter from Kelvin Holliday informing Linda Johnson, Treatha Sexton, Sherry Davis, and himself will be attending a training session September 28-29. Would like travel to be paid from Election travel. This was approved.

The Commissioners received and reviewed petition from Minden regarding Vermeda Patrick property. The Commissioners informed Ms. Holly to send letter.

The Commissioners received and reviewed complaint on Stanley F. Matthews and Kathleen property. The Commissioners informed Ms. Holly to hold.

The Commissioners received/reviewed and signed resolution from United Community Service, Inc. to endorse the establishment of a community and family resource center to serve the

existing needs of low-to moderate income families.

The Commissioners approved to purchase typewriter for West Virginia Extension Office.

The Commissioners signed and approved exonerations from the Assessor's Office.

Commissioner Carte informed the Commissioners that Tax Office had asked him about putting bench in front of Annex building on ground floor.

Commissioner Witt informed he had no problem with putting bench outside of building, but suggested bolting it down and pouring concrete pad.

Commissioner Carte asked about desk for Tax Office. Commissioner Lopez and Commissioner Witt informed Tax Office should talk with Sheriff.

The Commissioners received and reviewed letter from Workers' Compensation Division awarding temporary disability benefits from June 13, 1994 to August 24, 1994 to Harold Wayne Conners.

The Commissioners received and reviewed adjustment notice from West Virginia Criminal Justice and Highway Safety--Speed Enforcement.

The Commissioners received and reviewed minutes from Gauley River Public Service District for the month of June.

The Commissioners received and reviewed letter from Sheriff Laird informing he received summons and complaint in Civil Action #5:94-0509.

The Commissioners signed letter to Jim Lively Insurance requesting they process Civil Action #5:94-0509 under the terms

of their insurance policy issued.

The Commissioners received and reviewed letter from Judge Hatcher concerning implementation of the "Home Incarceration Act" as set forth within Chapter 62, Article 11B, Section 1 of the West Virginia Code. The Commission tabled previous request for 10 additional home confinement bracelets.

Invoices presented for payment were approved.

The meeting was adjourned. Next scheduled meeting is July 27, 1993.

A handwritten signature in black ink, consisting of several overlapping, stylized lines, positioned above a horizontal line.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 27, 1994

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 27th day of July, 1994.

Commissioner Lopez asked that the Commissioners go into Executive Session to discuss personnel matter.

The Commissioners signed Budget Revision of the 1994-95 General Fund Budget. Commissioner Witt offered motion to adopt resolution. Commissioner Lopez seconded. All approved. Order signed.

The Commissioners approved and signed order reappointing Robert Stephens and an order appointing Jack Tamplin to the Fayette County Board of Health.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent for the month of July, 1994. Amount \$550.00.

The Commissioners approved to pay for installation of carpet at Family Law Master office from Direct Carpet. Amount \$606.68.

The Commissioners received/reviewed and signed new contract of lease for Parole Office. Amount of least \$300.00.

Commissioner Witt questioned about sign in front of Parole Office, informed the location was terrible feel sign should be moved. Administrator Holly informed Mr. Witt Bob had put up sign. Commission will review location.

Administrator Holly informed the Commissioners she had several invoices for various fire department requesting drawdown of funds, need the Commissioners approval to pay. This was approved. Ms. Holly also informed she received several Fire Department Protection Agreements from Nuttall Volunteer Fire Department, Gauley River Volunteer Fire Department, Mount Hope Fire Department, Danese Volunteer Fire Department, Ansted Certified Fire Department, Gauley Bridge Volunteer Fire Department, Pax Volunteer Fire Department, Meadow Bridge Volunteer Fire Department. The Commissioners received and signed agreements.

Administrator Holly informed the Commissioners of law suit received regarding Clint R. Lawson, Sr. informed she had talked with Mr. Lawson's attorney and he would be in Sheriff Office today to discuss, informed would prefer he talked with Sheriff.

The Commissioners received and reviewed from Court of Claims check in the amount of \$34,391.38 for Housing of Prisoners.

The Commissioners received and reviewed notice from Public Service Commission informing of dismissal of Fayette County Plan of Public Service Districts.

Administrator Holly informed the Commissioners she received invoices from State Board of Risk and Insurance Management and PENCO and compared difference. Informed the Commissioners by changing to PENCO county is saving \$26,393.84 annually.

The Commissioners received and reviewed response from Thelma

Fruit regarding clean-up of property in Whipple.

The Commissioners received and reviewed update of Statewide Transportation Improvement Program (STIP) book.

Ms. Holly informed she had talked with Board of Education regarding playground equipment. Ms. Holly informed the Board will be removing equipment from Page Elementary School county could have, county would be responsible for transporting equipment to location. Commission approved.

The Commissioners received and reviewed letter from Gary Harding, Zoning Officer recommending that James Painter, Sam Dorado, Jesse Bibb and Shirley Love be reappointed to Fayette County Planning and Commission, also recommended that Naaman Clonch be appointed to replace Robert Stephens who declined to be reappointed, recommended that Jack Hamra be appointed to fill the unexpired term of A. W. Orndorff. The Commissioners suggested to hold until they talked with Gary. Approved reappointments and appointment of Hamra.

The Commissioners received and reviewed audit report from Winona Water Association for fiscal year ending June 30, 1994.

The Commissioners received and reviewed letter from Sheriff Laird to West Virginia Division of Culture and History enclosing invoice for security services rendered by Fayette County Sheriff Department in support of the Doo Wop held July 16, 1994.

The Commissioners received/reviewed and approved to pay to Special Monitor W. Joseph McCoy for his services at the Fayette County Jail. Amount \$1,837.54 plus telephone reimbursement of \$47.44.

Commissioner Witt informed he would like to recommend a few names to the different boards.

Administrator Holly informed the Commissioners the holding room for Regional Jail inmates was finished. Commissioners approved to get purchase catwalk, if needed, for barred area.

Administrator Holly informed Lee's Carpet had sent substitute carpet sample for Court Room, informed Judge Hatcher had not seen sample yet. Lee's the only one to submit bid. The Commissioners approved to purchase 40 oz. carpet. Amount \$2,827.00.

The Commissioners received and reviewed letter update from Software Systems giving explanation of maintenance information.

The Commissioners received and reviewed letter from Belinda Morton requesting for investigation and ruling regarding Percy Gilliam.

The Commissioners received and reviewed letter from Workers Compensation Division denying reopening of claim for Percy Gilliam.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges Order submitting protest regarding claimant Dovie Christian.

The Commissioners received and reviewed letter from Mercer County Commission requesting contribution of \$2,000.00 to Southern Regional Detention Center for air condition. The Commissioners denied request.

Ms. Holly informed the Commissioners the contractors have completed installation of roof. Ms. Holly presented to the Com-

missioners record from Dee of every day activities performed by contractors. Commissioner Witt asked that letter be written saying the county need not do anything on roof. Ms. Holly informed have not received letter from inspector. Commissioner Witt asked to notify that we want inspection. Ms. Holly informed that Dee said the contractors told him that Firestone should have installed angled installation.

Lee Massey appeared before the Commissioners requesting money from the Commissioners to zone Route 19. Suggested Tim Fish to oversee project.

Commissioner Witt informed he would check with Planning Commission and Fayette Transition team to see if they would present some ideas and plans to Commission. Mr. Witt also asked Mr. Massey to check with John Hunt. The Commissioners suggested to Mr. Massey that he get figures and cost and get back with them.

Gary Harding, Zoning Officer appeared before the Commission to present zoning hearings: Z-394-94-1: Request of Terry Holbrook, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on Lots 9 thru 13, and Lots 88 and 89, Oak Park Subdivision, located on Summerlee Road near Summerlee Union Hall Plateau District.

The applicant was not present for the meeting and several people were present in opposition to the request. The county commission was informed by the Zoning Officer that the Planning

Commission did by a vote of 7-0 recommend that this request be denied. The County Commission was also informed that a petition with 49 signatures on it had been submitted to the Commission against this request. A motion was made by John Witt that this request be denied as recommend. Motion was seconded by John Lopez and passed 3-0.

Z-395-94-1: Request of Louella W. Gibson, owner, by Ronald W. Martin, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-1, Neighborhood Business District, on part of 23.77 acres, Brackens Creek, located on Route 10 near Russellville, New Haven District.

The applicant was not present for the meeting. The Zoning Officer informed the County Commission that this was a request to operate a raft repair shop on 2 acres of the property and that the Planning Commission did by a vote of 7-0 recommend that the request for a land classification change be denied and the applicant seek a Use Permit from the Board of Zoning Appeals. A motion was made by John Lopez that this request be denied as recommended. Motion was seconded by John Witt and passed by a vote of 3-0.

Ralph Young Attorney for City of Oak Hill appeared before the Commission with application and order for annexation by minor boundary adjustment of Resubdivision of Lots C, D. E. and F of Lola Jeffers Property situated on Roundhill Road, Plateau District, adjoining the City of Oak Hill, Fayette County, West

Virginia, also presented application and order for annexation by minor boundary adjustment of approximately 248 acres owed by Turkey Creek Hardwood, Inc., adjoining the City of Oak Hill, Plateau District, Fayette County, West Virginia. Discussion was held. The Commissioners received and reviewed applications and orders final hearing is set for August 31, 1994.

Jamie Blankenship Attorney for Town of Fayetteville appeared before the Commission with order for annexation by minor boundary adjustment of 15.821 acre tract adjoining the Town of Fayetteville owned by the Town of Fayetteville and situated on Marrs Branch adjacent to the Town of Fayetteville and annexation by minor boundary adjustment of 55 acre tract adjoining the Town of Fayetteville owned by Cecil Alvin Robertson and Randall R. Robertson and situate on Laurel Creek Adjacent to the Town of Fayetteville. Discussion was held. The Commissioners received and reviewed order, final hearing is set for August 31, 1994.

The Commissioners approved and signed exonerations from Assessor's Office.

Eddie Young appeared before the Commission asking permission for the Assessor's Office to send out application for correction of assessment notices. This was approved.

Payroll and outstanding bills were approved.

Henry Armstrong appeared before the Commission informing he was still checking on property in Whipple and as far as he looked title would be clear.

Administrator Holly informed the Commission she received

call from Judy Hess asking whether or not the contracted service workers get a raise, she informed the Commissioners she told Ms. Hess no. Discussion was held, the Commissioners informed Ms. Holly ~~contract~~ would stay the same. Commissioner Witt suggested they needed to establish some rules for contracted workers.

Ms. Holly informed the Commissioners shed called Ms. Abbot regarding 10% cost of living increase. Informed Ms. Abbot the Commission had approved \$39,000. The Commissioners informed Ms. Holly there would be no change in contribution.

Commissioner Lopez informed the Commissioners the county not getting service of the Dog Warden as they have received in the past. Mr. Lopez suggested having the Dog Warden come in and discuss his duties. Mr. Lopez informed his duties are not just being stationed at the shelter.

Ron Walton appeared before the Commission was informed by Commissioner Carte that the Commission had talked with Henry Armstrong, Assistant Prosecuting Attorney was told the county wouldn't have any problem getting title on Whipple property. Mr. Carte informed Mr. Walton that Board of Education have playground equipment, informed Mr. Walton the Commission had received response from Thelma Fruit regarding her property.

Commissioner Lopez informed the Commission that Elkem is willing to sell to the Commissioners Upper Kanawha Valley Baseball Field. Commissioner Witt informed the county is not accepting any of the responsibility. Discussion was held. The Commissioners would talk with Prosecuting Attorney's Office re-

garding the liability.

Administrator Holly presented franchise agreements from Tele-Media. The Commissioners received/approved and signed.

The Commissioners received and reviewed from Judson Wallace mileage request for travel to the Fayette County Correctional Officers meeting. This was approved.

The Commissioners received and reviewed invitation to Open House at Rivers, Thursday, July 28th, 1994.

The Commissioners received and reviewed letter from Sheriff Laird regarding accidental injury in Sheriff's Road Office (Park Ranger Regina Carrico).

The Commissioners received and reviewed letter from Region 4 Planning and Development Council regarding an application for a mining permit or for a revision to a mining permit for Imperial Colliery Company to construct a preparation plant.

Ms. Holly informed the Commissioners she sent copy of letter to Gary to review and comment.

The Commissioners discussed response from businesses parking on lot (Wiseman Avenue). Commission will develop parking rules.

Shirley Roberts and Shirley Ewing appeared before the Commission requesting emergency funds to make repairs to the Town Hall roof for the City of Pax. Discussion was held. Mr. Witt informed he feel this would present county with legal situations the Commissioners need to check into. Mr. Witt informed would take under advisement would check with Dr. Bruce Peterson about getting a grant from Legislature Digest and the Prosecuting

Attorney Office before making any decision. Mr. Lopez asked Mr. Carte to talk with Dr. Peterson regarding matter.

The Commissioners approved to pay Fiscal Year 1994-1995 contributions to Mountain Resources Conservation and Development (MCRD). Amount \$500.00 per budget.

The Commissioners received and reviewed from Sheriff Laird Project Financial Report, Monthly Progress Reports, Overtime Time Sheets and Request for Reimbursement for D.A.R.E. Grant Program.

The Commissioners received and reviewed letter from Prosecuting Attorney Paul Blake to Lisa Stanley, Director State Tax Department regarding pending litigation claims as of June 30, 1993.

The Commissioners received and reviewed copy of rate and channel line-up change notifications from Helicon Cable Vision.

The Commissioners received and reviewed grant adjustment notice for Project D.A.R.E.

The Commissioners received and reviewed letter from Appalachian Power regarding electric service agreement informing 150kW is adequate to meet courthouse needs.

The Commissioners received and reviewed letter from West Virginia Development Office informing White Oak Public Service District time extension was approved for the period July 1, 1994 through June 30, 1995.

The Commissioners received and reviewed copy of 2 resolutions from the Secretary of State regarding bringing more fairness into the appraisal of natural resources.

The Commissioners received and reviewed letter from Board of Risk and Insurance Management informing they had received Civil Action 5:94-0509, Clint R. Lawson v. Gene Carte, Jr. etal.

The Commissioners received and reviewed memorandum from Criminal Justice and Highway Safety Division informing their office had received application for Juvenile Justice and Delinquency Prevention (JJDP) funding. Project Youth Service/ Valley High School.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council informing they have received proposal for public financial assistance for New Haven Public Service District water extension.

The Commissioners received and reviewed form I-88, SCBG Contract and Subcontract Activity Reporting Form from West Virginia Development Office.

Minutes of prior meeting approved and signed.

Paul Blake, Tom Aiello, Herbert Mann, Sheriff Bill Laird, and Kelvin Holliday appeared before the Commission for a continued work session on Employee Handbook.

President Carte asked for comments of employees regarding longevity, vacation and sick leave.

Ms. Holly informed if you do have employee handbook have disclaimer that way you won't create a lot of problems.

Discussion for this meeting was the employee's vacation and sick leave.

Several officeholders had talked with other officeholders

of other counties. The Prosecuting Attorney informed he was told whatever you call the book do not call handbook.

Mr. Mann informed he was told handbook could get you into more trouble. He's not really sure if the county should have one. After discussion the officeholders decided on vacation policy. Employees who worked 6 months - 1 year would receive 5 days, 1 year - 10 years, 10 days, 11 years - 11 days, 12 years - 12 days, 13 years - 13 days, 14 years - 14 days, 15 years - 15 days, after 15 years put cap on.

Ms. Holly asked about employees who left and came back.

Mr. Blake feel their time should be counted.

Commissioner Lopez asked about bad weather policy, Everyone was in agreement to leave policy as is up to department head at their own discretion.

Commissioner Lopez asked about sick leave. Mr. Blake gave Commissioner Lopez update on what had been decided on sick leave. Informed perfect attendance receive \$200 at the end of the year, you miss 1-3 days receive \$100 bonus, anything over no bonus and no carry over of sick days. Everyone was in agreement.

Commissioner Lopez informed everything would be effective January 1, 1995.

Sheriff Laird asked if this would include Civil Service employees.

Mr. Blake suggested putting for non-civil service employees only.

Commissioner Witt reviewed what was covered suggested to check with other entities or counties regarding death, jury duty,

courthouse hours to be discussed at next session.

Commissioner Witt suggested to meet again on August 31, 1994
at 1:30 p.m.

Meeting was adjourned. Next scheduled meeting is August 3,
1994.

John H. Lox
John G. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 8, 1994

COURT HOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 8th day of June, 1994.

Ann Skaggs appeared before the Commission giving an update on cleaning up of properties in Fayette County. Ms. Skaggs informed the Assessor office has been very cooperative about field workers gathering information concerning dilapidated structures. Tom Aiello, Assessor informed his Data Collectors have forms made up and they make comments on what they find they also give the parcel number, map and person who gets tax ticket.

Ms. Skaggs presented to the Commissioners a wrap-up list of the original 1990 notices; informed the Sheriff has no problem with using clean-up crew on Jack Clark's remaining structures. Ms. Skaggs informed she feel the Commissioners should send letter to the Sheriff regarding using clean-up crew. Ms. Skaggs also asked if legal notice had been published regarding Crawford property. Ms. Holly informed no. Discussion was held. Ms. Holly informed she would check notes regarding matter.

Ms. Holly informed the Commissioners Mae Blevins had called asking what did the Commissioners want her to do with property. Ms. Holly informed Ms. Blevins informed she would remove the steps, porch and roof over porch. Ms. Holly informed the Commissioners that Gary had called and informed her that the des-

cription on the notice was incorrect but it is the correct house and according to the tax ticket the owner is Cora Tolley. The Commissioners informed Ms. Holly to send notice to Ms. Tolley since her name is own tax ticket.

Ms. Holly informed the Commissioners that nothing has been done regarding Gene Walker property. Commissioner Witt suggested sending another letter informing he had ten (10) days to get started and thirty (30) days to clean it up.

Ms. Holly informed she received letter from S. E. Anderson regarding cleaning up of property. Commissioner Witt suggested Gary to look at property and send letter. Commissioner Lopez and Commission Carte informed that it hadn't been 90 days no need to send letter.

Ms. Holly informed the Commissioners that we are nearing the end of June fiscal year 1993-94 and if any adjustment have to be made need Budget Revision order. Commissioner Witt made motion to adopt the revision of the 1993-94 General Fund Budget. Commissioner Lopez seconded. Commissioner Lopez made motion to adopt the revision of the 1993-94 Coal Severance Fund. Ms. Holly informed she had prepared same orders for Commissioners signatures if any other adjustments are needed before the Commissioners met again.

Ms. Holly gave update on Memorial Building; work to start on June 20th informed courthouse is closed, they will confirm day of starting when he come in on June 14th. The Commissioners asked that Dee be available that day.

Ms. Holly informed Judy had prepared payroll for June 15. Need approval to write any part time check or overtime checks when they come in. This was approved.

Ms. Holly informed she talked with State Tax Department, approval to transfer funds from Jail Improvement Fund to General School Fund, will fax letter end of week to confirm. The Commissioners signed order to transfer fund, amount \$171,892.51.

The Commissioners signed order, ordering a sum in the amount of \$171,892.51 from the Fayette County General School Fund to be transferred to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrate.

The Commissioners signed order transferring \$50,000.00 from the Magistrate Court Fund to the Fayette County General Fund for the fiscal year 1993-94.

The Commissioners signed order transferring \$1,539.68 from Magistrate Court Fund to Fayette County General Fund for reimbursement of long distance telephone expenses for fiscal year 1993-94.

Ms. Holly informed Law Enforcement had received cellular phones. Earl decided he didn't want one will be checking with Steve Cruikshank about installing radio.

Ms. Holly informed the Commissioners she had talked with Mike Cobb, Division of Highways, he informed her he could put calcium on road going into landfill if the Commission approve. The Commissioners informed Ms. Holly they approve and

to get in touch with Mr. Cobb and inform him of this.

The Commissioners signed letters to Public Service Commission and to the Secretary of State with update of Public Service Districts and current Board members.

The monthly sales report for the Fayette County Park was signed.

The renewal application for registration certificate for Fayette County Park was signed.

The Commissioners signed contract and agreement for Fayette County Health Department contribution of \$6,000.00.

The Commissioners signed letter to Elected Officials reminding them they have not received 1994 Annual Report.

Letter authorizing sleeping rooms, meals, room guarantees, and parking fees charged to the Fayette County Commission while Kelvin Holliday, Linda Johnson, Sherry Davis are attending the County and Circuit Clerk's Association 57th Annual meeting, August 10-13, 1994 was signed.

The Commissioners received and reviewed Dog Warden Report for the month of May.

Commissioner Lopez informed he had received a call regarding the date Bert Horrocks would come on payroll. The Commissioners informed he would start on July 1, 1994.

Maintenance renewal agreement for copier in County Clerk's was signed.

Lease Agreement with Two-Way Radio was signed.

Commissioner Witt asked update on "Employee Handbook." Ms.

Holly informed that one officeholder had stopped by and gave comment. Commissioner Witt suggested setting up meeting with elected officials, would rather it wouldn't be set up during Commission meeting. Commissioner Carte suggested 9:00 a.m., June 22. Ms. Holly to send letters to elected officials.

The Commissioners signed oath and certificate certifying they have examined land books.

Administrator Holly informed the Commissioners of minor problems that are going on; septic tank problem at Danese, air condition in voter's registration.

Administrator Holly informed the Commissioner that format of Summer Youth Program had changed, we could hire 29 enrollees and 4 supervisors. Supervisors have to be certified teachers. Ms. Holly informed openings are for Fayette County Park and Page-Kincaid area. No enrollees have signed up for Beards Fork area. Ms. Holly informed she would check to see if enrollees in Page-Kincaid area could do Beards Fork area also.

Attorney Paul Clay appeared with Committee Appointment for Bertha Dues, petitioner James Gore. Mr. Gore was sworn in and questioned. Attorney Clint Gallaher was appointed guardian et litem. Attorney Clay informed notices had been served. Commissioner Witt moved that James Gore be appointed committee for Bertha Dues. Commissioner Lopez seconded. All approved. Minimal bond of \$500.00 was set.

Ms. Holly informed the Commissioners Robert Ford's last day is June 30, 1994, would not be taking vacation would like to be

compensated for vacation days. This was approved.

Effective July 1, 1994, Robert Massey will be employed by the Fayette County Commission. Application received and reviewed.

Commissioner Carte informed Judge Abbot had been looking for chair before he left for court room at Annex, informed Judge Vickers had found chair, amount \$1,265.00. This was approved.

Attorney John Shumate appeared before the Commission for the City of Mount Hope with petition to annex by minor boundary adjustment. Commissioner Carte moved to except the petition for minor boundary adjustment. Mr. Carte suggested to Mr. Shumate to change mayor's name on application.

Attorney Shumate introduced Michael Lively attorney from Ohio who will be working in his office.

Ms. Holly informed the Commissioners Earl had put couple of lawn mowers together for Civitan Park, brought weed eater for courthouse, old weed eater to be given to Civitan Park.

Ms. Holly informed the Commissioners that Carl had prepared deed for the Mattie S. Thomas but is waiting for inheritance tax release. The Commissioners suggested to hold for time being. Commissioner Carte suggested to send did for signature.

The Commissioners received and reviewed report from Carl Harris on property in Whipple.

Ms. Holly informed the Commissioners that roof on Cabin #1 had been replaced. Informed Earl had solicited 3 bids to repair roof on Cabin #2. Commissioner Carte suggested taking lower bid.

Rick Myles Construction. Amount \$1,120.00. This was approved.

Ms. Holly informed the Commissioners Mr. Myles had checked roof at Prosecuting Attorney Office. Commissioner Lopez suggested putting shingles on roof. Ms. Holly informed that was Mr. Myles opinion. Commissioner Lopez and Commissioner Witt suggested getting estimate to repair roof problem in back recommended putting siding on cinder blocks.

The Commissioners received and reviewed from notice Citizen's Advisory Board informing of meeting Tuesday, June 21, 1994 at 4:00 p.m.

The Commissioners received and reviewed from Earl Pauley contract renewal for CWEP program. This was approved.

Ms. Holly informed the Commissioners Earl said he had no time right now to remove Blue Spruce. The Commissioners advised Earl to contact and confirm to Mr. Sodder that we're still interested but will not be able to move at this time. Per Earl tree is over water line.

Ms. Holly informed the Commissioners she received notice from Workers' Compensation Division informing of increase in premium rate.

The Commissioners received and reviewed check in the amount of \$28,044.58 for the Emergency telephone system for the month of April, 1994.

The Commissioners received and reviewed letter from Fayette County Health Department regarding anonymous complaint forwarded to their office.

Commissioner Witt suggested to the Commissioners that they disregard any anonymous letters. No signature to trash.

The Commissioners received and reviewed copy of property revaluation plan for Fayette County for tax year 1995, 1996, 1997.

The Commissioners received and reviewed copy of letters from Senator Robert Holliday regarding closing of landfill.

Attorney Paul Clay appeared before the Commissioner regarding Committee Appointment of Matthew Scott Cole, petitioner Patricia Cole. Kevin Burgess was appointed guardian et litem. Mr. Burgess made motion matter be continued. Mr. Clay informed Ms. Cole is in agreement with this. The Commissioners granted continuance.

Sheriff Laird appeared before the Commissioners informing that he and Commissioner Witt had travelled to Clarksburg to check on natural gas for police cruisers. Both were impressed with technology. Sheriff Laird informed that grant funds are available for transition West Virginia Power and Gas will match. Sheriff Laird informed would like to pursue.

Commissioner Witt highly recommended that Sheriff prepare grant to convert to natural gas. This was approved. Commissioner Witt suggested changing the 2 Caprice and 2 Taurus and compare the bigger car with little car.

Sheriff Laird informed the Commissioners Deputy Eric Lilly resigned to return to the military.

Discussion was held regarding Wayne Connors workers compen-

sation leave. Sheriff informed prognosis is uncertain.

Commissioner Witt asked Sheriff what did they do with all the personal property. Sheriff Laird informed its kept between pantry area and kitchen. Commissioner Witt asked do we claim it. Sheriff Laird informed its forfeited to Sheriff Department, Prosecuting Attorney's Office has to file a civil file.

Sheriff Laird informed the Commissioners Fraternal Order of Police had contributed \$1,000.00 toward purchase of K-9.

Sheriff Laird informed Joe McCoy inspected jail. Dee to go to park and pull old bars out for use in the holding cells.

Commissioner Witt inquired about work crew, Sheriff Laird informed don't envision Regional Jail releasing prisoners to do work. Sheriff informed he was pleased with program and hoped the County could maintain program.

The Commissioners received and reviewed letter of thanks from West Virginia Development Office thanking them for their application requesting funds to extend the Bellwood water system.

The Commissioners received and reviewed a list of "refusals" to pay associated with the Emergency Telephone System for the month of April, 1994.

The Commissioners received and reviewed invitation to attend Retired Senior Volunteers Program (RSVP) luncheon Thursday, June 23, 1994 at 10:00 a.m. No one will be attending.

Ms. Holly informed the Commissioners that Steve Cruikshank would like to purchase lap top computer to do work from home, programing radios. Discussion was held. Commissioner Witt in-

formed Ms. Holly he want to know more about it before making any decision.

Commissioner Lopez recommended Charles "Shad" Dummitt be appointed a member of the Fayette County Planning Commission. This was approved. Order to be prepared.

The Commissioners received and reviewed from the Criminal Justice and Highway Safety Division memorandum regarding mandatory in-service training for law enforcement.

The Commissioners approved for Charlotte Holly, Administrator to attend Workplace Safety, Friday, June 17, 1994. Ms. Holly informed she would check to see if Earl Pauley would want to attend.

Ms. Holly informed the Commissioners Earl would like to hire Herman Hudnall, Green Thumb worker as part-time worker at park for seasonal. Ms. Holly informed once season is over Mr. Hudnall could return to Green Thumb Program. Commissioner Witt asked how many workers do the park have now. This was approved until Labor Day.

Payroll and outstanding bills were approved.

The Commissioners received from County Clerk Kelvin Holliday letter giving update of the precinct realignment process of 1994. Discussion was also held regarding hiring part time worker.

Ms. Holly informed the Commissioners she talked with Carl Harris he would take care of the Marie Gilkerson Estate.

Charles Toombs member of Wolf Creek Public Service District and several citizens appeared before the Commissioners with letter requesting that Bill J. Lawhorn be immediately appointed

to replace Virginia Beckett Morgan as member of Wolf Creek Public Service District. Commissioner Witt made motion to appoint Bill J. Lawhorn to the Wolf Creek Public Service District. Commissioner Lopez seconded. All approved. Order to be typed. David Bragg questioned what did the District do with funds. Commissioner Witt suggested talking with Pen Tree on why project was never completed. Mr. Bragg informed would appreciate any help county could give. Mr. Bragg requested the Commissioners ask for resignation of Claude "Bootie" Bess. Commissioner Witt informed would write letter to Mr. Bess to see if he wish to continue to serve as a member of the Wolf Creek Public Service District. Commissioner Carte thanked the members and citizens for coming.

Attorney Fred Jesser appeared before the Commissioners to present order concerning Elizabeth Lay vs. Brenda Corbertt. Attorney John Shumate and Assistant Prosecuting Attorney Teresa Daniel was also present. Attorney Shumate doesn't have any objections to petition except he feels the life insurance should not be part of augmented estate. Ms. Daniel informed she had just learned of hearing five minutes ago and feel she would like to check information presented to her before giving an opinion. Commissioner Carte suggested waiting until Prosecuting Attorney's Office give opinion.

Ms. Holly asked the Commissioners what is their decision on employees who worked January 4 nothing put in form of policy. Ms. Holly informed she had talked with Earl he paid employees at

park overtime. Ms. Holly informed Tom Aiello gave his employees time off. The Commission advised to Ms. Holly to give time off to James and Joetta for working that day.

The Commissioners signed order reappointing William Jayne as representative of the Fayette County Civil Service Commission.

The Commissioners received and reviewed statistics reflect responses dispatched thru the E-911 Center to the respective resource agencies during the period May 1-15, 1994 and May 16-31, 1994.

The Commissioners received and reviewed statistics reflect the number of responses made by each ambulance during the period May 1-15, 1994 and May 16-31, 1994.

The Commissioners received and reviewed adjustment notice from West Virginia Criminal Justice and Highway Safety-Operation Buckledown.

The meeting was adjourned. Next scheduled meeting is June 29th, 1994.

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

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
JUNE 27, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in special session on this 27th day of June, 1994 for public meeting to file application for a Small Cities Community Development Block Grant to provide water into New Haven Public Service District. The meeting was called to order by President Gene Carte.

W. D. Smith from Region 4 Planning and Development Council, explained purpose of meeting and SCBG program and asked for comments.

Charles Toombs questioned total amount of project and where sources of funding came from for regional water system study.

Katheryne Hoffman inquired regarding the capacity of the Ansted water treatment plant in relation to Phase 1 of overall project. She also questioned what the result would be if West Virginia American Water Company did not purchase the Town of Ansted's water system. Ms. Hoffman asked how customers would pay debt service. In addition, Ms. Hoffman asked about the role of the Abandoned Mine Land Program and Army Corps of Engineers Demonstration Grant program in relation to CDBG program. She also asked about service in the Sam's Market area.

Mr. Toombs asked about provision of fire service in the project.

Commissioners signed cover letter to submit application.

Commissioner Lopez made motion to adopt Fair Housing.
Commissioner Witt seconded.

Commissioner Carte asked if there were no further comments
the public hearing is adjourned. Time 11:02 a.m.

Sheriff Laird presented to the Commissioners the Delinquent
List for review. List given to County Clerk for his signature
to mailed to Charleston June 30, 1994.

The Commissioners approved to pay reimbursement of gas to
Joseph Coy.

Ms. Holly informed the Commissioner work have been started
on Memorial Building roof. Ms. Holly informed the roofers will
hold off working on Memorial Building until after July 4th
activities.

Commissioner Witt informed we are not obligated to do any-
thing on roof.

Ms. Holly asked Commissioner Witt if Firestone had talked
with him about the center of roof.

The Commissioners received and reviewed from Thomas Woodrum
Mayor, Town of Fayetteville requesting permission to use the
front lawn for July 1st and July 2nd for the Fayetteville New
River Gorge Heritage Festival.

Commissioner Witt made motion to give permission for the
Fayetteville New River Gorge Heritage to use the front lawn of
courthouse. Commissioner Lopez seconded.

The Commissioners received and reviewed letter from Earl
Pauley, Park Superintendent regarding season passes for New River

Ranch. This was approved.

Ms. Holly informed the Commissioners they had received approval for 35 enrollees and 4 supervisors for Governor's Summer Youth Program. Informed 15 for Fayette County Park, 15 for Page-Kincaid enhanced program and 5 for Beards Fork areas.

Commissioner Witt asked Ms. Holly to inform Earl that if they cause any trouble to run them off.

Ms. Holly informed the Commissioners that Camera In Action Group will be here Wednesday, June 29th at 2:00 with pictures. Commissioner Witt asked Ms. Holly to tell them we would put them up.

Administrator Holly informed the Commissioners the Circuit Clerk's Office would be able to be computerized on current system, but would need to upgrade memory. Ms. Holly informed the Commissioners that system we have is 8 years old, informed the Commissioners the quote she received in October, 1993 was \$105,000 to upgrade and replace, the quote to update memory and hardware is \$7,500. Discussion held.

Commissioner Lopez made motion to upgrade and advertise for system. Commissioner Witt seconded.

Commissioners Carte informed the Commissioners he will not be able to attend August 3rd meeting.

Commissioner Witt invited the Commissioners to attend Fayette Transition Team meeting.

Commissioner Witt suggested the County think about forming Building Code, Housing Authority and Fair Housing Authority.

Administrator Holy informed the Commissioners they never discussed salary for Robert Massey.

The Commissioners discussed salary of maintenance and janitors and decided to pay Robert Massey \$1,100.00 a month.

The Commissioners signed Budget Statement for fiscal year 1994-95.

Administrator Holly informed several people had asked about putting elevator in Courthouse.

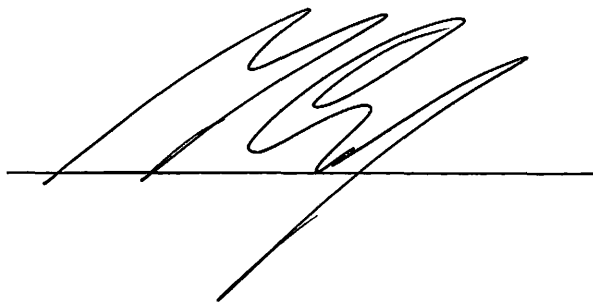
Discussion was held regarding stripping Court Room walls.

Commissioner Witt approved for carpet be installed in Court Room.

Commissioner Lopez suggested covering paneling instead of stripping walls.

Commissioner Witt would like to talk with Billy Horrocks about stripping, do not agree with paneling over wall.

Meeting was adjourned. Next scheduled meeting is June 29, 1994.

A handwritten signature in black ink, consisting of several overlapping, stylized loops and lines, positioned above a horizontal line.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 29, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 29th day of June, 1994.

Lee Massey appeared before the Commission requesting increase of allotment for fiscal year 1994-95 to provide employee salary increases equal to \$1,000 for State employees. Discussion was held; Fayette County Commission stated raise should not be more than \$900 county employee's raise. Commissioner Lopez made motion to increase Fayette County Health Department allotment to \$10,000.00. Commissioner Witt seconded. All approved. Mr. Massey left contracts with Charlotte for Commissioners signature.

Mr. Massey informed they're preparing resolution for A. W. Orndorff and asked that the Commission adopt.

Commissioner Lopez made motion to adopt resolution for A.W. Orndorff. Commissioner Witt seconded.

Jim Lively, Sr. appeared before the Commission with proposal from PENCO Public Entity Program to change County insurance from West Virginia Board of Risk. Mr. Lively explained the difference in premium and deductions of each insurance. Discussion was held. Commissioner Witt made motion to change county insurance from West Virginia Board of Risk to PENCO. Commissioner Lopez seconded. All approved. Mr. Lively to notify West Virginia Board

of Risk of Counties decision. Mr. Lively informed he needed to get with Earl to get value of buildings at Park, the three shelters and correct some figures.

Tom Aiello presented to the Commissioners exonerations on real and personal property. These were signed and approved.

Mr. Aiello presented to the Commissioners copy of Promissory Note and gave explanation on why he need check in the amount of \$100,000 written to State Tax Department. Check to be written out of Assessor's PVC account for loan payment. Balance of loan is to be paid over next 2 years.

The Commissioners signed revised contracts for Fayette County Health Department for Fiscal Year 94-95.

The Commissioners received/reviewed and signed application for payment for Local Heath Services for fiscal year 93-94 for Fayette County Health Department. Amount \$5,000.00.

Ms. Holly informed she had received request from New River Youth asking for letter from the Commission certifying the WCCC-New River Service Corp is a duly incorporated non-profit corporation.

Commissioner Witt made motion to sign letter to West Virginia Department of Highways informing New River Youth is a duly incorporated non-profit corporation. Commissioner Lopez seconded. Letter signed.

Commissioner signed order reappointing Bruce Webb to Mossy Public Service District.

Ms. Holly presented the Commissioners with Fiscal Year 1994-

95 Budget Statement for approval, and presented letter from Steve Cruikshank requesting an additional \$25 monthly for 911 Telecommunicators. Informed she had talked with Steve Cruikshank since March based upon budget discussions; he recommended they receive \$100.00 a month since tariff had been reduced and recommended part-time telecommunicators from \$5.35 to \$5.50 an hour.

Commissioner Witt informed need to do all at one time.

Commissioner Carte asked what Steve mean they reduced tariff.

Ms. Holly informed she would have to go back and check with Steve, but she understood that it dealt mainly with block-out charges between counties. Commissioner Witt questioned is it a significant amount of reduction.

Ms. Holly informed Steve did not put amount down.

Commissioner Witt informed the raise is not what bother him, it's wrong the way we do it. It should be done doing budget hearing.

Mr. Witt informed let's find out the amount. Mr. Witt informed Steve should ask to get on agenda.

Commissioner Lopez informed he would go with \$75 a month.

Commissioner Witt suggested leaving budget as is, okay to change Joetta Adkins \$75 salary increase effective September and Jeff Surgeon \$75 increase effective October.

Gary Harding appeared before the Commission with 2 zoning hearings: Z-392-94-1: Request of Blackburn Patterson, Owners, by Mountain Cove Land Co., occupant, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development on 1200 acres, Wonderland,

Plateau District.

Jerry Cook was present representing Mountain Cove Land Co. The Zoning Officer informed the County Commission that this was a request to expand an existing use that had been approved in 1984 on 100 acres located at Wonderland and that the Planning Commission did by a vote of 8-0 recommend that this request be approved. Mr. Cook informed the Commission that he was requesting this to expand hiking trails, riding trails, camping and cabins in connection with what's there. After a brief discussion a motion was made 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-393-94-1: Request of Anthony S. Pittman, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on Lots 130 thru 135 Lochgelly A Subdivision, located on Midway Street, Midway, Plateau District.

Kenneth and Shane Pittman were present. The Zoning Officer informed the County Commission that this was a request to operate the office of a trucking business and to do work on his own trucks but that the Planning Commission did by a vote of 8-0 recommend that this request to go to commercial be denied. Mr. and Mrs. Leroy Handyside were present in opposition to the change in zoning. A discussion followed with reference to Mr. Pittman could file for a use permit so that restrictions could be put on the property. After a general discussion with Mr. Pittman and

Mr. and Mrs. Handyside a motion was made by John Lopez that this request to change the zoning classification to commercial be denied as recommended by the Planning Commission. Motion was seconded by John Witt and passed by a vote of 3-0.

The Commissioners received and reviewed request of drawdown from Board of Education for West Virginia University Extension Service.

Jack Clark appeared before the Commissioners giving an update of his property. Mr. Clark informed he had kept up his agreement with the Commissioners regarding clean-up, also informed he might sell property. Commissioner Witt suggested Gary go over and check. Mr. Clark asked the Commissioners to give him 60 days.

The Commissioners received and reviewed letter from Zoning Office informing Fred Waugh, Ann Skaggs, and Roy Young term's on Fayette County Board of Zoning Appeals had expired. The Commissioners signed order reappointing Fred Waugh, Ann Skaggs, and Roy Young to Board of Zoning Appeals.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council regarding Bellwood Community Water System Partnership Grant Application.

The Commissioners received and reviewed letter from Department of Tax and Revenue giving approval to transfer \$170,729 from the Jail Improvement Fund to the General County Fund.

The Commissioners received and reviewed update from Helicon CableVision.

The Commissioners received and reviewed copy of letter to Stafford Consultants from Page-Kincaid Public Service District regarding a request for maps and information.

The Commissioners received and reviewed 1993 Annual Report from West Virginia American Water Company.

The Commissioners received and reviewed report from Danese Fire Department and Rescue Squad for the month of May.

The Commissioners received and reviewed from Paul Blake, Prosecuting Attorney letter advising that effective June 15, 1994, Thomas B. Canterbury is employed as Assistant Prosecuting Attorney. Salary \$25,000.

The Commissioners received and reviewed from Thomas Aiello, Assessor informing the following individuals will be employed as summer help: Glen Richardson, Cindy Robertson, Larry W. Stover at \$5.00 an hour, Kathy Pierson, Brandon Sexton at \$4.50 an hour.

The Commissioners received and reviewed from Thomas Aiello, Assessor informing effective June 30, 1994, Bill Kincaid, and Herb Meador will no longer be employed by the Assessor's Office.

The Commissioners received and reviewed check from Country Legends Limited for rental of Memorial Building. Amount \$500.00.

The Commissioners received/reviewed and signed Drunk Driving Enforcement Grant for overtime from Sheriff Laird. Amount of grant \$13,006.80.

The Commissioners received/reviewed and signed order regarding Elizabeth Lay v. Brenda D. Corbett in Estate of Curtis Wayne Lay.

The Commissioners received and reviewed update on New Page Housing Program.

The Commissioners received and reviewed letter from Mary Lou Schmidt requesting the transfer of funds from the Fayette County Board of Education for Fiscal Year 1994-95.

Commissioner Witt made motion to put up signs on parking lot on Wiseman Avenue and to write letters to owners of building regarding unauthorized vehicle parking.

Commissioner Witt asked that minutes be prepared before next meeting.

Ms. Holly informed that Steve had sent down letter informing what he would use lap top computer for. Ms. Holly informed it would be out of Fire Levy Fund. Commissioner Witt in favor of. This was approved.

Steve also received grant for half cost UHFA radio for mobile command center to be placed in his vehicle. Approved purchase. Amount \$1,155.00.

Ms. Holly informed Ira Blake had requested putting juice machine in Courthouse Annex. Commissioner Lopez asked Ms. Holly to notify Mike Parsons. Approved.

Outstanding bills and payroll were approved.

Ron Walton, President of Whipple Community in Action appeared before the Commission asking for assistance in purchasing property for park. Ms. Holly informed have not received any information from Prosecuting Attorney's Office regarding title search.

Commissioner Witt informed had no problem with purchase as long as the community is involved and are responsible for maintaining property.

Commissioner Carte informed 16 letters regarding clean-up of property have been prepared and ready to be signed.

Commissioner Carte suggested writing to Board of Education and ask if they would donate playground equipment.

Commissioner Lopez moved that Commission purchase property in Whipple for \$4,000. (4.5 acres) pending title search and be in County name. Commissioner Witt seconded. Unanimous.

Roma Lively appeared before the Commission asking for assistance for Mossy Public Service District to help pay expenses. Discussion held. Commissioner Lopez made motion that a grant for \$12,000 be granted from Fiscal year 1994-95 to Mossy Public Service District to help with expense. Commissioner Witt seconded. All approved.

The Commissioners signed Order naming banking institutions situated in the County that were designated as depositories of public monies--Fayette County National Bank, First Empire Federal Savings and Loan Association, Bank of Mount Hope, Inc., and One Valley Bank of Oak Hill were approved and letters issued to trustees banks requesting confirmation of pledged securities.

Commissioner Lopez suggested meeting with Fayette County Solid Waste Authority and Leon Axle on July 15, 1994 at 10:30 a.m. Do not schedule anything else.

Commissioner Carte suggested appointing someone to Fayette

County Solid Waste Authority on July 6, 1994.

Bob Arthur appeared before the Commission and gave background on Ernie Kincaid his choice for appointment to Solid Waste Authority.

Tom Aiello, Herbert Mann, Paul Blake, Sheriff William Laird, and Kelvin Holliday appeared before the Commission to discuss "Employee Handbook".

Commissioner Carte asked Paul to give remarks.

Paul informed he reviewed feels handbook provisions are already in process. Paul informed regarding benefits and drawbacks most officials like to keep control themselves. Need uniformity, depends on how formulated.

Tom informed he doesn't know policy on annual leave.

Ms. Holly gave Tom copy of vacation and sick leave policy.

Commissioner Lopez informed he's not for handbook, feels need guideline and uniformity.

Paul suggested having someone get information.

Tom informed would like basic policy set forth by Fayette County Commission in writing.

Commissioner Witt feels employees should be aware.

Sheriff Laird feel should be uniform but should be left up to the officeholder. Would like to see balance but not to remove privilege from officeholder. Have agreement for all officeholders.

Paul suggested the first step, find out exactly what we have and see what the Commission feel should be standardized.

Tom questioned about sick leave, after so many days how many before you can request doctor's excuse.

Paul questioned about unused sick leave.

Tom asked about longevity pay.

Commissioner Witt feels employees should be able to carry sick leave over to next year.

Ms. Holly informed the Commissioners had proposed 3 weeks after 15 years but never acted on and unused sick leave would compensate extra vacation day.

Commissioner Lopez asked Ms. Holly to come up with brief policy of what's been discussed and would meet again to discuss.

Commissioner Witt questioned if all in agreement need method.

Herb feels handbook is needed. Employees not aware of what to be expected of them.

Commissioner Lopez suggested starting with vacation and sick leave.

Kelvin informed need uniformity and feel handbook is needed. Feels everyone should work together.

Commissioner Lopez suggested after January 1 after 15 years employees should receive 3 weeks vacation and no sick days are used should receive \$200.00 bonus at Christmas time.

Commissioner Lopez suggested one month for Ms. Holly to come up with draft.

Commissioner Witt informed Fayette County Board of Education paid 5 years insurance accumulated sick leave.

Ms. Holly informed she feel financially this may not be good.

Commissioner Witt feel vacation should not be carried over only in emergency situations.

Commissioner Lopez suggested discussing again July 27th at 1:30 p.m.

Paul inquired about courthouse hours.

Sheriff Laird questioned how many orders do Commission have regarding policy.

Ms. Holly informed only one--vacation/sick leave, courthouse hours, minutes workers compensation. Ms. Holly feels state policy on workers compensation is good.

Commissioner Witt requested each officeholder to come back with ideas.

All in agreement to have something by 1st of the year.

Sheriff Laird appeared before the Commission requesting approval to pay Joe Holland Chevrolet after July 1, 1994.

Commissioner Witt made motion to approve authorization to issue check to Joe Holland Chevrolet after July 1, 1994.

The Commissioners received and reviewed list of "refusal to pay" associated with the Emergency Telephone System for the month of May, 1994.

Discussion was held regarding renewal of lease on Parole Office with the Department of Public Safety; no change in terms.

The Commissioners received and reviewed letter from Lee Massey regarding appointing Naaman Clonch to Fayette County

Health Department. The Commissioners suggested to hold.

Commissioner Carte and Commissioner Witt informed they had talked with Claude B. Bess member of Wolf Creek Public Service District was informed he plan to continue to serve as member.

Ms. Holly informed the Commissioners the Public Service Commission would be glad to intervene. The Commissioners feel Public Service Commission could take care of situation.

Commissioner Witt requested that it should not be Patty Hamilton would not be fair.

Commissioner Carte feel no need for Public Service Commission; let Public Service District members work out.

The Commissioners received and reviewed employment form from Green Thumb. Ms. Holly to complete.

The Commissioners received and reviewed from Sheriff Laird copy of Civil Action #5:93-0478, David Lee Wilson v. Fayette County Sheriff Department.

The Commissioners approved to pay invoice to National Association of Counties after July 1, 1994.

Ms. Holly presented letter to the Commissioners from MGM Grand Hotel rejecting request for direct billing.

Commissioner Witt questioned if everything had been done for New Haven Public Service District SCBG grant application.

Ms. Holly informed application had been filed.

Ms. Holly informed the Commissioners she had received 2 Partnership Grant notices, Fayette County Park and Fayette County

Senior Center. Ms. Holly asked the Commissioners if they are aware of grant for Fayette County Senior Center. No reply.

Commissioner Witt informed the Commissioners he has 2 resumes to share at next meeting.

Ms. Holly informed the Commissioners Russell Matthew want to know if the Commission would pay for bank checking account charge that was charged to his account on a stop payment order that had been requested by Mr. Matthew. Amount \$5.00. The Commissioners informed do not pay.

Kelvin Holliday appeared before the Commissioners to inform them that a Cott Representative was in area and informed he may have something for them on July 6th.

Ms. Holly informed the Commissioners she received final precinct books and maps from Leon Spencer. Ms. Holly informed this should take care of all the deficiencies, should not be anymore changes.

Ms. Holly informed the Commissioners she had talked with Steve Cruikshank he had questioned about policy of substance abuse. No action was taken on proposed policy. Commissioner Lopez suggested putting in handbook policy when developed.

Commissioner Witt feels minutes of last meeting should be approved at next meeting. Okay per Gene Carte and John Lopez.

The Commissioners approved to pay invoice to Shelley Huffman for reimbursement for consultation, Writing Grant Proposal. Amount \$3,000.00.

The Commissioners received and reviewed thank you letter

from the Vandalia Garden Club for pruning county trees over flower bed.

The Commissioners signed and approved exonerations from the Assessor's office.

The Commissioners signed letter to Governor's Office of Community and Industrial Development requesting an extension of the project deadline from Project "SAINT".

The Commissioners received and reviewed resolution of A. W. Orndorff.

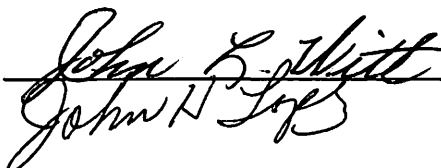
The Commissioners received and reviewed letter from State Auditor's Office regarding statement from maintenance of patients in mental institutions in Fayette County for calendar year 1993.

The Commissioners received and reviewed notice of change in Citizen's Advisory Board meeting, 4:00 p.m., June 28, 1994 at the Southern Regional Juvenile Detention Center.

The Commissioners received and reviewed letter from West Virginia Extension Office requesting matching fund for work study student.

Invoices and payroll presented for payment approved.

Meeting adjourned. Next scheduled meeting is July 6, 1994.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 9, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Regular Session on this 9th day of March, 1994.

The Commissioners signed order for General County and Coal Severance Budget Revision for current budget 1993-94.

The Commissioners went into Executive Session with Bob Arthur.

The Commissioners signed order to increase mileage from 28 cents to 28.5 cents effective January 1, 1994.

The Commissioners signed letter to Larry Long, Manager with West Virginia Development Office informing they received the "Proposed Small Cities Block Grant Program Design Statement" for fiscal year 1994 and submitted comment for inclusion in the Final Design Statement.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council informing as of February 22, 1994 the final Performance Report for White Oak Public Service District is complete.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Master requesting reimbursement for rent for the months of January and February, 1994. Amount \$1,100.00.

The Commissioners signed clean up letters to Wilford and Montie Elliot and Adele and Gilbert Wood.

The Commissioners signed letter to Jack Clark informing

he has until April 1, 1994 to clean up property.

Ms. Holly reported Gary Harding had made an on-sight inspection of the property referred to by Bryan Anderson and found building had been cleaned up and there was no debris lying around. Mr. Harding informed no letter should be sent. The Commissioners excepted recommendation.

The Commissioners received and reviewed complaint on an old trailer owed by Shirley J. Keller located in 6 acre tract, Wolf Creek, located on County Route 19, Gatewood Road. The Commissioners received and reviewed check in the amount of \$27,834.26 for the Emergency Telephone System for the month of January, 1994.

The Commissioners received and reviewed list of "refusal to pay" associated with the Emergency Telephone System for the month of January, 1994.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges acknowledging receiving protest dated July 1, 1993 for Claimant Fred Sizemore.

Ms. Holy informed the Commissioners Citizen Advisory Board meeting had been rescheduled for March 8, 1994.

The Commissioners received and reviewed letter from Herb Mann informing Linda K. Clonch will be working part time for the up coming Primary Election, salary \$40.00 per day. This was approved.

The Commissioners received and reviewed letter from Sheriff Laird regarding reinstatement of Mary E. Parsons. No order has

been received.

The Commissioners received and reviewed letter from Sheriff Laird regarding employment of Betty E. Pullen part time for Fayette County Jail, effective February 17, 1994 at \$4.25 an hour.

The Commissioners received and reviewed update regarding Status of Page-Kincaid Public Service District.

The Commissioners received and reviewed Order dismissing the case of Koch v. Fayette County Commission et al Case #92-C-0974.

Ms. Holly informed the Commissioners the Regional Jail and Correctional Facility Authority will host of series of Transitional meetings March 21, March 22 and March 23, 1994. It was approved for Ms. Holly to attend.

Ms. Holly informed the Commission public hearing for levy rate and appointment of Election Officials are scheduled for March 22, 1994.

Ms. Holly informed the Commission Herschel H. Rose, III, Attorney for Rivermont Presbyterian Homes and Twin Oaks Plaza is requesting certified copy of the hearing of the Fayette County Commission sitting as Board of Equalization and Review.

Ms. Holly informed the Commission she would like to attend the Statewide Personnel/Payroll Seminar, Monday, March 28, 1994, in Charleston. This was approved.

The Commissioners received and reviewed Dog Warden Report Month of February.

The Commissioners received and reviewed letter from the

Office of Emergency Services E-911 informing effective March 9, 1994, Patricia G. Morgan resigned, also received and reviewed letter recommending the employment status of Jeff Surgeon be changed from part time to full time due to the resignation of Ms. Morgan. This was approved.

Attorney Steve Vickers appeared before the Commission with Committee Appointment for Elijah Wilkerson, Petitioner Willene Wilkerson, Jamie Blankenship appointed guardian et litem. Ms. Wilkerson was sworn in and questioned. Discussion was held. Commissioner Witt made motion upon receiving original petition to appoint Willene Wilkerson Committee for Elijah Wilkerson. Commissioner Lopez seconded. All approved. Bond set \$500.00.

The Commissioners asked Ms. Holly to prepare letter to office holders to schedule budget hearings for March 15.

Bills were approved.

Attorney Phil Tissue met with the Commissioners regarding Committee Appointment for David Lewis Baughan, petitioner Dianna L. Hicks, Clint Gallaher appointed guardian et litem. Ms. Hicks was sworn in and questioned. Waivers from brothers received. Discussion was held. Commissioners Lopez made motion to approve Dianna Hicks Committee for David Lewis Baughan. Commissioner Witt seconded. All approved. Bond set \$500.00.

Attorney Phil Tissue appeared before the Commission regarding Committee Appointment for Elsie McDonald, Petitioner Christine Jenkins. Clint Gallaher appointed guardian et litem. Ms. Jenkins was sworn in and questioned. Discussion was held.

Commissioner Lopez made motion to approve Christine Jenkins Committee for Elsie McDonald. Commissioner Witt seconded. All approved. Bond set \$500.00.

Attorney Phil Tissue and City Manager Tom Oxley appeared before the Commission with order of annexation by minor boundary adjustments of 19.79 acres of U.S. Route 19 right of way and 8.39 Section of WV Department of Highways right of way adjoining the City of Oak Hill, WV. Thomas Woodrum, Mayor Town of Fayetteville and John Vernon appeared to oppose annexation. Discussion was held. Commissioner Witt made motion to grant annexation subject to approval by Prosecuting Attorney's Office of realignment of 19.79 acres. Commissioner Lopez seconded. Commissioner Carte opposed. Vote passed 2-1. Mr. Woodrum and Mr. Vernon opposed the 8.39 section of WV Department of Highways right of way adjoining the City of Oak Hill, WV reason this was part of Appalachian Fire Protection District. Mr. Vernon feels not in public's best interest. Commissioner Witt made motion to deny annexation of 8.39 section of WV Department of Highway right of way. Commissioner Lopez seconded. Mr. Tissue to submit to Prosecuting Attorney.

Nancy Harper appeared before the Commission informing she had been denied to vote in Valley Ambulance Authority meeting, informed she had paid \$10.00 dues. Discussion was held. Commissioner Witt informed Ms. Harper this was not under the Commissions jurisdiction and she would have to get a lawyer. Commissioner Witt made motion to ask John McComas and Gary Light to appear to discuss matter. Commissioner Lopez seconded.

Guy Dooley and C. R. Bud Hill members of the Fayette County Transition Team appeared before the Commission with request that \$10,000 be included in Budget for fiscal year 1994-95. Discussion was held. Commissioner Lopez made motion to put \$10,000 in budget for fiscal year for Transition Team. Commissioner Witt seconded.

The Commissioners received and signed exonerations.

The Fayette County Garbage Haulers met with the Commission to question if they had pledged 1.8 million dollars to the Fayette County Solid Waste Authority. Discussion was held. The Commissioners informed the haulers no commitment of 1.8 million dollars was pledged to the Authority. Tex Hall presented report Jim Murdock prepared. It was suggested the Commission and haulers meet with Fayette County Solid Waste Authority members to discuss further.

Paul Blake appeared before the Commission to discuss his office budget for fiscal year 1994-95.

Attorney Ralph Dunn appeared before the Commission with Order for Committee for William O. Wills to be signed.

Discussion was held regarding essential repairs to the Town of Smithers Community Building roof. Commissioner Carte made motion to draw up resolution designating \$4,000 be paid to subsidize for roof damage at Town of Smithers Community Building. Commissioner Lopez seconded. All Approved.

The Commissioners approved to put telephone line in for fax modem for Prosecuting Attorney's Office.

The Commissioners signed request for reimbursement for project 93-DC-005. Amount \$1900.60.

The Commissioners signed rent invoice for office space lease to Division of Correction. Amount \$300.00.


The Commissioners received and reviewed letter from New Haven Public Service District informing they are interested in entertaining the possibilities of West Virginia American Water Company supplying the water need to their district.

The Commissioners received and reviewed notice informing the Dunloup Creek Watershed Association will be meeting Tuesday, March 8, 1994 at the National Park Service in Glen Jean.

The Commissioners received and reviewed fax from Senator Randy Schoonover thanking the Commission for letter of opposition to H.B. 4508.

The Commissioners received and reviewed copy of letter from Solid Waste Management Board informing by statute (WV Code 20-11-8) yard waste will no longer be accepted at landfills after June 1, 1994. Ms. Holly informed the Commission date had changed due to recent legislation.

The meeting was adjourned. Next scheduled meeting is March 15, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 15, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Regular Session on this 15th day of March, 1994.

The Commissioners signed sales tax report for Fayette County Park for the month of February.

Renewal permit to operate swimming pool at Fayette County Park was signed.

The Commissioners signed order giving the Sheriff permission to take what action necessary and property to cancel and account for outstanding checks.

The Commissioners approved list of part time workers to clean-up Fayette County Park. Clean up will start when weather breaks.

The Commissioners approved advance travel for Investigation or Prosecution of Child Deaths/Physical Abuse Seminar being held April 6-9, 1994.

The Commissioners signed a grant in the amount of \$4,000.00 for the Town of Smithers.

Ms. Holly presented to the Commissioners quotes for Carpet in Road Office--Lee's Carpet, Superior Furniture, Young's never submitted quote.

Commissioner Witt moved purchase of carpet from Lee's. Commissioner Lopez seconded. All approved. Ok to purchase better

grade carpet per previous bid if more suitable and little or no difference in cost.

Ms. Holly informed Earl that he needed three quotes for carpet at Park.

Ms. Holly received from Steve Cruikshank copy of cooperative agreement between Fayette County Office of Emergency Services and National Park Services for the Commission to review. Okay per Commission.

Ms. Holly informed Fayette Family Resources Network is looking for office space. The Commissioners informed Ms. Holly they would try to find space.

Ms. Holly informed the Commissioners Steve Cruikshank accompanied Bill Harris with the Soil Conservation to Bell Creek and Dunloup Creek would submit a summary on what was done.

Mr. Aiello appeared before the Commission with presentation of budget for fiscal year 1994-95. Discussion was held. The Commissioners accepted Mr. Aiello presentation.

The Commissioners received and reviewed letter from Criminal Justice and Highway Safety Division regarding Highway Safety Grant 94HS-19-Operation Buckledown.

Ms. Holly informed Family Law Master request that the Commission paint or wall paper in office. Charlotte to check with landlord. Commissioner Witt suggested to curtail improvements to Family Law Master Offices. Commission agreed to supply labor if landlord buy materials.

The Commissioners approved payment of \$4,750.00 to Tenn-

River Trading Company, Inc. for 1982 Ford Truck for Fayette County Park.

Ms. Holly received call from Charlie Biggs requesting the Commission write letter of support for City of Mount Hope for Partnership Grant to pave streets. Letter of thanks from the West Virginia Development Office to the City of Mount Hope was faxed to the Commission for their files. The Commissioners informed Ms. Holly okay to write letter of support.

Ms. Holly reminded the Commission of Public Notice advertised for Budget Hearing for March 22, 1994 at 10:15 a.m.

Ms. Holly informed the Commission she received Democrat List from Executive Committee, but have not received Republican List.

Kelvin Holliday, County Clerk appeared before the Commission to discuss budget for fiscal year 1994-95. Gave overall explanation of progress in Voter's Registration Office. Informed the Commission would like to hire 2 employees. Discussion was held. The Commissioners accepted presentation.

The Commission scheduled special session for budget hearing March 21 and 22, 1994.

Herbert Mann, Circuit Clerk appeared before the Commission to discuss budget for fiscal year 1994-95. Mr. Mann requested 10% raise and to computerize office. Discussion was held. The Commissioners accepted Mr. Mann presentation.

Letter regarding central purchasing for County was signed by the Elected Officials.

President Carte moved to go into Executive Session regarding personal problem.

Sheriff Bill Laird appeared before the Commission with presentation of budget for fiscal year 1994-95. Discussion was held. The Commissioners accepted Sheriff Laird presentation.

Ms. Mary Abbot and Elbert Horrocks with the Fayette County Human Society appeared before the Commission to discuss funds for the Society. The Commissioners approved Elbert Horrocks Dog Warden due to the resignation of Billy Blake. Will work out details of hiring. Discussion was held regarding Leash Law in Fayette County. It was decided to discuss further between May 15th and July 1st, 1994.

Dale Cummings appeared before the Commission requesting exoneration of property tax, informed he had talked with Scott Burgess with the State Tax Department and Eddie Young with the Assessor Office. The Commissioners asked Ms. Holly to check with Scott would make decision on Monday, March 21, 1994.

The Commissioners informed Ms. Holly it was okay to accept Republican List for Primary Election from Drema Perdue.

Ms. Holly informed the Commissioners an employee at the 911 Center started at full time position on March 1st her grandfather died need to know how many days she would receive. The Commissioners approved 2 days.

The Commissioners received and reviewed letter from One Valley Bank regarding the Debt Service Payment March 15, 1994 for the County Commissions of Raleigh County, Fayette County and Nicholas County, West Virginia Municipal Refunding Collateralized Mortgage Obligations (MR CMO).

The Commissioners received and reviewed letter from Gary Harding informing he will be taking 3 days vacation March 16th, 17th, and 18th, 1994.

The Commissioners received and reviewed environmental report of Fayette Plateau Business Development Corporation's Property.

The Commissioners received and reviewed letter from Prosecuting Attorney Office regarding addendum to the Certificate of Title for Fayette Plateau Business Development Corporation's environmental report.

The Commissioners received invitation to Open House at Ghosh Engineers, Inc. on Wednesday, March 23, 1994 from 3:00 p.m. to 8:00 p.m.

The Commissioners received and reviewed financial report for Danese Volunteer Fire Department and Rescue Squad, Inc. for the months of January and February, 1994.

The Commissioners received and reviewed minutes from Salem-Gatewood Public Service District for the month of February, 1994.

The Commissioners received and reviewed letter from Paul Blake advising effective March 1, 1994 through June 30, 1994, the salary of Assistant Prosecuting Attorney Henry R. C. Armstrong should be increased to \$2,583.33.

Payroll and Outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is March 22, 1994.



A handwritten signature in black ink is written over a horizontal dashed line. The signature is stylized and appears to be the initials 'P. C. A.' followed by a flourish.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 22, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Special Session on this 22nd day of March, 1994.

Commissioner Witt made motion to rezone Glen Jean Property from RR-1, Agricultural and Rural Residence, to I-2, Heavy Industrial District. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners notice had been published for public hearing on levy rates held on March 22, 1994. Commissioner Lopez made motion to accept notice as advertised. Commissioner Witt seconded.

Ms. Holly informed she did advertise for budget hearing today. Commissioner Witt made motion to approve budget for fiscal year 1994-95. Commissioner Lopez seconded. All approved.

The Commissioners received/reviewed and approved Election Official Democrat and Republican lists from Executive Committees for Primary Election.

Commissioner Lopez made motion to approve H. Paul McGraw and Jesse Tinch, Emergency Absentee Voter Commissioners. Commissioner Witt seconded. All approved.

The Commissioners received and accepted resignation of Jim Spade as Correctional Officer Civil Service Commission. A copy forwarded to Ralph Young, President of Fayette County Bar Association.

The Commissioners signed Order certifying they had completed duties as Board of Equalization and Review.

The Commissioners signed updated Resolution formalizing a Fair Housing Program for the County Commission of Fayette County.

The Commissioners approved and signed updated Section 504 Self-Evaluation and Transition Plan.

Commissioner Carte suggested writing letter to Fayette County Health Department regarding Kilsyth area outside of Mount Hope. Commissioner Witt suggested not to send letter.

The Commissioners received update from Region 4 Planning and Development Council regarding White Oak Public Service District Section 504 Handicap Regulations.

The Commissioners received from Page-Kincaid Public Service District closeout report as of March for Commissioner Carte to sign.

Ms. Holly informed talked with Page-Kincaid Public Service District informed received final performance report and County will be able to apply for Small Community Building Grant (SCBG).

Discussion was held regarding request of exoneration on last years taxes for Dale Cummings. No decision made.

The meeting was adjourned. Next scheduled meeting March 30, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 30, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 30th day of March, 1994.

Ms. Holly informed Everette Steele called, police cruisers can be picked up tomorrow. Voucher/check in the amount of \$57,528.00 was approved for payment.

Ms. Holly presented title transfer to County Commission from Charles Epperly, owner of 76-Ford Truck. Ms. Holly informed this was in regards to a plea agreement. Accepted title.

The Commissioners signed letter authorizing Jeff Surgeon and Karla Sanford to have their sleeping rooms, meals, room guarantees and parking fees charged to the Fayette County Commission.

The Commissioners signed Renewal Agreement from Criminal Justice Weapons.

The Commissioners signed letters to Senator John Rockefeller and Senator Robert C. Byrd requesting assistance to the City of Smithers in dredging the mouth of Smithers Creek.

The Commissioners approved invoice for Legal Services for McCormick v. Laird, et al for the period from January 1, 1994 through February 28, 1994, amount \$525.78.

The Commissioners received letter of thanks from John David thanking the Commissioners for their interest and support of the New Page Housing Project.

The Commissioners received and reviewed information on the Battle of Fayetteville Reenactment-June 10-12, 1994.

The Commissioners received and reviewed thank you letter from C. R. Hill, Temporary Secretary with the Fayette Transition Team thanking the Commission for allowing the sum of \$10,000.00 to be used as community matching funds for any grants they may be able to obtain to carry out certain projects.

The Commissioners received and reviewed letter from Employment Security regarding Elizabeth A. Blackburn.

The Commissioners received and reviewed letter from the Office of Economic Opportunity regarding Summers County Weatherization Assistance Program Fayette Branch.

The Commissioners received and reviewed minutes from Deepwater Public Service District for the month of December.

The Commissioners received and reviewed from David Neal, E-911 Coordinator statistics reflect dispatched thru the E-911 Center to the respective resources during the period February 1, 1994 thru February 16, 1994.

The Commissioners received invitation to the Mount Olive prison on April 4, 1994 at 4:00 p.m.

Ms. Holly informed the Commissioners she had been served with Petition regarding 1994 Property Tax Assessment of Twin Oaks Plaza, Rivermont Presbyterian Home, New Market Corporation.

Ms. Holly informed the Commissioners the Sheriff had received a Equitable Sharing-Artie Sauvageout Investigation check amount \$6,659.11 from Brook County. Check deposit in General County Fund.

The Commissioners received and reviewed memorandum informing both the New Haven Chamber of Commerce and the Gauley River area in Fayette and Nicholas County water projects have been approved for Phase II planning and study of abandoned mine water degradations determinations.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone System for the month of February, 1994.

Ms. Holly informed received letter from citizen complaining of City of Mount Hope patrolling traffic on US 19.

Ms. Holly informed the Commissioners Earl wants to hire part time worker Lawrence Jenkins at \$4.25 an hour as part time mechanic in order to relieve Daniel Pauley to operate backhoe and perform other work in the park. Discussion was held. This was approved.

Discussion was held regarding making ladies rest room on 1st floor in Courthouse unisex for handi-cap accessibility. Discussion was held. Earl will get cost.

The Commissioners approved of donation of 18 foot Blue Spruce Tree from John Sodder.

The Commissioners signed letter to Loyd Casto, Director Multi-Cap, Inc. informing the Commission do hereby support and endorse the proposal to expand its JTPA program into Fayette County.

The Commissioners received and reviewed letter from Attorney Belinda S. Morton regarding request for leave to file medical exhibit in claimant's claim. Claimant Percy L. Gilliam.

The Commissioners received and reviewed from Sheriff William Laird payroll adjustment requesting Sterley Flanagan and Donald W. Williams be paid from the Law Enforcement Excess Levy Fund rather than the County General Fund.

Gary Harding, Zoning Officer appeared before the Commission regarding 2 zoning cases: Z-385-94-1: Request of Orval F. Coffey, Owner, by Mark and Maria Bolinger, Contract Owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District on 1 acre tract, part of 8.39 acres, Wolf Creek, located on County Route 9, Gatewood Road, near Fayetteville, New Haven District. Mr. Harding informed the Commissioners this was a request to rezone a 1 acre tract in order to allow the applicant to sell products on the premise that are brought in with relation to Nature Green Nursery. Mr. Harding also informed the Planning Commission did vote 6-0 that this request be approved. After a brief discussion a motion was made by John Lopez that this be approved as recommended. Commissioner Witt seconded. Vote passed 3-0.

Z-386-94-3: Request of Howard O. Campbell, Owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development District, on 4.10 acres, Lansing, old Camp Chi Rho site located on Route 82, Lansing, New Haven District. Mr. Harding informed the Commission this request was recommended to be denied by the Fayette County Planning Commission by a vote of 6-1. After a general discussion with Jack Hicks and several of the residents of the Lansing area

opposing this request, Mr. Campbell requested that he be allowed to withdraw his application. The County Commission unanimously agreed to allow the application to be withdrawn.

Attorney Fred Jesser appeared before the Commissioners with petition for value augmented estate. Mr. Jesser presented evidence informed Elizabeth Lay was entitled to half of Curtis Wayne Lay Estate. Attorney Jesser informed Ms. Lay was here to testify. Attorney John Shumate was present representing Brenda Corbett. Attorney Shumate informed his client had testified regarding personal property of Mr. Lay in Circuit Court. Assistant Prosecuting Attorney Carl Harris was present. Commissioner Carte informed refer matter to T. E. Myles Special Fiduciary Commissioner for recommendation. President Carte informed no decision, recommend reschedule for April 27, 1994 at 1:15 p.m.

Attorney Thomas Fast appeared before the Commission with Committee Appointment for Margaret Atkins. Attorney Fast asked that T. E. Myles be appointed guardian et litem. Commissioner Witt moved T. E. Myles be appointed guardian et litem. Commissioner Lopez seconded. All approved. Attorney Fast informed the Commissioners appointment had been advertised and all parties involved had been served. Attorney Fast asked to reschedule for April 6, 1994 at 10:00 a.m. and to allow at least a half hour.

Nancy Harper appeared before the Commissioners regarding not being able to vote in Valley Emergency Medical Service, Inc.

meeting. Gary Light and John McComas present. Mr. McComas presented to the Commissioners copy of By-Laws. Discussion was held. Mr. Carte informed the Commission really couldn't change By-Laws, this would be up to the Board. Mr. McComas informed they are checking into matter to resolve situation.

Mr. Claude "Bootie" Bess appeared before the Commission requesting changing Fayetteville voting precincts be moved to Fayetteville High School. Ms. Holly informed need to have public hearing to change precincts.

Ms. Holly informed the Commissioners everyone who's invited to visit Mount Olive to meet in front of building.

Ms. Holly presented to the Commissioners 3 bids from David Neal, E-911 Coordinator to install fence around cable on outside of building at E911 Center. J. H. Tomblin Fence Company--\$1,132.00; Fayette Awning and Glass, Inc.--\$778.05; and Dennler Fencing--\$562.25. Commissioner Witt approved for Dennler Fencing to install fence around cable. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed letter from Ben Todaro with Cablevision regarding minority and female owned business.

The Commissioners reviewed letter written to Evelyn Estep offer to purchase the Mattie Thomas Property at the appraisal value. Discussion was held. It was suggested the letter needed conditional language for offer. Letter not signed. Give to Prosecuting Attorney to prepare letter.

Payroll and outstanding bills were approved.

Will discuss insurance benefits for Bonnie Sarver at next meeting.

The meeting was adjourned. Next scheduled meeting April 6, 1994.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 3, 1994

COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in special session on this 3rd day of May, 1994.

The Commissioners signed order and letter designating and approving incorporated banking institutions within the County to act as County Depositories for the Fiscal year beginning July 1, 1994.

Ms. Holly informed the Commissioners Dale Payne had contacted Commissioner Witt regarding waiving custodial fee of \$300.00 for the Civil War Re-enactment Ball. Mr. Payne informed he would rather the Fayette County Historic Society be responsible for taking care of building. Commissioner Lopez informed he had no problem with that. Commissioner Carte suggested Ms. Holly check with Peggy Freeman.

The Commissioners received and reviewed March Financial Report from Danese Volunteer Fire Department and Rescue Squad, Inc.

Ms. Holly informed the Commissioners she received first quarter Franchise fee from Master Telecable, Inc. Amount \$768.60.

Ms. Holly informed the Commissioners the Fred Washington clean-up letter was returned unclaimed.

The Commissioners received and reviewed application from Delpha Bennett.

The Commissioners received/reviewed and approved payment

for compensatory time due Scott A. Tygrett when he worked for Communications under the Sheriff Department. Time owed 7 1/2 days of compensatory time at \$5.00 per hour.

The Commissioners signed minutes of Zoning hearings.

Ms. Holly presented order for the Commissioners signature from Attorney Phil Tissue regarding Committee Appointment of Ottie Delridge. Ms. Holly informed that Mr. Tissue needed original signatures on the order.

Ms. Holly informed the Commissioners she received information from Secretary of State office regarding Canvassing for Primary Election and distributed copies to each commissioner.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges regarding Percy L. Gilliam.

The Commissioners received and reviewed from the Public Service Commission notice of hearing scheduled for Tuesday, May 17, 1994 at 10:30 a.m. regarding Page-Kincaid Public Service District.

The Commissioners signed letter to Paul Raetsch, Chief Planning and Technical Assistance Division certifying the Commission is actively involved in the planning process of the Region 4 Planning and Development Council.

Ms. Holly informed the Commissioners they would have to have Public Hearing on May 18 for Small Cities Block Grant to receive public comment on Small Cities Block Grant program and proposed projects. A decision would have to be made after the hearing regarding which project to submit as Small Cities Block Grant

application.

The Commissioners reviewed and signed minutes.

Commissioner informed the Commission Whipple Community in Action want to know if county was interested in purchasing property in front of Ron Walton store. It was suggested having the Prosecuting Attorney check.

The Commissioners received and reviewed report summary of 1993 customer service from CableVision.

The Commissioners received and reviewed letter of introduction from Mark McNabb, as the first full time Director of the West Virginia Film Office.

The Commissioners received and reviewed letter from the West Virginia Office of Emergency Services regarding who to contact during non-duty hours. Copy forwarded to Steve Cruikshank.

Ms. Holly informed the Commissioners she had checked with Ann Berry regarding transferring Jail Improvement Funds. Ann will try to get information by the end of the day.

The Commissioners tested tabulator and inspected voting devices for Primary Election. Ms. Holly informed after test all locks needed to be put on doors.

The meeting was adjourned. Next scheduled meeting is May 13, 1994.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 13, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

Gene Carte, Jr., John H. Lopez

The Fayette County Commission met in regular session on this 13th of May, 1994.

Payroll and outstanding bills were approved.

The Commissioners conducted canvass of Primary Election held May 10, 1994. Certification of Election will be held on May 18, 1994 at 10:00 a.m.

The Commissioners signed letter to the Department of Tax and Revenue requesting their approval to transfer the balance of the Jail Improvement Fund to the General School Fund for the purpose of reimbursing the General Fund for prisoners cost.

The Commissioners signed letter to Penelope Crandall, Director with Family Law Masters requesting reimbursement for rent for the month of April. Amount \$550.00.

The Commissioners received and reviewed check in the amount of \$27, 938.02 for the Emergency telephone system for the month of March, 1994.

The Commissioners received and reviewed copy of Annual Water and Sewer Audit for fiscal year ending June 30, 1993 from Page-Kincaid Public Service District.

The Commissioners received and reviewed report from Danese Volunteer Fire Department and Rescue Squad for the month of April.

The Commissioners received and reviewed minutes from Salem-Gatewood Public Service District for the month of April.

The Commissioners approved for Gene Carte and Charlotte Holly to attend Defending Wrongful Discharge Claims Under West Virginia Law Seminar in Charleston on July 14, 1994.

The Commissioners approved for Charlotte to attend American Disability Act (ADA) Seminar to be held on Friday, May 20, 1994.

The Commissioners received and reviewed letters from West Virginia Development Office regarding interim closeout for Fiscal Year 1985 Small Cities Block Grant for Page-Kincaid Public Service District/Beards Fork Sewer and Fiscal Year 1989 Small Cities Block Grant for White Oak Public Service District Sewer Improvements Project.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone System for the month of March, 1994.

The Commissioners received and reviewed letter from West Virginia Development Office acknowledging receipt and acceptance of the Small Cities Block Grant Final Performance Report submitted by Page-Kincaid Public Service District.

The Commissioners received and reviewed letter from Attorney Belinda Morton informing hearing of Elizabeth Blackburn has been rescheduled with the Department of Employment Security from May 9, 1994 at 10:30 a.m. to May 26, 1994 at 11:30 a.m.

Ms. Holly informed the Commissioners the mobile video grant has been approved. The Commission approved and signed the Grant Contract Agreement.

The Commissioners received and reviewed franchise tax for the period from March 1, 1994 through March 31, 1994 from Rifkin Communications Partners, L.P. Amount \$179.99.

Commissioner Lopez asked if they had heard anything from Tele-Media. Ms. Holly informed she had talked with Carl Harris and was advised he is working on.

The Commissioners received and signed release form from West Virginia Court of Claims regarding Fayette County Commission vs. Division of Corrections. Amount \$34,391.38.

The Commissioners approved and signed letter to Peggy Freeman, Principal, Fayetteville Middle School regarding waiving rental fee of Fayette County Memorial Building on July 3-4, 1994 for Arts and Crafts Fair by New River Gorge Heritage Festival.

Commissioner Lopez received petition from residents of McDunn, West Virginia petitioning for water, sewage and TV Cable Service for their community. Commissioner Lopez informed the Commission will except petition, but informed would have to find out more about problem. Commissioner Lopez informed it would be up to Armstrong Public Service District. No decision made.

Ms. Holly informed the Commissioners Earl Pauley would like to replace water line in cabin area before grant is available on July 1. This was approved if replacement could not wait. Ms. Holly presented proposal from Earl for purchasing bulk supply of bolts and nuts and sorting trays for County from KAR Products; stock will be replenished as needed at minimal cost. This was approved. Amount \$468.90.

Ms. Holly presented 3 quotes from Earl for the purchase of

garden tiller for Park, Fayette Awning-\$798.00, Southern States-\$549.00, Campbell's Equipment-\$1,650.00. The Commissioners approved to purchase from Southern States lower bid. Ms. Holly presented quote from Earl to the Commissioners cost of concrete ramps at canteen and shelter and other concrete work at Fayette County Park. Total amount \$1,300.00. This was approved.

Ms. Holly informed Earl wanted to know if its okay to exchange engine transmission for Dodge \$1,380, Chevrolet \$1,346. The Commissioners suggested holding until Wednesday.

Maintenance Agreement for copier in WVU Extension Office was signed.

Monthly Sales Tax Report for the month of April for Fayette County Park was signed.

The Commissioners received and reviewed letter from Worker's Compensation Office of Judges regarding Claim #93-24117, Dovie Christian.

The Commissioners received and reviewed letter from Sheriff Laird requesting that a check in the amount of \$1,050.00 be issued and be made payable to Castle K-Nine, Inc. for replacement of K-9 Unit.

The Commissioners received and reviewed letter from Sheriff Laird requesting travel advancement of \$350.00 for Sergeant Charles Bryant and Deputy Sheriff John Kauff to be enrolled in K-9 Training Class in Mechanicsburg, Pennsylvania. This was approved.

The Commissioners received and reviewed notice from Public Service Commission informing that a hearing is scheduled for

Tuesday, May 17, 1994 at 10:30 regarding Committee for Equal and Proper Representation vs. Page-Kincaid Public Service District.

The Commissioners received and reviewed letter from Senator Robert Holliday regarding road conditions in the Thayer area on to Prince.

Ms. Holly advised the Commission of an inquiry from Dave Withrow regarding mowing grass at Deepwater Park. The Commission affirmed that the Upper Kanawha Valley Ministerial Association has agreed to assume responsibility to keep the grass mowed; Mr. Lopez will notify Judson Wallace of Mr. Withrow's inquiry.

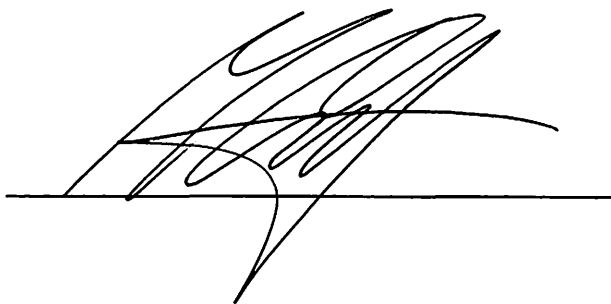
Ms. Holly notified the Commission that Steve Cruikshank had informed her that Telemedia was in the process of moving its tower in the Valley area on which the County has radio/communication equipment. In order to avoid having to remove our equipment, to erect a new tower, and to reinstall the equipment, Steve recommends paying the replacement cost of approximately \$1,100.00 for a new tower to Telemedia and the County retaining ownership of the existing tower; this proposal is acceptable to Telemedia. Commission approved.

Sheriff Laird advised the Commission of training to be given by the Regional Jail Authority to correctional officers who will be employed at the Southern Regional Jail. The training will begin on Monday, May 16, 1994, on the midnight shift; however, due to scheduling overtime will probably be incurred. Sheriff Laird told the Commission that he has contacted the Regional Jail Authority and other counties and has been advised that the County will have to pay the overtime expenses. Sheriff Laird further

stated that he will strive to minimize the cost of the overtime for the training; the Commission advised the Sheriff to take any action that he feels is appropriate.

Ms. Holly inquired whether or not the Commission wanted to make a decision on the request to allow Dale Payne and the Fayette County Historical Society to perform the janitorial services at the Memorial Building for the Civil War Grand Ball in be held on June 11, 1994. The Commission deferred the decision until May 18, 1994.

The meeting was adjourned. Next scheduled meeting is May 18, 1994.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 18, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in special session on this 18th day of May, 1994.

Commissioner Lopez made motion to certify Primary Election results held on May 10, 1994. Commissioner Witt seconded. All approved. Order and Certificate of Votes Cast for each candidate was signed.

Ms. Holly informed the Commissioners Judy Hess has prepared voucher for Poll Workers for their approval, will try to have checks prepared before next meeting May 25th. Commissioner Lopez made motion to approve voucher for Poll Workers. Commissioner Witt seconded. All approved. Amount \$26,422.09.

The Commissioners held Small Cities Block Grant (SCBG) public hearing. The meeting was called to order by Commissioner Gene Carte. The purpose of the meeting was to discuss and receive citizens input relating to community development, the needs of low and moderate income persons and the Small Cities Community Development Block Grant Program. It was noted for the record that notice of the public meeting was published in the Fayette Tribune.

Charlotte Holly, County Administrator, explained purpose of meeting and SCBG program. Jim Billings commented that public water in the northern Fayette County area would promote growth in

business and residential areas; stated that currently 100,000 whitewater tourists visit the area annually. Kathryne Hoffman stated that she felt that the Commission should go forward with the Regional Water System Study for the area which would provide for good, clean, economical water; expressed feeling that everyone should stick together in the project; also, stated that she feels that area meets criteria of low income and public safety. Ron Lindsey stated that the first application for a water system in the northern Fayette County area was in May, 1957. No other persons representing other potential projects were in attendance. Commissioner Witt offered motion for Fayette County Commission to apply for SCBG funds in an amount of up to \$750,000 for a construction grant for the Northern Fayette County Regional Water System on behalf of New Haven Public District; Commissioner Lopez seconded the motion. Vote passed 3-0. Application has to be submitted by July 1, 1994. Ms. Holly informed would have to have another public hearing.

Mark Winkler, C.P.A. for J. W. Walters Homes, Inc. appeared before the Commissioners for the purpose of reviewing and correcting a clerical error. Mr. Winkler was sworn in. Mr. Winkler informed they had not received any tax tickets. Present was Donald Hebb, Tax and Revenue Manager with State Tax Department, Tom Aiello, Assessor and Carl Harris, Assistant Prosecuting Attorney. Mr. Hebb was sworn in and presented letter to the Commissioners with comments concerning complaint. Mr. Hebb informed the mineral tax assessment was not incorrect due to a clerical error. Discussion was held. Attorney Harris informed

the Commissioner in his opinion he feels the burden is on tax payer and not clerical error and no relief should be granted. Commissioner Lopez made motion on advise of the Assistant Prosecuting Attorney that there wasn't a clerical error and no relief be granted. Commissioner Witt seconded. All approved. Vote passed 3-0.

Attorney Phil Tissue appeared before the Commissioners with petition for Joan W. Goode, Committee for Evelyn Holly, also present was Attorney Gordon Billheimer representing James Linkenhoker. Attorney Tissue informed the Commissioner he would like for them to rule on Mr. Linkenhoker sharing in the expense for the care of Ms. Holly. Attorney Billheimer informed that law suit is pending in Circuit Court he feel the Commissioners has no jurisdiction in case. Discussion was held. Commissioner Lopez informed since the original appointment was filed and Ms. Goode bond was based her half feel committee should stand as is. Commissioner Lopez offerd motion that petition be dismissed have no jurisdiction. Commissioner Witt seconded. All approved.

The Commission approved to purchase property in Whipple for playground and park for \$500 if everything checked out. The Commissioners asked that Prosecuting Attorney Office do title search.

Ms. Holly informed the Commissioners Janette Woodrum had asked if the Commissioners would hire one juvenile to do 175 hours of services. Discussion was held regarding letting him work at Courthouse, Harlem Heights Park, and Park with Earl. This was approved.

The Commissioners received and reviewed letter from Workers' Compensation regarding Dovie Christian.

The Commissioners received complaint on Mae Blevins property located in Minden. The Commissioners asked Ms. Holly to have Gary Harding, Zoning Officer do a follow up check on property.

The Commissioners asked Ms. Holly to check Kawalsky property.

The Commissioners received and reviewed letter of thanks from Mountain Transit Authority (MTA) for contributions for Fiscal Year 94-95.

The Commissioners received and reviewed letter from Assistant Prosecuting Attorney Teresa Daniels giving opinion in the case of Elizabeth Lay. Order is to be prepared.

The Commissioners received and reviewed letter from concerned customers of the Page-Kincaid Public Service District.

The Commissioners received and reviewed letter from Robert C. Byrd, with attached interim response received from officials of the U. S. Department of the Army regarding dredging at the mouth of Smithers Creek.

Discussion was held regarding janitor for Civil War Ball. Ms. Holly informed, Ms. Freeman said Dale Payne had never talked with her. Commissioner Witt suggested that Mr. Payne come in and make proposal to the Commissioners at next Wednesday meeting. Commissioner Witt informed the Commissioners its not Dale Payne who is questioning about janitor it's the Fayette County Historic Society.

Commissioner Lopez suggested writing letters to the Dele-

gates and Senators to discuss extension on landfill and for them to set a place, date and time that all would be able to attend and notify Commission so they could meet with them also.

The Commissioners received and signed Custodian and Security Agreement for third party deposits from First Empire Federal.

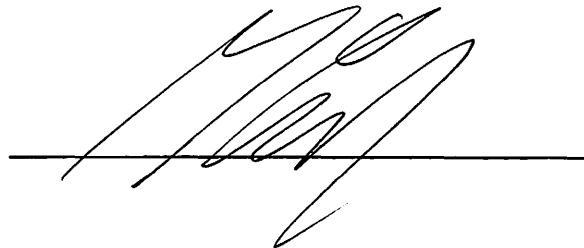
The Commissioners received and reviewed proposal from the Fayette Transition Team regarding hiring a full time Community Resource Coordinator.

Letters to Wilson Lodge and Best Western McCoy's Motor Lodge was signed authorizing sleeping rooms, meals room guarantees and parking fees be charged to the Fayette County Commission.

The Commissioners received and reviewed adjustment notice from Criminal Justice and Highway Safety.

Commissioner Witt called and rescinded his approval to purchase Whipple property.

The meeting was adjourned. Next scheduled meeting is May 25, 1994.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 25, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

Discussion was held regarding janitor for Civil War Re-enactment Ball. Ms. Holly presented copy of guidelines to the Commission. Cindy Whitlock was present and asked the Commission if they would waiver fee for janitor. Commissioner Witt informed the Commission have no contract with the Board of Education, why do we have to abide by Board of Education rules? Ms. Holly informed no had talked with Ms. Freeman regarding waiving janitor fee. Commissioner Lopez made motion to pay 6 to 8 hours for janitorial work for Ball. Commissioner Witt seconded. All approved. Vote passed 3-0.

Mr. Nutter appeared before the Commission complaining about dust on Cunard road going to landfill. Discussion was held. Commissioner Carte informed letter had been sent to Mike Cobb with the Division of Highways. Commissioner Carte asked Ms. Holly to get update from Mr. Cobb.

Attorney Theodore Dues appeared before the Commission regarding Committee Appointment for Bertha Dues, petitioner Dorothy Walker. Mr. Dues informed Ms. Walker waived being appointed and Mr. James Gore would be appointed. Commissioner Carte informed Mr. Dues he needed a petition. Mr. Dues informed the Commission Attorney Paul Clay would be handling appointment. Mr. Clay rescheduled for June 8, 1994.

The Commissioners signed second and final clean-up letter to Mae Blevins and signed clean up letter to Harold Kawalsky.

The Commissioners signed letter to Department of Health and Human Resources informing the county had budgeted \$5,000 for the fiscal year July 1, 1994-June 30, 1995 for Fayette Monroe Raleigh Summers Mental Health Council, Inc.

Invoice was signed to the Division of Corrections for rent for the month of June. Amount \$300.00.

The Commissioners signed letter to Penelope Crandall, Director Family Law Masters requesting rent for the months of May and June. Amount \$1,100.00. Ms. Holly informed she had received letter from Johanna Snodgrass suggesting that county submit fiscal year 1994 fourth quarter invoices immediately.

The Commissioners signed Budget letters to office holders approved budget for fiscal year 94-95.

The Commissioners signed letter reminding each office holder that budget statement should be filed in the County Clerk's office prior to June 30, 1994.

The Commissioners signed letters to delegates and senators regarding seeking an extension of the closure of the landfill.

Commissioner Carte recognized Elizabeth Larson with the County Commissioners' Association who is observing meeting today.

Phyllis Farley with Department of Natural Resources appeared before the Commission to recognize two individuals, Ann Skaggs, and Kay Jeffries for all their work done in helping keep West Virginia clean.

Pam VanHorn from the Governor's Office presented certificate "WV Make It Shine" to each individual. Commissioner Carte stated on behalf of the Commission he would like to thank Ann for her assistance in cleaning up of Fayette County, and thanked Ms. Farley and Ms. VanHorn.

Mary Lou Schmidt presented second place trophy Keep America Beautiful received to the Commissioners. Commissioner Witt added Ann as others worked so hard in these programs.

The Commissioner received and signed Order appointing guardian et litem for Committee Appointment for Gladys Workman.

Gary Harding appeared before the Commission with 3 zoning cases: Z-389-94-4 was presented but Howard Campbell asked that his case be heard last. The Commissioners approved.

Z-391-94-1: Request of H. Wayne Law and Rachel N. Law, owners, for a change in land classification from R-R, Agricultural and Rural Residence and L-C, Land Conservation District, to P-D, Planned Development District on 1296.154 acres, located behind Oakridge, New River Heights and New River Cliffs Subdivisions, near Fayetteville, New Haven District.

The Zoning Officer informed the County Commission that the Planning Commission had met on this Monday and did recommend by a vote of 10-0 to approve the P-D, Planned Development for an adventure resort. Mr. Glen Carlson was there representing the owner and introduced Sidney Gunst and Burrell Saunders. Mr. Saunders presented a brief proposal on what was shown the Planning Commission on Monday. Cindy Whitlock representing the

Chamber of Commerce spoke on behalf of the project and Commissioner Witt read a supporting letter for John Hunt representing 4-C Economic and Development. Planning Commission Chairman Lee Massey informed the County Commission that they were very much impressed with the project and supported it as something that was needed. After a brief discussion a motion was made by Commissioner John Lopez to approve this to Planned Development as recommended by the Planning Commission. Motion was seconded by Commissioner John Witt. Vote passed 3-0.

Z-390-94-2: Request of Robert R. Martin, Sr., owner, by Ron Paine, for a change in land classification from I-1, Light Industrial District, to I-2, Heavy Industrial District, on 4.46 acres, Lochgelly, Route 21/18 near Fayette Clinic, Plateau District. Mr. Harding informed the Commissioners this was withdrawn.

Z-389-94-4: Request of Howard O. Campbell, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to R-2, Residence District, on 4.10 acres, Lansing, old Camp Chi Rho site located on Route 82, New Haven District.

The Zoning Officer informed the County Commissioners that the Planning Commission did on Monday recommend that the request to go to R-2 be denied and that Mr. Campbell be given P-D and allowed to use the existing building as an apartment building. After a brief discussion with Lee Massey and Jack Wood of the Planning Commission a motion was made by John Witt that this request be approved to P-D as recommended and to approve the plans

for an apartment building as submitted. Motion was seconded by John Lopez and passed by a vote of 3-0.

The Commissioners signed order denying exoneration of property taxes for Tax Year 1993 for J. Walters, Inc./George L. Lemon.

Attorney Wilbert Payne appeared before the Commission with petition requesting Melody Stull be removed from Estate of Margie Hizer. Attorney Fred Jesser representing Margie Stull informed the Commissioners Ms. Stull had followed duties properly in estate informed final settlement could not be filed due to law suit pending. Discussion was held. The Commission moved that appointment of Melody Stull Committee for Margie Hizer remain. Vote passed 3-0.

The Commissioners approved to purchase 4 cellular phones and six pagers for Sheriff Department. Received and reviewed letter from Chief Deputy Everette Steele regarding cost.

Discussion was held regarding employment of Wayne Connors. Ms. Holly informed the Commissioners she feel this should be discussed with the Prosecuting Attorney's Office before making any decision.

Commissioner Carte asked approval to attend NACO 59th Annual Conference in Las Vegas, July 31 through August 4, 1994. This was approved.

Commissioner Witt informed he had backed out of vote to purchase property in Whipple. Mr. Witt questioned who was in charge and if they have any plans. Tom Aiello informed he had talked

with several people in Whipple and they do have plans. Commissioner Witt suggested they submit letter. Commissioner Carte suggested having Ron Walton and his group schedule appointment.

Minutes for May 13, 1994 was signed.

Ms. Holly presented plans from Earl for renovation of visitation room to holding room for Regional Jail inmates in Sheriff Office. Plans were approved. Commissioner Witt informed he would like to go through before making any decision.

Ms. Holly informed the Commissioners they had talked previously about changing ladies rest room to handi-cap rest room she talked with Earl he said renovation could be done. Plans was presented, Earl waiting to get approval to start. This was approved.

Commissioner Witt asked to hold out voucher #108904, amount \$14.00 reimbursement of gas to Joseph Coy.

The Commissioner received and reviewed from Region 4 Planning and Development for approval Governors Community Partnership application for Bellwood Community Water System. Commissioner Lopez made motion to approve and authorize the adoption of said Resolution. Commissioner Witt seconded. All approved.

The Commissioners made motion to cancel June 15th meeting. Payroll to be approved on June 8th.

Administrator Holly informed she received call from Carl Harris regarding the Marie Gilkerson Estate informed the Commission they needed to set hearing date or let it go to

Fiduciary Commissioner. The Commissioners informed to let it go to Fiduciary Commissioner and recommended Phil Tissue to hear matter.

Ms. Holly informed the Commissioners she would be taking vacation day on Friday.

Ms. Holly informed Dog Warden truck is at Park. Earl will repair.

Commissioner Lopez asked if Deepwater Civitan could get some assistance in cutting grass and weed at Deepwater Park. It was suggested getting in touch with Larry Parsons and prison crew and use equipment at courthouse. Commissioners asked Ms. Holly to check with Earl to see if he has any old lawn mowers.

Ms. Holly informed the Commissioners they definite received \$20,000 for park for new bathroom.

Ms. Holly informed the Commissioners Bert Horrocks had stopped by inquiring about what day he would go on payroll. Commissioner Lopez informed July 1, 1994.

Ms. Holly informed she received complaint regarding use of county vehicles. The Commissioners advised to refer complaint to Fayette County Health Department.

The Commissioners received and reviewed reply from S. E. Anderson regarding clean up letter received.

Ms. Holly informed the Commissioners Charlie Bryant had received and advance to attend K-9 Training Class turned in receipts Mr. Bryant is due \$16.17. This was approved to pay.

Administrator Holly informed met with Sheriff Laird, and

Martha Hager, Supervisor regarding preapplication form for Governor's Committee on Crime, Delinquency and Correction informed the Commissioners its Youth Services Development for Fayette application had to be in today. This was signed.

The Commissioners received and reviewed summary of Kroger Recycling Center Project from Fayette County Solid Waste Authority.

The Commissioners received and reviewed letter from John David regarding Youth Build Project New Page Housing update.

The Commissioners received and reviewed copy of letter written to Howard Cunningham from Page-Kincaid Public Service District Commissioners regarding Case No. 94-0423-PWD-C.

Ms. Holly asked the Commissioners if she could check with Magistrate Court about moving coke machine from lounge due to electrical problem with coke machine and xerox machine working on same electrical power. This was approved.

Ms. Holly informed Steve Cruikshank asked to purchase for 911 Center new heads for recorder, \$3,500.00, \$1,845 for 40 new tapes to be paid from Coal Severance Fund/Capital Outlay. This was approved.

The Commissioners approved for Gene Carte and Charlotte Holly to attend Premises Liability: Preparation and Trial of a Difficult Case in WV on June 23, 1994 at Charleston.

Ms. Holly informed the Commissioners Joetta Huddleston is scheduled for surgery Thursday will be off about a month.

The Commissioners received/reviewed and signed annual

memorandum of agreement from West Virginia University Cooperative Extension Service for fiscal year beginning July 1, 1994.

The Commissioners received and reviewed findings of Carl Harris on Estate of Mattie S. Thomas, Final Settlement not filed.

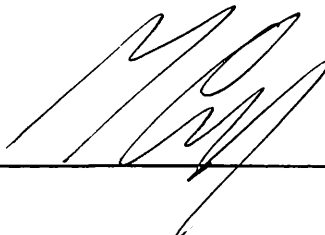
The Commissioners received and reviewed application for employment from Harless Lee Watkins.

The Commissioners received/reviewed and signed Grant Contract Agreement between the Criminal Justice and Highway Safety Division for grant to purchase mobile video recorders.

Ms. Holly informed the Commissioners Tom Woodrum informed her 2 cars have been parked on county parking lot, one doesn't have license need to know what the Commissioners could have done. The Commissioners asked Ms. Holly to put note on windshields informing they had 24 hours to move vehicles.

Payroll and outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is June 8, 1994.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
NOVEMBER 1, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Special Session on this 1st day of November, 1994.

The Commissioners tested tabulator and inspected voting devices for General Election. After test, doors were locked to all election equipment.

Discussion was held regarding parking lot on Wiseman Avenue. Commissioner Witt made motion to auction and sell parking lot on Wiseman Avenue, and Commission to reserve the right to reject any or all bids received. Commissioner Lopez seconded. Commissioner Carte opposed. Vote passed 2-1.

Exoneration was approved and signed by the Commission.

Commissioner Lopez informed Commissioner Witt at last meeting discussion was held regarding hiring Tim Richardson part time in Zoning Office to work on Thursday and Friday. Discussion was held; Commissioner Witt informed he had no problem with hiring Tim as long as he doesn't serve on any of the Boards. Commissioner Lopez informed Tim would be resigning from Planning and Zoning Commission. Commissioner Witt made motion that Tim Richardson be hired part time with no benefits to work Thursday and Friday in Zoning Office, 8 hours a day. Commissioner Lopez seconded. All approved. Commissioner Lopez informed would get with Gary to discuss salary.

Tom Aiello appeared before the Commission informing that Tim Fish is working on the rezoning of Route 19, and he needs copies of 77 maps. Mr. Aiello asked the Commission if the Assessor's Office should charge or not charge for the maps. Commissioner Lopez informed the Commission has already allocated money for the project; informed Mr. Aiello that Assessor's office should not charge. The Commission did inform Mr. Aiello to let Mr. Fish know that the maps are on loan to him and once project is finished the maps should be returned to the Commission.

Commissioner Lopez informed Tom Aiello the Commission received letter from Steve Cruikshank requesting the Commission to consider assigning one of the 4-wheel drive vehicles replaced in the Assessor's office to Emergency Services for use by the 911 Center. Mr. Aiello informed he had talked with Charlotte Holly, and he informed the Commission this would be okay with him. Approved.

Commissioner Witt questioned the Commission about the ambulance deals; informed he had talked with Adrian Goff and informed she has justifiable problems with 911 and Rick Cornett; Mr. Witt informed the Commission they should look into and see what's going on. Commissioner Lopez suggested checking into reorganizing ambulance authority. Commissioner Witt informed some serious accusations have been made. Commissioner Lopez informed they will be talking with Steve Cruikshank today.

The Commissioner received and reviewed letter from U. S. Department of Justice informing of the new Violent Crime Control and Law Enforcement Act of 1994, Commissioner Carte informed this

would be forwarded to the Sheriff.

The Commissioner received and reviewed letter from Ron Walton with the Whipple Community in Action thanking the Commission and serving 30 day notice for clean-up on the proposed park lot.

Commissioner Carte presented plaque he received from West Virginia Power in recognition of Fayette County's commitment to utilize West Virginia produced Natural Gas to meet it's vehicular fuel needs.

The meeting was adjourned. Next scheduled meeting is November 9, 1993.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 9, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 9th day of November, 1994.

The Commissioners met with Robert P. Coffelt on a continuance of request to change land classification from RR-1, Agricultural and Rural Residence District to B-2, General Business District, on part of 5.498 acres, near Court House, located on Maple Lane at Corridor "L" next to Beckley Replacement Windows, New Haven District to construct miniature golf course. Commissioner Carte asked Mr. Coffelt to present proposal to the Commission again since Commissioner Witt was absent at first hearing. Commissioner Witt asked Mr. Coffelt if he had any type of model or maps of his proposal. Commissioner Witt informed Mr. Coffelt that a feasibility study by Tim Fish is being done on Route 19 and suggested waiting until study is complete before making any decision. Commissioner Witt informed he had no problem with golf course. After brief discussion, Commissioner Witt made motion to defer until after rezoning feasibility study is complete. Commissioner Lopez seconded. Hearing was rescheduled for Wednesday, November 30, 1994 at 10:30 a.m.

Thelma Baldry and Edith Dempsey appeared before the Commission with a request that the Commission have Gene Walker clean-up his properties in Minden. Discussion was held,

Commissioner Carte informed Ms. Baldry they had written Mr. Walker in August and had given him 90 days to clean-up property. The Commission informed Ms. Baldry they need to work with the Magistrate Court and Judges to get some kind of agreement to get home confinement prisoners to help with cleaning up of properties. Commissioner Witt suggested giving Walker 30-day notice. Commissioner Carte informed that Mayor Gene Larrick has gotten the National Guard to work with cleaning up property in the Whipple area. It was suggested that notice be sent to Gene Walker to appear before the Commission on Wednesday, November 30, 1994 at 11:00 a.m. to give status report of clean-up of his property.

The Commissioners signed letter to Essa Howard, Director of the Office of Economic Opportunity requesting that the Weatherization Program in Fayette County no longer be under the Summers County agency and stating that the Commission agree to be the sponsor for this program.

Ms. Holly informed the Commissioners she had received from Commissioner Witt recommendation to appoint Joseph Deligne to the Building Commission to fill the unexpired term of Jack Thompson. Order was signed. Ms. Holly informed the Commission that one vacancy is open but cannot be filled with a democrat but has to be a republican or an independent.

Ms. Holly informed the Commission Gary Harding had received complaint on Bessie McGuire property in Meadow Bridge; he had advised that Ms. McGuire definitely need clean-up letter sent.

Letter was prepared and signed.

The Commissioners received and reviewed letter from the Jodie Environmental Committee requesting the Commission check several properties in the Jodie area and to send clean-up letters. It was suggested to have Gary take a look at property first and get correct addresses.

The minutes of October 5, October 14, October 26 and November 1, 1994 were approved and signed.

Ms. Holly informed the Commissioners that Dee Lively informed her the motor on vacuum cleaner on second floor had burned up and requested Commission's authorization to purchase vacuum or replace motor. Ms. Holly informed she had requested Earl Pauley to get bids. Commissioner Witt asked the age of vacuum cleaner; Ms. Holly informed she would check. This was approved.

Ms. Holly suggested to the Commissioners that blinds be bought for Sheriff's Office; informed the Commission that she has been in office when the sun is very bright and it is difficult to see due to brightness and glare. This was approved.

Ms. Holly reminded the Commissioners that Monday, November 14, 1994 is canvass and meeting is at 8:30 a.m. to approve payroll.

Ms. Holly informed the Commissioners she had checked with maintenance regarding washing machine in basement. Informed the Commission that maintenance would prefer getting used automatic machine because wringer machine would probably cost more, and

they only use it about once a month. Commissioner Lopez informed he's not in favor of buying used machine because motor could burn out. Commissioner Lopez suggested going with wringer type. Ms. Holly informed the maintenance was not objecting to wringer washer new or used.

Ms. Holly informed the Commissioners that the main processor for the AS-400 computer system is very small & would like to install it in one of the old offices in the basement. This was approved. It was approved to add line for a modem for the processor.

Commissioner Carte recommended that he and Ms. Holly attend the West Virginia Labor and Employment Law Seminar being held in Charleston on January 13, 1995. This was approved.

Bob Arthur appeared before the Commission to give an update on landfill progress. The Commission questioned Mr. Arthur about lease at landfill. Mr. Arthur informed Aubrey Riner is to check with Rush Creek to ask them about donating land. Mr. Arthur asked the Commissioners about transferring vehicle to county insurance and asked about county helping with secretarial salaries. Ms. Holly informed Mr. Arthur they would have to transfer title back to county before putting vehicles on county insurance. Ms. Holly also informed the Commissioners she was in the process of finalizing computer information and asked Mr. Arthur about the possibility the Authority donating its computer equipment to the Commission. Mr. Arthur stated that he did not think the Authority would have any objection to this request and

it would be discussed at its next meeting. Commissioner Lopez informed Mr. Arthur he appreciated the update given. No decision was made.

Attorney Travers Harrington appeared before the Commission with motion to petition to change Administrator over William Overton Estate, petitioner Tina Conley. Barbara Allen and Michael Allen with Allen and Allen were present. Discussion was held. Commissioner Witt moved that William Overton remains as Administrator of Estate. Commissioner Lopez seconded. All approved. The Commission asked that Attorney Harrington prepare order.

Ms. Holly informed the Commissioners that the courtroom is not available for the canvass on Monday.

Ms. Holly informed her office received a call informing that the State offices had given state employees the Friday after Thanksgiving off; Ms. Holly informed the Commissioners she called the Governor's office and the Governor had not made a declaration yet. Commissioner Lopez informed he felt the Commission should take action today on matter. Commissioner Lopez made motion to close courthouse Friday November 25th for Thanksgiving holiday; Commissioner Witt seconded. Commissioner Carte opposed. Motion passed 2-1.

The Commissioner received and reviewed letter from Cleek, Pullin, Knopf and Fowler regarding Horrock v. Mitchell, et al v. Fayette County Sheriff informing trial is scheduled for June 5, 1995 at 9:00 a.m. before Judge John Hatcher.

The Commissioners received and reviewed notice of disposition regarding Horrocks v. The City of Fayetteville and Mitchell, et al v. Fayette County Sheriff.

Ms. Holly informed the Commissioners she had talked with salesman about computer equipment order and had been notified that the discount on the software applied to the 4.0 processor which cost more. The salesman had misinterpreted the IBM pricing release and had resubmitted costs for a 2.5 processor and 4.0 processor to the Commissioners to review. Ms. Holly recommended the 4.0 processor because of the increased usage on the new system and for future growth. This was approved. Total cost to be \$107,775.

The Commissioners received and reviewed a copy of the alternate fuels contract. Start date for the contract is October 1; 1994.

The Commissioners received and reviewed letter from Vision Service Plan informing they are forwarding letter from Prosecuting Attorney Paul Blake to their legal counsel in national office in Sacramento. Ms. Holly informed the Commissioners she had talked with Paul Blake but he had not heard anything else.

The Commissioners received and reviewed 2 applications for employment from Ernie D. Jones, Jr. and Tammy Lynn Kees.

The Commissioners received and reviewed quarterly franchise fees from Master Telecable, Inc.--\$1,176.94 and Tele-Media Corporation--\$1,992.38.

The Commissioners received and reviewed minutes for the month of September from Gauley River Public Service District.

The Commissioners received and reviewed report from Chemical Bank regarding Residential Industrial Bond issued for Union Carbide.

The Commissioners received and reviewed update on Cecil McCormick and Michael Scott McCormick appeal.

The Commissioners approved unassigned 4-wheel drive to the 911 Center from Assessor's Office.

The Commissioners received and reviewed letter from Department of Finance Administration to renew agreement for State Purchasing. The Commissioners approved to participate in the Political Subdivision Cooperative Purchasing Program.

Ms. Holly informed the Commissioners she had checked with Attorney Henry Armstrong on Pace property in Whipple; he had received no response.

The Commissioners received and reviewed copy of letter sent to Assistant Prosecuting Attorney Theresa Daniel from Sheriff William Laird regarding Automatic Time Frame Order related to the Workers' Compensation claim filed by Dovie Christian.

Ms. Holly informed the Commissioners she had talked with Earl Pauley and had been advised that the playground equipment from Page Elementary School has been removed and stored at the Fayette County Park.

The Commissioners received and reviewed letter from Sheriff Bill Laird informing Acting Jail Administrator W. C. Bowman of

McDowell County Correctional Center is requesting 4 commodes from Fayette County Jail. The Commissioners approved to give to McDowell County.

Shirley Richardson, Jim and Helen Patton, Olen Smith and Lucille Smith with Fayette County Emergency Food Assistance Center appeared before the Commission requesting \$2,500 to cover repairs to truck. Discussion held, the Commissioners reviewed request and approved to contribute \$1,500.00 to the Fayette County Emergency Food Assistance Center.

Ms. Holly asked Commissioner Carte about the letter they received from Whipple Community in Action regarding a 30-day notice for clean-up on the proposed park lot. Commissioner Carte put in a call to Ron Walton, but no answer was given regarding notice.

The Commissioners received and reviewed from King and Spalding Resolution on West Virginia Solid Waste Disposal Facility Bonds issue from Georgia-Pacific Corporation.

Discussion was held regarding asking the Prosecuting Attorney to advise the Commission whether or not they could rescind annexation of Route 19 along City of Mount Hope. Prosecuting Attorney Paul Blake appeared before the Commission and was asked to check into rescission of the annexation.

Exonerations were approved and signed.

Letter to Gene Walker was signed.

Discussion was held regarding the Whipple property. Ms. Holly informed the Commissioners she was informally notified by members of the Whipple Community that the owners of the property

are requesting \$8,000.00 for the property. Commissioners asked what had they decided to offer for the property; Ms. Holly informed they had agreed to offer \$4,000.00, but haven't received response from owner. The Commissioners unanimously voted not to go any higher than \$4,000 on the offer of the property.

Ms. Holly informed Commissioner Witt she had talked briefly last night with Commissioners Carte and Lopez about a proposal to include payroll duties in the County Administrator's office since payroll software is included on the current and proposed computer system and it would be no problem getting all of the county payroll information on computer but just a matter of time involved. Also, Jackie Hickman was the former payroll clerk and was familiar with county payroll procedures. Ms. Holly informed that she did not know that Kelvin Holliday had hired anyone until last night (November 8) but the reason she hadn't brought it up sooner was because the Commission was not scheduled to meet until today and she did not know the position would be filled that quickly. Mr. Holliday stated that he was highly opposed to the proposal and informed he feels the person he hired is capable of handling payroll, and she does have excellent computer background.

Ms. Holly informed the Commissioners that Joe Russell with Roger Hornsby Pool met with Earl Pauley to give him recommendations on possible leak locations and on how to repair the pool. Ms. Holly informed Earl would have to do various steps to determine location and repair leaks in pool. Commissioner Witt asked if there was any deterioration in pool;. Ms. Holly

informed she had not talked with Earl regarding this but that Mr. Russell had stated that the pool should remain full of water year round; the design of the pool was to utilize the pressure of the water to equalize and support the pool walls; most of the discussion with Mr. Russell had been regarding the pool leaks.

The Commissioners received and reviewed letter from Mountain Transit Authority requesting contribution that was approved for fiscal year 1995. The Commission approved to release payment, amount \$2,500.

The Commissioners received and reviewed minutes from Deepwater Public Service District for the month of September.

Ms. Holly asked the Commissioners if they wished to discuss the request of Carol Coleman of Jodie Community for contribution on cost of tractor for cutting brush, amount \$700.00. The Commissioners decided to table request.

The Commissioners received and reviewed letter from Town of Rainelle informing the U. S. Army Corp of Engineers has scheduled meeting for Friday, November 18, 1994 at 11:00 a.m. at the Rainelle Fire Department Building regarding flooding in the area. Ms. Holly informed the Commissioners Steve Cruikshank is trying to work on problem.

Discussion was held regarding parking lot on Wiseman Avenue. Commissioner Witt informed that if we do not have auction, the lot should be strictly courthouse employees parking only. There were questions about policing parking area. After discussion, it was decided to hold off on getting appraisal of property.

Commissioner Carte asked Prosecuting Attorney Paul Blake to establish reasonable parking rules and regulations for county parking lots. The Commission requested Ms. Holly to contact Sheriff Laird to remove the county van used by his department from the county lot to another location.

Ms. Holly informed refrigerator in annex Jury Room is to have service call by Sears today; warranty has expired and refrigerator is not staying cold.

The Commissioners received and reviewed Dog Warden Report for the month of October.

Ms. Holly informed the Commissioners she had talked with Sheriff Laird; he requested that the maintenance staff winterize the jail if it has not been done. Discussion was held regarding winterizing house behind Health Department. Ms. Holly asked if they wanted her to have gas and electric turned on. Commissioner Witt suggested utilities should be turned on. Discussion was held; Commissioner Lopez informed he did not think utilities should be turned on since the county plans on tearing down the house anyway. Commission decided not to turn on the utilities but to winterize house. Ms. Holly stated that she had already included the winterization of the jail and house on a work list for the maintenance department.

Ms. Holly informed she had talked with Steve Cruikshank and he asked if the Commission want him to sell the old Magistrate pagers to another government agency. Commissioner Witt suggested giving to REACT if they could use them but to have REACT sign for the pagers and for Steve to keep serial numbers.

Ms. Holly asked if the Commission wanted to discuss moving shelves from Voter's Registration Room. The Commission and County Clerk reported that everything had been worked out.

Commissioner Lopez informed he would like to make a suggestion that any election that falls on Tuesday the day before a regular Commission meeting to reschedule the Commission meeting to Thursday. This was approved.

Outstanding bills were approved.

The Commissioners received and reviewed check in the amount of \$28,463.13 for the Emergency Telephone System for the month of September, 1994.

The Commissioners received and reviewed adjustment notice from West Virginia Criminal Justice and Highway Safety, Project Operation Buckledown.

The Commissioners received and reviewed from Cleek, Pullin, Knopf and Fowler "Motion for Summary Judgment" regarding Clint R. Lawson, Sr. v. Gene Carte, Jr., et al.

The Commissioners received and reviewed from Cleek, Pullin, Knopf and Fowler "Notice of Deposition" regarding Clint R. Lawson, Sr. v. Gene Carte, Jr., et al.

The Commissioners received and reviewed from Cleek, Pullin, Knopf and Fowler "Defendants' Second Set of Interrogatories and First Request for Production of Documents to Plaintiff" regarding Clint R. Lawson, Sr., v. Gene Carte, Jr., et al.

The Commissioners received and reviewed invitation from Raleigh County Solid Waste Authority inviting the Commission to

attend dedication and open house ceremonies on Wednesday, November 16, 1994 at 1:00 p.m.

The Commissioners received and reviewed thank you letter from Judge John W. Hatcher, Jr. for recent expenditures by the Commission for the judicial system.

The Commissioners received and reviewed letter from County Clerk Kelvin Holliday informing of changes in office; effective the end of November 15, 1994 Tom Woodrum, Index Clerk quit, Judy Hess Payroll Clerk will be Index Clerk effective November 16, and the new Payroll Clerk will be Deborah Kay Aliff, effective November 16, salary \$17,460.00 a year plus benefits.

The meeting was adjourned. Next scheduled meeting is November 14, 1994.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
NOVEMBER 14, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBER Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in special session on this 14th day of November, 1994.

Payroll and outstanding bills were approved.

The Commissioners conducted canvass of General Election held on November 8, 1994. Certification of Election will be held on November 16, 1994 at 1:00 p.m.

Exonerations were signed and approved.

Commissioner Carte informed the Commission Judy Hess wants the Commission to approve payroll for Poll Workers; she will try to have checks prepared and issued before the end of the month. This was approved.

The Commissioners received and reviewed letter from the Office of the Governor acknowledging their request and stating funding not available at this time for Partnership funds for the Bellwood Community Facilities Improvement Corporation.

The Commissioners received/reviewed and signed Fire Protection Agreement for Loup Creek Volunteer Fire Department.

The Commissioners received/reviewed and signed from Sheriff Bill Laird pre-application regarding COPS FAST Application, federal funds available under the Violent Crime Control and Law Enforcement Act of 1994.

The Commissioners received and reviewed letter from the Fayette County Board of Education informing that on November 7,

1994 the Board voted to deed the closed Beards Fork Elementary School property to the County for use by the Beards Fork Community, Inc. for a Community Center.

The Commissioners received and reviewed letter from CableVision informing that Friday, November 11, 1994 beginning at 6:00 a.m. technical department will be performing routine maintenance cable services in the Oak Hill and Fayetteville area; cable would be interrupted.

The Commissioners received and reviewed letter from the Department of Tax and Revenue regarding State's recommendation for mineral appraisal change for property located in Fayette County.

The Commissioners received and reviewed letter from department of Tax and Revenue informing that Assessor Thomas Aiello has substantially complied with the "assessor's additional duties" entitling Mr. Aiello to the supplemental salary of \$11,000. This was approved to pay.

The Commissioners signed letter to Helicon Group, L.P. informing them of the non-payment of the franchise fees past due for April 30, 1994, July 30, 1994 and October 30, 1994 and the non-filing of a certificate of insurance.

The Commissioners received and reviewed check from the Circuit Court for \$22,741.61 in the case regarding Hawley Coal Mining Corporation vs. Imperial Coal Construction to be used for cost of the purchase and installation of computer equipment for the Circuit Clerk's Office.

The Commissioners received and reviewed letter from the United States District Court "defendants motion for summary Judgment" regarding Clint Ramsey Lawson, Sr. vs. Gene Carte, Jr., etal.

The Commissioners received and reviewed letter from Law Enforcement Coordinating Committee (LECC) informing of forum being held on Tuesday, November 29, 1994 at 9:00 a.m. at the Charleston Civic Center regarding funding made available through the Violent Crime Control and Law Enforcement Act of 1994.

The Commissioners received and reviewed letter from Magistrate Mike Parsons requesting that Dee Lively build shelves in arraignment room for Domestic Violence forms. This was approved.

Ms. Holly presented to the Commission bids from Earl Pauley on vacuum cleaner for second floor at courthouse. The Commission received, reviewed, and approved bids to purchase vacuum from Phillips Supply Company, amount \$460.00, as recommended by Earl.

The Commissioners signed letter to the Elected Officials and employees informing courthouse will be closed on Thursday, November 24, and Friday, November 25, 1994 in observance of Thanksgiving. Gene Carte opposed; John Lopez and John Witt approved.

Commissioner Witt directed Ms. Holly to write a letter to Business Records Corporation to inform them that the conduct of the General Election by BRC was unsatisfactory.

Paul Blake appeared before the Commission and reported that

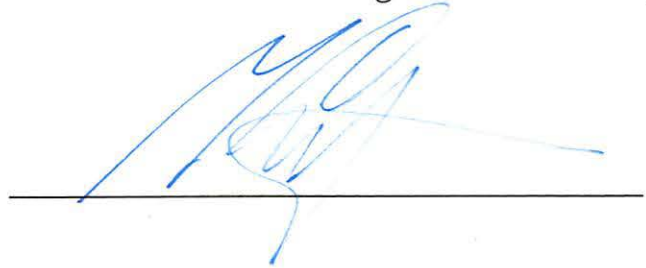
Vision Services had reviewed its agreement with the Fayette County Commission and had notified him that the Commission was correct in regard to its claim for date of service under the February 1, 1994, contract; application should be approved for 1 year from date of service under previous contract and then 2-year date of service applies.

Commissioners discussed with Kelvin Holliday and Charlotte Holly a letter of complaint from the janitor regarding poll officials at Danese Elementary. Ms. Holly stated that she had been notified by Linda Johnson on Election Day that the poll officials had called and complained that the chairs and tables that they had been provided were for kindergarten children; Dale Watkins with the Board of Education had been notified of the problem on election day. Also, Ms. Holly stated that she had received a telephone call from Danese Principal Ramona Watkins stating that the furniture provided was not kindergarten furniture but was used in the LMC by children and adults. Ms. Watkins had also notified her of rude treatment and demands toward the janitor from the poll officials. The Commission requested the County Clerk to write a letter to the poll officials regarding the complaints and reminding them that the Board of Education allowed the County use of the building at no charge for a polling place.

The Fayette County Commission received and reviewed a letter from Region IV regarding a meeting between Fayetteville, Page-Kincaid Public Service District, Beckwith Public Service

District, West Virginia American Water and the Fayette County
Commission.

Meeting adjourned. Next scheduled meeting November 16,
1994.

A handwritten signature in blue ink is positioned above a solid horizontal black line. The signature is stylized and appears to consist of several overlapping loops and strokes, though the specific name is illegible.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
NOVEMBER 16, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in special session on this 16th day of November, 1994.

Ms. Holly informed the Commissioners they needed to unlock the ballot room because on the night of the election the County Clerk's office placed the write-in tally sheets in the ballot cans; they would have to unlock so that the write-in votes could be certified today. The Commissioners approved to unlock ballot room to retrieve the write-in tally sheets. Ms. Holly informed the Commissioners she counted and the County Clerk counted and verified six valid write-ins tallied on election night..

The Commissioners certified General Election results held on November 8, 1994. Order and Certificates of Votes Cast for each candidate and amendments signed.

Bills were approved.

Ms. Holly informed she talked with W. D. Smith with Region 4 Planning and Development Council and was informed that the Corps of Engineers is wanting a pilot development project in our area. Commissioner Witt informed New Haven Public Service District is number one over anything. Ms. Holly informed Commissioner Witt that W. D. had discussed a ranking of various projects from the Commission but had forwarded these applications for New Haven

Public Service District. Ms. Holly presented to the Commissioners two applications for New Haven Public Service District Water System. Applications signed and approved. Ms. Holly will call Region IV regarding ranking of projects.

Ms. Holly informed the Commissioners she had received several phone calls complaining about Page-Kincaid Public Service District and that Ms. Mabel Harvey is asking for a meeting with the Commission to see if they could help. Discussion was held; the Commission decided to write a letter to the Public Service District Commissioners explaining the situation. Commissioner Lopez suggested the concerned citizens could call a meeting with the press and Page Kincaid Public Service District Commissioners.

The Commissioners received and reviewed letter from Tom Aiello, Assessor requesting that \$10,000.00 be paid out of the Assessor's Valuation Fund to the Fayette County Commission to offset costs associated with the Assessor's Supplemental System for payment on IBM AS-400 system being purchased by the County.

The Commissioners received and reviewed letter from Department of Agriculture informing Tom Aiello, Assessor, has completed the Farm Census of 1994 and is eligible to receive compensation, amount of \$2,904.00. This was approved to be paid.

The Commissioners received and reviewed letter from Kelvin Holliday, County Clerk addressed to the Poll Workers in Danese, Precinct 72 regarding the complaints received during the Primary and General Election from janitor.

Ms. Holly informed the Commission she received application

from Tim Richardson. Discussion was held regarding date applicant would start and salary. The Commissioners decided to hire Tim part-time as of December 1, 1994, to be paid \$8.00 an hour without benefits but with reimbursement for mileage.

The Commissioners received and reviewed minutes from Salem-Gatewood Public Service District for the month of October.

The Commissioners received and reviewed thank you letter from King and Spalding for their participation in signing resolution for West Virginia Solid Waste Disposal Facility Revenue Bond.

The Commissioners received and reviewed report from Chemical Bank regarding Residential Industrial Bond issued for Union Carbide.

The Commissioners received and reviewed letter from C & P Telephone regarding pay telephone 574-9871 on court street; informed phone wasn't making enough commission and would be removed if County did not wish to lease for \$36.76 monthly; monthly lease not approved.

The Commissioners received and reviewed application for employment of Regina Lilly.

Ms. Holly presented to the Commission a list of county properties with updated values from Jim Lively Insurance. List was approved.

Commissioner Lopez informed Mr. Lively that the Board of Education had donated Beards Fork Elementary School to the County for use as Beards Fork Community Center and informed this

property needed to be added to County's insurance. Commissioner Witt suggested that the County enter into agreements or leases to duly incorporated organizations on some of the buildings that are being turned into Community Centers.

Commissioner Lopez informed the Commission that Elkem Metals would be willing to talk with them again about the ballfield in Boomer.

Ms. Holly informed the Commission that the refrigerator door in the jury room in Courthouse Annex was warped according to the service technician; a replacement door would cost \$272.50. Ms. Holly will get price for a new refrigerator unit.

Ms. Holly informed the Commissioners she received invoice from Judge Hatcher for re-upholstering of Judge Summerfield's old chair, amount \$347.00. This was approved.

Ms. Holly informed the Commissioners she received environmental improvement blank revenue bonds from the Bank of New York for the 1976 Union Carbide Corporation project for the Commissioners signature but informed the Commissioners she would like to find out more about before they sign.

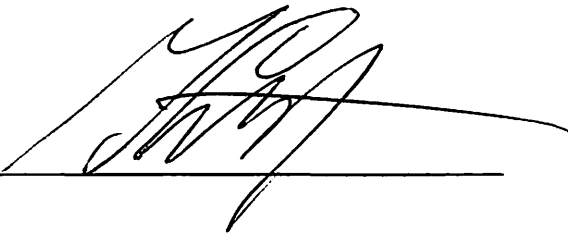
Commissioner Witt made motion to appoint Bud Hill to the Building Commission provided that he will accept appointment. Commissioner Lopez seconded. All approved.

Ms. Holly advised the Commission that the maintenance department had notified her that interior of the annex needed to be painted and that the switchboard operators had requested their office to be painted. She asked the Commission that if they had

no objections would it be okay for the maintenance crew to paint the annex this winter. This was approved.

The Commissioners received and reviewed payments from Helicon Group, L.P. for franchise fees owed for the quarters ending April 30, 1994, July 30, 1994, and October 30, 1994; total amount of check \$10,193.96.

Meeting was adjourned. Next scheduled meeting is November 30, 1994.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 30, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBER Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 30th day of November, 1994.

Ms. Holly informed the Commission that at the last meeting they received letter from Region 4 asking for a priority list of projects in the area to submit to the Army Corps of Engineers to be considered for a Market Feasibility Study (MFS) of public and private ventures, and she needed to know their recommendations. Commissioner Witt made a motion that New Haven Public Service District be the number one highest priority; Commissioner Lopez seconded; unanimous. Commissioner Witt suggested that Beckwith should be number 2.

Ms. Holly informed the Commissioners she had received official notice from West Virginia Development Office that the Small Cities Block Grant application for the New Haven Public Service District water extension project was rejected.

Ms. Holly presented to the Commissioners minutes of November 9, November 14, and November 16 for their approval. Commissioner Witt made motion to approve and sign minutes; Commissioner Lopez seconded; all approved. Minutes signed.

The Commissioners signed order appointing C. R. "Bud" Hill to the Fayette County Building Commission.

The Commission received and approved request from

Prosecuting Attorney to purchase second pager from Ram-Page for his use.

Ms. Holly informed the Commission that she was notified by Martha Hager that the Commission is supposed to process the payroll for the Juvenile Justice and Delinquency Prevention (JJDP) Grant Project Youth Service Program at Valley High School. Ms. Holly informed the Commission that she understood that we were basically a "pass through" agency and that she had talked with the Sheriff because she had understood that he had helped Ms. Hager prepare the application; Sheriff Laird said that he had not been involved with the project, and he suggested writing a letter to Ms. Hager to inform her that neither the Fayette County Commission nor the Fiscal Officer will be in a position to monitor the daily work activities. Discussion was held; Commissioner Witt suggested that if any foul up occurred with the money coming back to the County, the grant would be dropped immediately. Commissioner Lopez asked who hired the person for this position; Ms. Holly stated that she assumed the applicant was screened and hired by the YSDC Board. Commissioner Lopez informed Ms. Holly if they get behind with any portion of the project, to let the Commission know and the grant will be cancelled.

Ms. Holly informed the Commission that Jim Reed with the Department of Natural Resources called to invite them to a public meeting on Wednesday, December 7, 1994, at Fayetteville Fire Department at 6:00 p.m. to discuss Paint Creek water problems.

The Commissioners received and reviewed check in the amount

of \$28,494.52 for the Emergency Telephone System for the month of October, 1994.

The Commissioners received and reviewed check in the amount of \$1,000.00 for Fayette County's share of refinancing of the West Virginia Taxable Mortgage Revenue Compound Accretion Refunding Bonds, Series 1994.

The Commissioners received and reviewed a letter from the Prosecuting Attorney's Office regarding rescission of a previous order of the Commission of the City of Mount Hope Annexation by Minor Boundary change. Order cannot be rescinded.

The Commissioners signed list of holidays for the calendar year 1995.

The Commissioners received and approved invoice in the amount of \$1,125.00 from Leon Spencer of the Fayette Engineering Company for work on county precinct maps.

The Commissioners approved invoice to be paid from the Fire Levy Fund for Loup Creek Fire Department in the amount of \$21,402.00.

Ms. Holly presented a proposed order for review by the Commissioners to update the vacation and sick leave policies for county employees based on previous meetings with other elected officials regarding these policies. Ms. Holly recommended that an order should be entered soon since it had been previously approved to be effective January 1, 1995, and vacation and sick leave is based on the calendar year. Discussion was held. It was decided to discuss vacation and sick leave policies on December 15, 1994.

The Commissioners approved to cancel December 28, 1994 Commission meeting; December 30th payroll to be approved on December 15.

Discussion was held regarding the West Virginia Public Employees Insurance. Commissioner Witt made motion to keep an employee's premium contribution the same as employee premium current policy regardless of employee's choice of coverage; Commissioner Lopez seconded; Commissioner Carte opposed. Vote passed 2-1.

Ms. Holly informed the Commissioners that Beards Fork Community Organization, Inc. is a Corporation recorded in County Clerk's Office. Ms. Holly informed the Commissioners that the letter dated November 10, 1994 from the Board of Education stated that the Commission would be solely responsible for insurance, maintenance, utilities and any other expenses. The Commissioners informed Ms. Holly they would not be responsible for maintenance or utilities of the building and that their only responsibility would be for the liability insurance.

Ms. Holly informed the Commission that Earl Pauley had recommended that Steve Cruikshank's county vehicle needed to be painted; the vehicle is in good condition except paint had peeled off roof. Ms. Holly informed the Commissioners that Earl Pauley would be getting bids for painting roof and/or entire vehicle. Approved to have vehicle painted.

Ms. Holly informed the Commissioners she had checked with the manufacturer on the cost of replacing the refrigerator door in the jury room in the Courthouse Annex and the cost would be

\$272.50 and that for a new refrigerator from the same manufacturer the cost would be \$390.00. Ms. Holly asked if the Commission wanted to approve either of these options or purchase a small refrigerator locally. Commissioner Witt made motion to get another refrigerator. Discussion was held; Commissioner Witt withdrew motion. Commissioner Carte made motion to buy a new refrigerator. Motion was postponed until they went to Annex to check refrigerator.

The Commission received and reviewed a letter from the State Emergency Response Commission informing that the County LEPC is eligible to apply for a Program Implementation Grant. A copy of the letter was given to Steve Cruikshank, EMS Coordinator.

The Commissioners met with Robert P. Coffelt on a continuance of a request to change land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on part of 5.498 acres, near Court House, located on Maple Lane at Corridor "L", next to Beckley Replacement Windows, New Haven District.

The applicant was present and several people were again present in opposition to this request. Gary Harding, Zoning Officer reformed the Commission that the vote by the Planning Commission was 10 to 1 to recommend that this be changed to the P-D, Planned Development District. Mr. Massey, Planning Commission Chairman presented a proposal by Woolpert Associates that stated they as part of their study proposal to update the zoning classifications along Route 19 were recommending this be changed to B-3, Highway Commercial. Mr. Massey stated that this

was merely a recommendation and had not been acted on by the Planning Commission; therefore, he would like to see the property go to P-D until the Planning Commission had time to review the recommendations and act on them. After a general discussion, Mr. Lopez made a motion that he was recommending this request be approved to Planned Development as recommended by the Planning Commission; motion was seconded by Commissioner Witt and passed by a vote of 2-1 with Commissioner Carte voting no on the motion.

Lee Massey asked the Commission if they would write a letter to Donald C. Newell, Jr., D.O. Physician/Director endorsing the Fayette County Health Department's effort to increase the rate of 4-3-1 immunization of 0-2 years old to an average of 70% for the county by December 31, 1995. Letter prepared and signed.

Commissioner Witt suggested writing letter to Governor Caperton asking why New Haven Public Service District water project was turned down. Commissioner Carte suggested sending over to Senator Shirley Love.

Ron Walton with the Whipple Community in Action appeared before the Commission to inform the Commissioners that he had talked with Eric Showalter with Mountain Laurel about leasing 2 to 3 acres of land for \$.01 cent a year for 99 years, but that Mr. Showalter would have to talk with his boss and get back with him. Commission agreed to enter lease if possible, to provide liability coverage if County leased property, and to have said leased property surveyed; County would make arrangement for survey if property is leased. Commissioner Carte informed Mr. Walton that Henry Armstrong, Assistant Prosecuting Attorney, had

received a response rejecting the offer for the Pace property. Commissioner Carte informed Mr. Walton that the Commission had acted previously not to offer any more than \$4,000.00 on said property.

Ron Walton asked if he could get the playground equipment and put it on property behind his store. Mr. Carte informed that the playground equipment is stored at Fayette County Park; Commissioner Carte asked Ms. Holly to call Earl Pauley and inform him that Ron would be down to look at the playground equipment. Commission approved for county park employees to move playground equipment to Whipple and to set it up. Discussion was held about getting County bulldozer and other equipment and county employees to grade playground property. Commissioner Witt suggested waiting until Mountain Laurel has agreed to lease. Ms. Holly informed Ron that the Commission could not do anything to the property unless they have a signed lease.

Mr. Walton asked the Commissioners to type some form of document to give to the Whipple Community in Action so they could proceed with the National Guard to tear down old abandon houses in area. The Commission informed Ron that the Prosecuting Attorney is checking on the list of property owners given to them, and they are waiting on Prosecuting Attorney's response. Commissioner Witt informed Ron the Commission cannot do anything until they hear from the Prosecuting Attorney.

Exonerations were approved and signed.

Ms. Holly informed the Commission that she had been notified by the Assessor's Office that Gerome Litton had made an over-

payment on 1st and 2nd half taxes for 1993. Also, the Assessor's office recommended approval of Mr. Litton's request that the Commission give him credit on 1994 taxes and future years until overpayment fully credited; this was approved; Ms. Holly to prepare order.

Ms. Holly informed the Commissioners that Gene Walker called and could not appear today; Mr. Walker reported that he is roofing houses as he can and that the middle house will be torn down as soon as possible. Also, Thelma Baldry had been notified of Mr. Walker's plan.

Ms. Holly presented petition for elective share from Attorney Robert S. Kiss in the Estate of Elizabeth Allen Hylton. The Commission asked Ms. Holly to call and schedule for hearing.

The Commissioners recessed to go into Executive Session regarding personnel matter.

Meeting resumed; no decision was made regarding personnel matter.

Ms. Holly informed the Commissioners she had received Union Carbide bonds from The Bank of New York for the Commission to sign. Informed the Commission she felt bond No. R14 that is to be transferred should be signed but did not recommend that the Commission sign the five blank bonds for future use. Commissioner Carte informed the Commission will sign Bond R14 to be transferred but would not sign blank bonds.

Ms. Holly informed the Commission that Bob Arthur is requesting fan for upstairs West Virginia University Extension Office. This was approved.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone system for the months of September and October.

The Commissioners received and reviewed list of employees who will be attending the Secretary of State Motor Voter Workshop being held at the Raleigh County Armory on Tuesday, December 6, 1994.

The Commissioners received and reviewed check in the amount of \$370.45 for franchise fees from Rifkin Communications.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Wolf Creek Public Service District requesting a completed July 1994 Customer Certification form.

The Commissioners received and reviewed copy of the Mountain RC&D Annual Report and a copy of the Annual Meeting minutes.

The Commissioners received and reviewed an audit report for fiscal year ending June 30, 1994 from Nuttall Volunteer Fire Department.

The Commissioners received and reviewed from David Thomas, District Engineer of the Beckley District Environmental Health Office, a sanitary survey regarding Kanawha Falls Community Water Association's Public Water Supply System.

The Commissioners received and reviewed list of bonds to be destroyed from Chemical Bank regarding Industrial Bond issue for Union Carbide.

The Commissioners received and reviewed a copy of a letter to W. D. Smith from Page-Kincaid Public Service District

regarding setting up a meeting with West Virginia American Water Association.

Ms Holly informed the Commission that Mary Lou Schmidt with the West Virginia University Extension Office would like to purchase a modem for a lap top computer which could be purchased from Morgantown for \$130.00. Commissioner Witt made motion to purchase modem for lap top computer; Commissioner Lopez seconded. All approved.

The Commission approved voucher from Worthless Check Fund to Motorola for \$1,568.50 for pagers for Magistrates.

Ms. Holly informed the Commission that she had gotten bids for a wringer washer machine and an automatic washer; John W. Eye was only vendor contacted that had a wringer washer, and the bid for a Crosley Wringer Washer was \$399.95; automatic washer bids ranged from \$329.00-\$369.00. Discussion was held; the Commission decided to hold off on purchase. Commissioner Lopez informed he would check with other vendors for bids on wringer washer.

The Commissioners approved overtime for James Perdue . Ms. Holly informed James did work the Friday after Thanksgiving to have the Courthouse opened for the judiciary.

The Commissioners received and reviewed a copy of a letter from West Virginia Cable Television Advisory Board to Rifkin and Associates regarding review of 1220 filing.

The Commissioners received and reviewed letter from Fayette Family Resource Network informing of meeting on Tuesday, December 12, 1994, at the Fayette County Board of Education at 7:00 p.m. to explain the concept of Family Assessment Intake and Referral

process.

The Commissioners received and reviewed letter from Green Thumb inviting the Commission to participate in the White House Conference on Aging Rural Mine Conference.

The Commissioners signed order for approval of grant for Fayette County Emergency Food Assistance Center for truck repairs. Amount \$1,500.00.

The Commissioners received and reviewed letter from Cleek, Pullin, Knopf and Fowler regarding Clint R. Lawson, Sr. v. Gene Carte, Jr., et al.

The Commissioners received and reviewed certificate of service for "Defendants' Request for Production of Documents" regarding Clint R. Lawson, Sr. v. Gene Carte, Jr., et al.

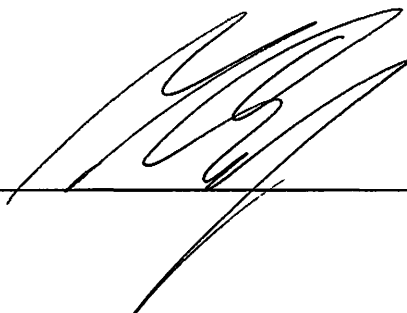
The Commissioners received and reviewed letter from the Department of Tax and Revenue regarding amendment adopted in the Basic State Aid Formula to Public Schools.

Payroll and outstanding bills were approved.

Ms. Holly asked if the Commission knew the status of the county flag project that had been undertaken by the Fayette County Historic Landmark Commission; the Commission did not know the status of the project.

Ms. Holly gave each of the Commissioners a copy received from the West Virginia Department of Tax & Revenue of a flowchart of the Worthless Check Fund.

The meeting was adjourned. Next scheduled meeting is
December 7, 1994.



11-30-94

Zoning Hearing

2-396-94-5

Change land Classification from RR1 to B-2

1. Robert Coffey
2. W. Coffey
3. Juanita Fazio
4. Lois Ann Conner
5. Virginia Underwood
6. Gary Underwood
7. Ralph Fazio
8. Clarence W. Conner
9. ~~Henry Morris~~
- 10.
- 11.
- 12.

Charlotte

Fine

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 5, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 5th day of October, 1994.

Carl Harris appeared before the Commission to discuss Leash Law and asked the Commissioners what penalties or fines they wanted to include in proposal. Commissioner Carte questioned about dogs running loose that have tags. Commissioner Witt informed Greenbrier County just adopted leash law. After discussion, Commissioner Witt suggested to Carl to get copy of Greenbrier County Leash Law and get back with them so that they could review it. Commissioner Witt asked about including cats. Carl informed that if the Commissioners wanted to put something in law regarding cats they could.

Commissioner Carte asked the Commission if there is some way they could help the Whipple Group. Discussion was held; no decision was made.

Commissioner Lopez made motions that minutes for September 21st and September 28th be approved. Commissioner Witt seconded. Minutes signed and approved. Ms. Holly informed the correction on minutes of August 15 was made deleting the reference to the Gideon Bible. Approved.

Ms. Holly informed the Commissioners that 60-day notices to Steve Campbell and Jack Clark were prepared. Commissioner Lopez

suggested holding until this afternoon.

The Commissioners signed letter to Mr. Wilbert McCormick apologizing for clean-up letter sent August 31, 1994.

The Commissioners signed letter to One Valley Bank giving approval to replace lost Bond #R-51 @5,000 and Bond #R-52 @5,000 due 2/1/2011 Cusip #312533 AK8 registered to Franklin R. DeWitt.

The Commissioners signed thank you letters to the people who helped with the rededication of the Memorial Building and dedication of "Doughboy" Statue portrait.

The Commissioners signed letter to George W. Jordan informing that the county has no plan to dispose of or transfer the following requested county owned property: 1 upright freezer, 12 box fans, 1 gas stove/oven with hood, 1 compressor and cooling unit for walk-in refrigerator.

Ms. Holly informed the Commissioners she talked with David Neal; he informed her that there is a widespread disregard for the E-911 Ambulance Provider regulations and would like the Commissioners to approve letter he would be sending to all ambulance providers. Mr. Neal informed the notification will become effective immediately following the next meeting of the Ambulance Committee. Approved. The Commissioners asked that a copy of letter be sent to Advisory Board members.

President Carte received call from Mabel Harvey informing Page-Kincaid Public Service District has not moved meeting place.

Attorney Phil Tissue appeared before the Commission regarding the Estate of Denver Walker, informed the Commissioners

he would like to make two motions 1) for the Commissioners to call upon Mrs. Rosa Kivett to produce marriage license. Attorney Kelly Kemp objected to the motion; feels Commissioners shouldn't make ruling on motion until she has the opportunity to present testimony. Discussion was held; President Carte asked if there was a marriage license. Attorney Kemp informed no. The Commissioners ruled that Mr. Tissue's motion be sustained.

Attorney Tissue's second motion was that the paper work presented to the County Clerk on September 13, 1994 and the will should not have been submitted to probate and asked the Commissioners to rule it invalid. Stephanie McCain, Tracy Walker, and Rosa Kivett were sworn in and questioned. Discussion was held; the Commissioners took ten minute recess.

Laurel Allen and Kim Casto appeared before the Commissioners regarding inducement resolution for tax exempt bond issue for Georgia-Pacific. Ms. Holly informed the Commissioners that Prosecuting Attorney Paul Blake had talked with Mr. Holby regarding bond issue and informed the Commissioners they had no financial involvement. Commissioner Witt asked Carl Harris if he recommended leaving same figures (50 million). Carl informed that figure would be okay. Commissioner Lopez made motion to adopt resolution for the West Virginia Solid Waste Disposal Facility Revenue Bond (Georgia-Pacific Corp. Project), Series 1994. Commissioner Witt seconded. All approved.

Steve Cruikshank appeared before the Commissioners informing of emergency problem for the Town of Pax; informed Town needed

new water pump immediately or town would be without water. Cost of pump would be approximately \$2,000. Steve asked the Commission if they would help toward purchase of one. Steve informed the state would contribute toward cost also. Discussion held. Commissioner Witt made motion that based on the request of Emergency Services Director Steve Cruikshank for the Town of Pax, the County approve to contribute \$500 toward purchase of water pump. Commissioner Lopez seconded. All approved.

After recess the Commissioners continued hearing of Denver Walker Estate. Attorney Kemp informed the Commission she had another witness to present. Attorney Tissue objected to Glen Clanahan testifying; objection upheld. Based on consideration of the opinion of there being no legal marriage between Walker and Kivett, the Commissioners moved that Ms. Kivett should be removed as Administratrix, cta of the estate of Denver Walker and reported will of Denver Walker should not be allowed. The Commissioners asked that Phil Tissue prepare order.

Ms. Holly presented to the Commissioners with a list of Polling Places for General Election, November 8, 1994. Approved.

It was decided to talk about moving precinct in Valley District after General Election.

Ms. Holly informed the Commissioners that after the last Commission meeting adjourned Everette Steele had brought over invoices for car video equipment grant for payment by September 30, 1994; informed the Commissioners she had advised Everette that vouchers could be prepared but would have the Commissioners

approve in this meeting. Vouchers were signed and approved.

The Commissioners approved and signed purchase order for the Assessor's Office to purchase 2 (two) 1995 Jeep Cherokees. Cost per state bid \$19,651.78 each to be paid from Assessor's Valuation Fund.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone System for the month of August, 1994.

The Commissioners received and reviewed check in the amount of \$28,301.60 for the Emergency Telephone System for the month of August, 1994.

The Commissioners received and reviewed annual payment in lieu of taxes for federally owned entitlement land authorized by Section 6902 to county in the amount of \$15,832.00. Also, received and reviewed payment for land or interest therein acquired by the U. S. for addition to the National Park System or National Forest Wilderness authorized by Section 6904 for distribution to local governments and school districts in the amount of \$48,410.00.

The Commissioners received and reviewed copy of answer filed for housing of state prisoners from the Office of the Attorney General to West Virginia Court of Claims. Copy given to Sheriff.

The Commissioners received and reviewed copy of Audit Report from White Oak Public Service District and copy of Annual Report for year ended June 30, 1994.

The Commissioners received and reviewed copy of meeting for

Deepwater Public Service District for the month of August.

The Commissioners received and reviewed copy of purchase agreement to sell to the Lewis County Commission on behalf of Gilmer County a radio cabinet and base as previously presented by Steve Cruikshank. Amount \$3,000.00

The Commissioners received and reviewed letter from Judy Gunsaulis informing of Melba Carter resignation from Library Board and asking that Steve Nunley or Connie Robertson be appointed; informed both had been contacted and are willing to serve. Commissioner Witt made motion to appoint Connie Robertson member of Fayette County Public Library Board. Commissioner Lopez seconded. All approved.

The Commissioners suggested to still hold off paying Mountain Transit Authority (MTA) fiscal year 1995 contribution.

Ms. Holly informed she had talked with Earl Pauley and he's getting prices on salt for de-icing. Also, Ms. Holly reported that she had asked Earl if he and the park employees planned to plow the snow on the courthouse parking lots this winter and he had said yes. Commission approved.

Ms. Holly asked if Commission still wanted to plow grassed area between annex parking lots in order to plant shrubbery. Informed grass had grown good in area but it was difficult to mow when cars are parked nearby because of grass discharge. Commissioners decided to leave grass as is.

President Carte/Ms. Holly informed that Carol Coleman of Jodie wanted to know if Commissioners would donate \$700 to

purchase mowing equipment. Commissioners suggested discussing at next meeting.

Ms. Holly informed Bert Horrocks had given her cost to install low band radio in county truck. Amount \$180.00. This was approved.

Dog Warden Report for the month of September was received and reviewed.

Ms. Holly informed the Commissioners Kelvin Holliday had talked with her about purchasing an overhead projector with a cracked lens for use during elections. Ms. Holly informed the Commissioners she told Kelvin she felt the little time they needed a projector that they could borrow one from the Extension Office. The original amount was \$340.00 but since lens was cracked it would cost county \$255.00. Ms. Holly informed the Commission that Linda Johnson had talked with Ron Pugh with Dayton Legal Blank, and she informed this wasn't anything the clerk's office could use. The Commissioners voted no to purchase.

The Commissioners received and reviewed update from Louis Bloom regarding the West Virginia Public Employees Insurance Agency.

Ms. Holly asked the Commissioners if they wanted to talk about the Computer System for courthouse today; Commission decided to wait and discuss at next meeting.

The Commissioners decided to hold bids for repair of roof for Prosecuting Attorney's Office until next meeting.

The Commissioners decided to go with Casto Technical Service for HVAC Maintenance in Annex. Agreement approved and signed.

Ms. Holly informed the Commissioners that two vacancies exist on the Building Commission and asked if they wanted to consider appointing anyone. Commissioners suggested to hold off.

The Commissioners approved voucher to purchase supplies for medicine cabinet downstairs.

Ms. Holly informed the Commissioners that canvass is to be held on Monday, November 14 and asked if they wanted to conduct canvass in the courtroom if available. She had checked with Karen Fezell about using courtroom and had been advised that a trial is scheduled on that date. The Commission requested Ms. Holly to schedule the courtroom if it is available on that date.

Ms. Holly informed the Commissioners she received request from Judge Hatcher asking the Commission to purchase door mats to be placed at the entrances of the 2 gates in the courtroom and 1 at each entrance to the courtroom. This was approved.

Commissioner Witt informed the Commissioners that on Tuesday, October 11, 1994, at 7:00 p.m. West Virginia American Water will present proposal for Regional Water System.

Ms. Holly informed the Commission she would be off Friday for medical test.

Commissioner Lopez suggested writing letter to Elkem informing that at this time the Commission is not interested in purchase of Boomer Baseball Field. Commissioner Witt made motion to back off on purchasing of property. Commissioner Lopez

seconded. All approved.

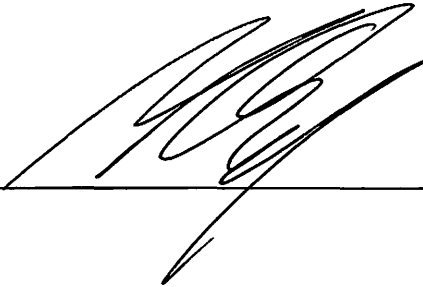
Commissioner Witt informed he was in favor of sending letter to Jack Clark. Commissioner Lopez and Commissioner Carte said to hold letter to Clark but to send letter to Steve Campbell.

Commissioner Carte suggested talking with Jess Andrews about cleaning up the property at Whipple that they have sent letters out to owners.

Ms. Holly informed the Commissioners that Thelma Baldry was by her office regarding Gene Walker property in Minden. The Commission sent Mr. Walker a 90-day letter on August 31, 1994.

Vouchers and bills were signed and approved.

The meeting was adjourned. Next scheduled meeting is October 14, 1994.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 14, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John L. Witt

The Fayette County Commission met in regular session on this 14th day of October, 1994.

The Commissioners received and reviewed notice from Citizen's Advisory Board informing of meeting Tuesday, October 18, 1994 at 4:00 p.m. in front lobby of the Southern Regional Juvenile Detention Center.

Payroll approved.

Ms. Holly informed the Commission that she talked with Larry Parsons about equipment at Landfill; Mr. Parsons informed Solid Waste Authority is not keeping any of the equipment and Commission can transport all equipment to Park; P-Pod is using own equipment to cover tires.

The Commissioners received/reviewed and signed two resolutions regarding 21-Municipalities, West Virginia Single Family Mortgage Revenue Bond Issue, Series 1984 and 25-Municipalities, West Virginia Single Family Mortgage Revenue Bond Issue, Series 1983.

Ms. Holly informed the Commissioners on Tuesday, November 1, 1994 at 10:30 a.m. inspection of the voting devices and at 11:00 a.m. testing of the tabulating equipment will be held. Copy of the official voter registration totals was received and reviewed from County Clerk Kelvin Holliday.

The Commissioners signed order appointing Connie Robertson to fill unexpired term of Melba Carter on the Fayette County Library Board.

Ms. Holly informed the Commissioners she had talked with Pepsi Cola representative regarding pepsi machine at annex and was informed that it's required to sell 250 cases annually; last year only sold 41 cases and this year it's estimated to be about the same. Pepsi informed the county that if they want to keep a machine at the annex, they would have to start paying \$15.00 a month for rent since the required annual number of cases of soda wasn't sold. The Commission informed Ms. Holly to have Pepsi to remove machine.

Ms. Holly informed the Commissioners she talked with Earl Pauley and informed during storm lightning had struck a few things including the satellite dish and telephones at park; he had already turned claim into the insurance, deductible \$1,000; estimate for repair of receiver and drive on satellite dish \$1,115 and 3 telephones, \$200. Also, the television in the Magistrate Office was struck and a fuse was replaced at no charge. Commissioner Witt asked that Earl get another price on satellite cost.

The Commissioners authorized opening courthouse for public restroom facilities on Bridge Day if a janitor was available to work from 9:00 a.m. to 3:00 p.m.

The Commissioners received and reviewed letter from Firestone Building Products Company informing they inspected

Sutter Roofing and Metals Company repairs at Memorial Building. Copy given to Carl Harris, Assistant Prosecuting and Dee Lively, Maintenance.

The Commissioners received and reviewed letter from Sutter Roofing and Metal Company certifying that all the material installed and work performed at the Memorial Building was completed in compliance with Firestone Technical specifications. Copy given to Carl Harris, and Dee Lively.

The Commissioners approved to pay invoices from Firestone Building Products Company in the amount of \$4,210.00 and Sutter Roofing and Metal Company in the amount of \$9,790.00 for repairs to roof at Memorial Building as previously agreed.

President Carte informed the Commissioners that it was suggested by Connie Reno to add shelf in unisex bathroom. Ms. Holly suggested putting hook on the wall; informed the Commissioners that since this is a handicap facility she wasn't sure about the regulations on adding shelf or how much space is required but would check requirements.

The Commissioners received and reviewed letter form Woelfel and Young regarding \$1,900 invoice for drains from Par Roofing, Inc. It was suggested copy be sent to Carl Harris for advice on liability of County since repair work did not solve problem.

The Commissioners signed letter to Elkem Metals declining offer to donate Boomer ballfield to the County, informing that due to financial constraints, the County is not in a position at this time to commit the money that would need to be expended for

repairs, improvements, and general maintenance.

The Commissioners received and reviewed letter of thanks from Green Thumb, Inc. for assisting Herman Hudnall in obtaining employment at the Fayette County Park off the Kentucky/West Virginia Green Thumb program.

The Commissioners received and reviewed letter from Sheriff Laird regarding acceptance of reduced Court of Claim Action #CC-94-578 for the confinement of State inmates in the Fayette County Jail.

The Commissioners received and reviewed Quarterly Report from Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed minutes for the month of August from Gauley River Public Service District.

The Commissioners received and reviewed letter from State Tax Department regarding procedures for exonerations in Assessor's Office.

The Commissioners received and reviewed proposals for bids on Prosecuting Attorney Office roof; Rick Myles Construction, Amount \$21,160.00, 4-M Plumbing, Amount \$31,582.00. Commissioner Witt moved to accept lower bid from Rick Myles. Commissioner Carte seconded. All approved. Mr. Myles will repair front roof-\$13,922.00, back roof-\$3,738.00 and brick work-\$2,200.00 and siding on back wall only-\$1,300.00. Commissioner Witt asked about the type of siding and to let him know when Rick could start work because he was concerned about weather. Commission decided to leave start date up to Mr. Myles' best judgment.

Delegate John Pino, residents of Bellwood, W. D. Smith with Region 4 appeared before the Commissioners to request the Commission to contribute to Bellwood project. Informed the Commissioners that Governor's Office has committed to \$25,000 verbally, or more if County contributed. Informed this was a community owned system and not with Public Service Commission. The Commissioners asked if they applied for Governor's Partnership grant; Ms. Holly stated that a Partnership Grant application had been filed by the Commission on behalf of Bellwood. Commissioner Witt suggested each resident come up with \$100 for matching funds and to advertise for contractor. Ms. Holly informed that since this would be a Partnership grant and it would be over \$5,000, the County would have to advertise. Commissioner Carte proposed to pledge \$10,000 to project for right now and take pledge back to Governor's Office. Commissioner Witt seconded. Vote unanimous. Ms. Holly suggested they check and try to get volunteers for labor and heavy equipment. W. D. informed they would have to write this into grant. Commissioner Witt suggested to the group to continue to work with W. D. and John Pino to get project going. Letter of commitment to be mailed to the Governor's office from County Commission.

Exonerations were approved and signed.

Everette Steele, Clarence Martin, and Charles "Chuck" Moses members of the Fayette County Sheriff Association appeared before the Commission to present plaque to the Commissioners thanking

them for their support and appreciation for everything the Commission has done in helping Sheriff Department.

The Commissioners received and reviewed Audit Report for fiscal year ending June 30, 1992, 1993, 1994 from Gauley Bridge Volunteer Fire Department.

The Commissioners received/reviewed and signed renewal agreement service on copier for Road Office.

Ms. Holly informed she called Carol Coleman and was advised they have received some of the money for tractor for cutting brush and were requesting the Commission to contribute \$700.00. Commissioner Carte suggested tabling until November 9th.

Ms. Holly informed the Commissioners that in August the Assessor and County Commission received a letter from Steve Rhodes informing of error in tax ticket and stating property should be Class 2 instead of Class 4. Ms. Holly informed she talked with the Assessor's Office and they recommended credit for tax year 1989, 1990, 1991, 1992 and 1993 in total amount of \$665.50 in the form of a credit against taxes owing for 1994 and for the following year or years with said tax relief being spread over the year or years until debit is paid. The Commissioners approved and order signed.

Ms. Holly informed the Commissioners that the Solid Waste Authority was returning the equipment at the landfill to the Commission but that it probably will have to be moved at County's expense; approved. Informed Earl Pauley would like to have the metal building from the landfill for the park for exhibits and storage as previously approved by the Solid Waste Authority, but

Earl would need to pour concrete floor for building; approved. Mr. Witt requested that he look at the proposed location for the building at the park prior to setting it in place.

Ms. Holly informed the Commissioners that representative from Church of God had called Earl Pauley and asked if they could reserve camp at Park for 3 consecutive weeks; informed they would pay in advance for camp. Ms. Holly informed Earl said he had no problem with this but requested approval to talk with Camp Kismet to see if they would change their camp back to its original date in August and with Carol Zickafoose about Girl Scout day camp. The Commissioners informed they have no objections if all parties would agree.

Ms. Holly informed the Commissioners Diane Pauley would like to replace carpet in kitchen at Park; informed she would pay for carpet if Commission had no objection to replacement. This was approved.

The Commissioners approved bid received on July 15, 1994, from Software Systems, Inc. as previously advertised and authorized Ms. Holly to purchase IBM AS/400 including replacement of all the current software, hardware and maintenance, and hardware for Circuit Clerk. Ms. Holly informed the Supreme Court is still willing to purchase software for Circuit Clerk.

Kelvin Holliday appeared before the Commissioners informing the Commission of New National Motor Voter Law effective January 1, 1995 and asked the Commission if it was alright to purchase necessary registration forms. The Commission asked Ms. Holly her opinion and she advised the Commissioners that if all the

forms had been changed to conform with the new law that they would have to purchase new forms. The Commissioners approved to order new forms for voters registration office through Secretary of States Office at bulk rate.

Kelvin also requested purchasing, 6-lockable, legal size 3-4 drawer file cabinets, time clock for voters (State will partially reimburse), a second terminal for Assistant Registrar, 2-IBM Wheelwriter typewriters; no decision was made. Kelvin asked if the Commissioners would do something with old Xerox 9200 machine in office so he could install smaller machine so it could be utilized while Tom Woodrum is doing his daily recording. Discussion was held; the Commissioners approved to junk Xerox 9200 machine since previous attempts to give the machine to a school had been unsuccessful and its size and cost of maintenance did not meet County needs for use or storage. Kelvin also asked about additional storage space; the Commissioners advised Kelvin to utilize the storage space he already has. He informed the Commissioners of the bug problem in the lounge; Ms. Holly informed James Perdue had sprayed Saturday for bug problem.

The Commissioners signed letter to Jack Clark requesting status report regarding property.

The Commissioners signed monthly sales tax report for the Fayette County Park for the month of September.

Ms. Holly informed the Commissioners she had received several complaints regarding Vision Service Plan and informed the Commission she felt that Vision Care is not fulfilling contract. Vision Care has advised her that employees would have to wait 2

years from last date of service before they could get approval for additional service. The Commissioners suggested sending contract to Carl Harris for his review.

Ms. Holly asked the Commissioners if they were going to appoint someone on Building Commission today. The Commissioners informed no.

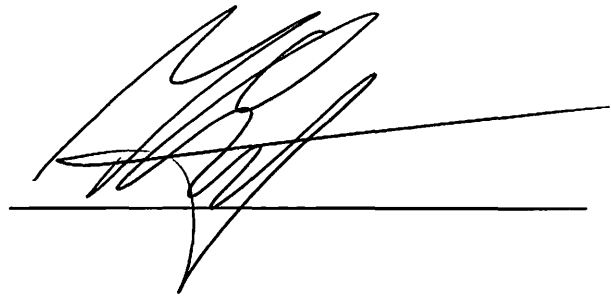
The Commissioners discussed the Courthouse Centennial in 1995; it was approved to send a letter to Gordon Billheimer, Chairman, Juanita Akers, and Pat Wendell informing them of their appointment as members of the ad hoc committee.

The Commissioners approved invoice from Jim Lively Insurance for adding property to Blanket Coverage. Amount \$56.10 payable to PENCO.

Commissioner Witt advised Commission of request of Homemakers Club for need of electricity for small pine trees in front of courthouse. Approved. Mr. Witt requested Ms. Holly to call Betty Mulligan.

Invoices and bills were approved.

Meeting was adjourned. Next scheduled meeting is October 26, 1994.

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

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 26, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez

The Fayette County Commission met in regular session on this 26th day of October, 1994.

Ms. Holly presented to the Commissioners letter from Jerome Litton regarding selling of his delinquent property while there is a question as to whether the tax is correct. Mr. Aiello informed Eddie Young is working to straighten out problem. Copy of Mr. Litton's letter was given to Tom Aiello.

Ms. Holly presented to the Commissioners copy of letter from Sheriff Laird regarding monthly Regional Jail invoices for the month of September; also, the Sheriff prepared separate invoices to the Cities of Oak Hill and Mount Hope reflecting our expenses for city commitments. The Commissioners approved and signed invoices.

Ms. Holly informed the Commissioners she reviewed complaint investigation from Gary Harding regarding George Ramsey property. Mr. Harding reviewed and talked with owner; owner is willing to clean-up. The Commissioner signed clean up letter.

Ms. Holly informed the Commissioners that in a previous meeting they had discussed Division of Correction answer to claim CC-94-578; by way of compromise, the Commissioners unanimously agreed to accept settlement of \$53,235.06. In a previous letter,

the Sheriff concurred. Ms. Holly informed she received call from Division of Corrections informing they needed letter regarding decision. Letter to Division of Corrections was signed.

The Commissioners signed order regarding number of vote-matics to be used for General Election, November 8, 1994.

The Commissioners signed letters to Gordon Billheimer, Juanita Akers and Pat Wendell requesting that they serve as members of the ad hoc Fayette County Courthouse Centennial Committee.

The Commissioners received and reviewed letter from Thomas B. Bell, Chairman of the Fayette County Historic Landmark Commission informing George Bragg had resigned and requested to the Commission that Carolyn Hill be appointed to fill unexpired term. Order prepared and signed.

Ms. Holly informed the Commissioners she had talked with Dee Lively, washer in basement needed repair work; the cost would be \$334.00 and Serviceman informed it would be best to replace. Commissioner Lopez advised Ms. Holly to talk with Dee and see if old wringer type would do job.

The Commissioner received and reviewed letter from Paint Creek Flood Protection. Copy given to Steve Cruikshank, EMS Coordinator. The Commissioners suggested possibly using equipment from Landfill.

The Commissioners received and reviewed copy of letter from Delegate John Pino to John Perdue informing him of pledge the Commission made for the Bellwood Community Water System.

The Commissioners received and reviewed letter from Kelvin Holliday informing the inspection of the vote recording devices will be held on Tuesday, November 1, 1994 at 10:30 a.m. and testing of tabulating equipment will be at 11:00 a.m. Notice posted.

The Commissioners received and reviewed letter from West Virginia Development Office regarding final closeout for the Northern Fayette County Regional Water Project, FY 1988 Small Cities Block Grant.

The Commissioners received and reviewed letter from Conrail informing of emergency telephone numbers to use involving an emergency at Conrail. Copy sent to Steve Cruikshank.

The Commissioners received and reviewed responding letter from Jack Clark regarding clean up of his property and buildings. Mr. Clark informed the Commissioners he had asked Ms. Skaggs to help him find someone to tear down buildings. Ms. Holly was asked whether or not a fire permit was needed. The Commissioners asked that she check with Steve Cruikshank. Commissioner Carte informed he was satisfied that Mr. Clark is trying to clean up property. Commissioner Lopez informed he appreciated Mr. Clark's efforts.

Carl Harris presented to the Commission Order for Phil Tissue regarding the Gilkerson Estate. Commissioner Carte gave order to Kelvin Holliday.

Carl presented to the Commission a copy of Greenbrier County Dog Leash Law Ordinance and informed the Commissioners he would draft up one for the County, but it will not effect

municipalities. Discussion was held regarding changing the penalties. Commission recommended a \$25-\$500 penalty.

Commissioner Carte informed the Commission that Ron Walton had informed him that the National Guard is willing to tear down and clean up old buildings and structures in the Whipple area. Carl Harris informed the Commissioners they would have to provide owner with notice before tearing down anything. Discussion was held; it was decided that Carl do title search on the properties in questioned. Commissioner Carte suggested 1st weekend in January the 7th and 8th plan to clean up area.

Ms. Holly informed the Commissioners in last meeting they asked Carl Harris to review past due invoices from Par Roofing, Inc. The Commissioners received and reviewed letter from Carl informing the County is responsible and would have to pay for these attempted repairs even though they did not work. This was approved.

The Commissioners received and reviewed check from Shrine Circus for rent of the Memorial Building. Amount \$500.00.

The Commissioners received and reviewed statistics reflecting responses dispatched thru the E-911 Center to the respective resource agencies for the month of September.

Ms. Holly gave Status Report on Vision Service Plan; informed she had forwarded everything over to the Prosecuting Attorney's Office and presented to the Commissioners a copy of response sent by Prosecuting Attorney to Vision Service Plan.

Ms. Holly requested permission from the Commission to order

1995 Guide to Federal Funding for Government and Nonprofits. Amount \$289.95. This was approved.

The Commissioners received and reviewed franchise tax check for the period July 1, 1994 through September 30, 1994 from Cable Equities of the Virginians, Ltd. Amount \$3,459.47.

Ms. Holly informed the Commission that Dale Watkins from Fayette County Board of Education called and informed playground equipment requested is available at old Page School. Ms. Holly informed the Commissioners she would call Earl Pauley to assist with removal and storage; Mr. Carte suggested that Earl coordinate the removal with Mr. Watkins. Commission requested Ms. Holly to contact Earl to remove fence at rear of courthouse since jail is closed.

The Commissioners received and reviewed copy of final grant report for the Mobile Video Recorders. Grant Project #AI94-20.

The Commissioners received and reviewed copy of the Grant contract agreement for Juvenile Justice and Delinquency Prevention (JJDP) Grant, project Youth Service Program at Valley High School, Grant #94-JJ-3-001.

Ms. Holly informed the Commissioners she's trying to work out fire alarm for Courthouse, jail, and annex; informed she talked with Steve Cruikshank and was told installers will eat cost of dialers; County Commission needs (1) 2 electric outlets for auto dialers for jail basement and annex and (2) to designate 2 telephone lines (can tap any of existing lines); informed the Commissioners the County would have to pay for installation

charges, but there is no monthly charge to provide 24-hour daily alarm service for Courthouse buildings. Approved. Commissioners asked Ms. Holly to notify Jim Lively Insurance of installation. Commissioner Lopez suggested giving notice to all offices that telephone line could go dead if fire alarm goes off.

The Commissioners received and reviewed letter from Cleek, Pullin, Knopf and Fowler informing motion to continue case Horrocks vs City of Fayetteville, et al was granted. Civil Action #92-C-1035.

The Commissioners received and reviewed report from Salem-Gatewood Public Service District for the month of September.

Ms. Holly informed the Commissioners that canvass is scheduled for November 14, 1994 and asked if they wanted to have payroll meeting prior to canvass at 8:30 a.m. and cancel November 15th meeting. This was approved.

Attorney Henry Armstrong appeared before the Commission with Public Hearing regarding petition of the City of Smithers, a municipal corporation, for a minor boundary adjustment annexing certain territory lying adjacent and contiguous to the City of Smithers, Fayette County, West Virginia. Mr. Armstrong presented copy of affidavit sent to Charleston Newspaper. There were no residents in opposition. Ms. Maureen Clemons owner M & R Properties presented report of incidents that have occurred in the area, questioned about the police not taking care of area that the City has now. Ms. Clemons was informed this should not be brought before the Commission and has nothing to do with

annexation. Commissioner Carte informed only complaint is if you live within area, advised to see Sheriff. Mr. Armstrong advised to appear at City Council meeting for these complaints. Mr. White member of the City Council invited Ms. Clemons to attend meeting so they could hear complaint.

Commissioner Lopez made motion to approve annexation. Commissioner Carte seconded. All approved.

Gary Harding, Zoning Officer appeared before the Commission with Zoning Hearing, Z-396-94-5: Request of James R. Daniel, owner, by Robert P. Coffelt, Contract Owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on part of 5.498 acres, near Court House, located on Maple Lane at Corridor "L", next to Beckley Replacement Windows, New Haven District.

The applicant was present and five people were present in opposition to this request. Mr. Harding informed the Commission that the Planning Commission did on Monday, October 24th, recommend that this be approved to the Planned Development classification by a vote of 10-1. The proposed use for the property is to be an 18 hole miniature golf course.

Stanley Moore and Clarence "Pete" Conner both spoke against the proposal. After a general discussion a motion was made by John Lopez that this be tabled until 9:30 a.m. on November 9th to allow time for Commissioner Witt, to be at the meeting. Motion was seconded by Gene Carte and passed by a vote of 2-0.

Walter South, Kathryn South, William Johnson, Sr., and Floyd McKnight appeared before the Commission with proposal for

the Commission to acquire school at Beards Fork from the Board of Education for Community Center; informed that Jan Young advised to come to the Commission. Discussion was held. Commissioner Carte suggested to go on record that the Commission write to Board stating if school is donated the Commission would accept provided a community center group is organized. Commissioner Lopez made motion to write letter to Board of Education to accept donation of Beards Fork school and Kimberly school. Approved.

The Commission signed and approved exonerations presented by Tom Aiello.

Ms. Holly informed the Commissioners she received call from Dorothy Settle regarding problem with her homestead exemption in Assessor's Office; Ms. Settle informed she signed up for homestead exemption for 1993, but did not receive exemption on taxes. Mr. Aiello informed the Commission that Ms. Settle did not have record of where she signed up in 1992 nor does the Assessor's Office; she did sign up for 1994. Ms. Settle did not pay 1993 taxes and now they're delinquent. The Assessor's Office has asked her to submit a copy of where she signed in 1992 because they have no record.

Commissioner Lopez suggested asking Bob Blackburn to come over on November 1, 1994 to discuss Whipple properties.

Commissioners Lopez suggested addressing letter to Ann Skaggs regarding part time help in Zoning Office for Gary Harding. Informed Tim Richardson is willing to work 2 days a week, Thursday and Friday, part time; but he would have to resign from Planning and Zoning Commission. The Commission suggested

as courtesy to John Witt, they would confirm on November 1, 1994.

Kelvin Holliday appeared before the Commission informing the Commission new forms for voters registration will be available; Secretary of State is hoping to provide counties with time clocks to time stamp registrations; informed Regional meeting will be held December 1, 1994; requested 2-IBM Wheelwriter Typewriters, 6-lockable, legal size file cabinets; requested the Commissioners to submit names of two more male carriers each for Election night. Kelvin informed the Commissioners he and Judge Hatcher had discussed putting drop cloth on carpet during Election night to protect carpet in courtroom. Discussion was held. Commissioner Lopez informed no drop cloth because could be dangerous; will look at.

The Commissioners approved to purchase six lockable file cabinets and 2-IBM Wheelwriter Typewriters for County Clerk's Office.

The Commissioners received and reviewed letter from Fayette County Firefighter's Association, Inc. voicing their disappointment and concern about the naming of the 911 Advisory Board.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges regarding Automatic Time Frame Order for Dovie Christian.

The Commissioners received and reviewed letter from Sheriff Laird regarding reimbursement for Worker's Compensation Benefits received by Earnest Keith Lester.

The Commissioners received and reviewed notice informing of Satellite Video Teleconference meeting being held on October 28,

1994 at 1:30-4:30 p.m.

The Commissioners received and reviewed letter from County Commissioners Association regarding rising Regional Jail costs.

The Commissioners received and reviewed letters from the State Tax Department informing of their recommendations for mineral appraisal changes.

The Commissioners received and reviewed letter from Helicon CableVision informing of a Regulatory User Fee effective December, 1994 through February, 1995.

Ms. Holly gave brief update on progress of AS/400 computer system; informed the Commission that by utilizing some of the better old System 36 printers and workstations, that the cost would be minimal to include equipment for County Clerk's Office and would be less than \$5,000.00. Approved. The Commissioners authorized Ms. Holly to sign any necessary agreements for the computer system.

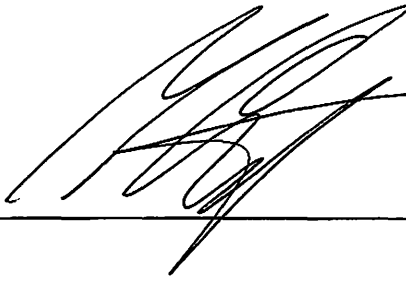
Payroll and vouchers were approved. Exxon invoice was approved for payment but Commission would like to talk to Sheriff about reason for increase.

Ms. Holly informed the Commission Larry Parsons hauled xerox machine from County Clerk's Office to Auto Recycling in Lochgelly and received \$23.75. The Commissioners approved to give money to Fayette County Solid Waste Authority.

The Commissioners signed Worthless Check Fund order.

The Commissioner authorized Ms. Holly to advertise for software for County Clerk's Office.

The meeting was adjourned. Next scheduled meeting is November
9, 1994.



~~Zoning~~ FCC

Boundary ad:

10/26/94

Maureen Clemons Business Owner

Ruth Layton

Bennell W. White

City Council, Smithers

Richard Martin

CITY COUNCIL, SMITHERS

~~Zoning~~

Juanita Fazio

Virginia Underwood

Norm Underwood

Stanley Moore

Delaney W. Conner

other 2 appl. Robert Coffelt,
Dane " "

FCC

10/26/94

Walter M. South

Kathryn F. South

William Johnson, Sr.

Alay McQuigley

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 7, 1994
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in Regular Session on this 7th day of September, 1994.

Commissioner Lopez informed the Commission that he feels that anyone who wants to appear before the Commission should call and make an appointment and not just come in when they are meeting.

The Commissioners received and reviewed from Fayette County Humane Society request for contribution for the month of August. This was approved to pay.

Ms. Holly presented to the Commissioners current insurance policy with PENCO for their review.

The Commissioners received and reviewed certificate of insurance from Cedar Grove Cablevision Associations, Ltd. and Cable Franchises, Inc. in accordance with franchise agreements.

The Commissioners received and reviewed statistics for responses dispatched thru the E-911 center to the respective resources for the month of August.

Ms. Holly informed the Commissioners that the annex HVAC maintenance contract expired on August 31, 1994 and that the service representative who took care of heating and cooling system at the Annex had informed Dee Lively that his schedule had been changed and that he would no longer be handling that mainte-

nance for Casto Technical Services. Ms. Holly informed the Commission that Dee had asked her about getting Camco to do the maintenance, and Ms. Holly asked the Commissioners if they wanted to contact Camco for routine maintenance. Commissioner Witt suggested instead of monthly or quarterly maintenance that work be done on as needed basis. The Commissioners asked Ms. Holly to ask Bruce Coleman to give figure on continuing monthly maintenance.

The Commissioners approved request of Paul Blake to purchase pager for Prosecuting Attorney Office from RamPage. Amount of pager \$125.00 and \$14.00 per month for air time.

The Commissioners received and reviewed from Cleek, Pullin, Knopf and Fowler letter regarding Horrock v. City of Fayetteville, etal v. Fayette County Sheriff, Civil Action #92-C-1035.

Ms. Holly informed the Commissioners she did check the West Virginia Code regarding regulations for Ames Public Service District to upgrade services to include sewer. Ms. Holly informed she called Public Service Commission and was advised to follow same guidelines and procedures as you would for applying for Public Service District creation, enlargement, etc (WV Code 16-13A-2). Commissioner Witt informed that this would not take care of Ames Heights immediate problem today. Commissioner Carte asked Ms. Holly to notify Ames Public Service District and pass information on to Paul Leshar, Chairman. Commissioner Witt suggested sending copy to Thelma Allport.

The Commissioners signed resolution endorsing Amendment #3 which will be on General Election in November. Copy sent to John

Hunt with 4-C Economic Development Authority.

The Commissioners received and reviewed audit report from Boomer Fire Department, Inc. for fiscal year ending June 30, 1994.

The Commissioners received and reviewed Dog Warden Report for the month of August. As previously requested, Ms. Holly stated that Bert Horrocks had included his work schedule with his report. The Commission asked Ms. Holly to advise Bert to have County truck serviced at County maintenance garage.

Ms. Holly informed the Commission she had spoken with an AT&T technician regarding 5 single line phones that are designated as power failure stations for courthouse telephone system; Ms. Holly reported that the current power failure stations are E-911 extensions 296 (receives 1st 574 call), 297 (receives FX-877 calls), and 298 (receives FX-779 calls), annex switchboard room extension 265 (if 296 busy, receives 2nd 574 call), and county commission office extension 215 (if 296 and 265 busy, receives 3rd 574 call). In order to provide better power failure service, she asked the Commissioners if they wanted to change these designations or see about upgrading system to handle additional lines. Ms. Holly did inform the Commission that Mr. Shumate (AT&T) didn't know if our current phone system could handle the upgrading. Commissioner Lopez suggested to Ms. Holly to ask telephone man if our system would handle upgrade and the Commission would make decision later.

President Carte signed title for 1982 Chevrolet cruiser, serial number 2G1AL69L7C1218613 sold to City of Smithers for

\$500.00. Commissioner Witt questioned when did Commission approve this. Commissioner Lopez informed Eddie Long, Mayor of Smithers, had talked with the Sheriff. Commissioner Witt informed this should be up to this body to approve. Commissioner Witt questioned if we had to put a lot of money into car. Approved.

Commissioner Witt questioned why American Legion and VFW wasn't notified about "Doughboy" ceremony on September 15, 1994. Ms. Holly stated that she contacted Roy Smith, VFW, and Ernel Hess, Legion, on August 24, 1994 and that she had tried to call before that time but could not reach them by telephone; also she stated that the Commission office was first contacted on August 11, 1994 by Colonel Alfred Baker about the ceremony and that the date, time, and location was confirmed on August 12 prior to the start of her vacation; however, other arrangements could not be made until she had returned to work. Commissioner Witt informed Fayetteville High School Band will perform at ceremony.

The Commissioners received and reviewed letter from Oak Hill Fire Department informing that they are in favor of establishing an enhanced emergency telephone advisory committee to monitor the operation of the system and asked for one of their members to be considered as a fire service representative.

Ms. Holly informed she received recommendations from Steve Cruikshank and David Neal asking the Commission to appoint 6 members to the E-911 Advisory Board. The Commissioners agreed to appoint David Neal, 911 Coordinator, Ex-Officio member; David Brash, President Oak Hill Fire Department, term 3 years; Sheriff William Laird, Law Enforcement, term 1 year; John McComas,

Emergency Medical Provider, term 1 year; Steve Cruikshank, Emergency Service Provider, term 3 years; Steve Eades and Eddie Long, private citizens, terms 2 years.

Commissioner Lopez asked the Commissioners if they would consider approving needed improvements to Smithers Detachment. Commissioner Lopez asked that carpet and mini blinds be installed (Deputy Carelli would contact local vendors) and asked if Freda Cincinnati could clean the detachment for one-half day twice a month. This was approved.

The Commissioners approved hiring Jackie Danbury as full-time custodian to work evening shift at Courthouse with monthly salary of \$935.00 plus benefits. Commissioner Lopez informed he would check to see if Mr. Danbury would accept job.

The Commissioners met with Jim Lively, Sr., President of the Fayette Plateau Business Development Corporation and Steve Steen, Vice President, and Bud Hill, Secretary to present to the Commission a check in the amount of \$9,752.06 as a final distribution gift to the County as set forth in its previous plan of distribution for dissolution of the corporation. Bud Hill gave brief outline of the history of the Fayette Plateau Business Development Corporation. The Commission requested Ms. Holly to prepare and issue a press release regarding the property and the gift. Commissioner Witt made motion that if the Commission did not hear anything regarding the appraisal of the property by the next meeting to have the Building Commission make an appointment to appear before the County Commission. Commissioner Lopez second the motion. All approved.

The Commission asked Carl Harris, Assistant Prosecuting Attorney, whether the County Commission should retain the gift or whether it should be sent to the Building Commission. Mr. Harris stated that the gift belonged to the County Commission and not to the Building Commission.

Exonerations for real and personal property were presented by Eddie Long, Assessor's Office, approved by the Commission, and signed by President Carte.

As requested by Earl Pauley, the Commissioners approved hiring James Kincaid as a full-time mechanic at the Fayette County Park. Salary \$1,000.00 a month plus benefits, effective September 1, 1994. Mr. Witt asked about the number of other full-time employees at the Park; it was stated that there are four other full-time employees (including Earl) plus a part-time secretary and other part-time workers.

Ms. Holly informed the Commissioners the tiller they had purchased for the Park from Southern States was defective and had been returned and credited; Ms. Holly informed that Earl Pauley had gotten other quotes for tiller and needed the Commissioners permission to purchase. This was approved. Ms. Holly informed Earl had bid quotes at Park.

Ms. Holly informed the Commissioners that the light and doorbell at the Annex had been installed. Also, Dee Lively and Bob Massey worked Monday (Labor Day) from 4:00 P.M. until 4 A.M. welding and installing the bars in the holding area. The bars had been received on Friday afternoon and six inmates from the Regional Jail were scheduled for holding on Tuesday morning; Dee

and Bob asked to take an alternate day off at a later date for Labor Day holiday worked. Approved.

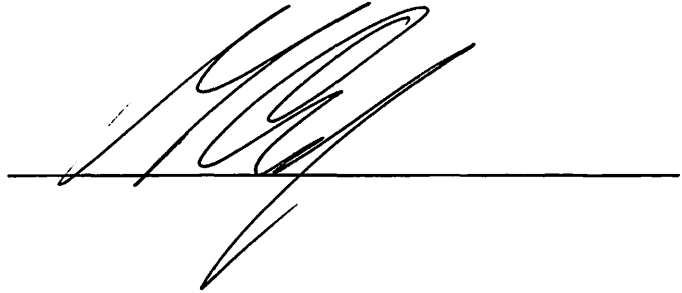
Commissioner Witt requested that a letter of thanks be sent to the Raleigh County Commission for giving Fayette County bars for the holding area.

The Commissioners received/reviewed and signed invitation from Smithers Civic Club asking that they participate in their 19th annual Christmas Parade.

President Carte signed letter to the West Virginia Department of Highways giving authorization for Page-Kincaid Public Service District to purchase surplus property .

The Commissioners received and reviewed application packet for an economic development grant being made possible by Save West Virginia Jobs, Inc.

Outstanding invoices presented for payment were approved.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 15, 1994

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 15th day of September, 1994.

By unanimous decision the Commissioners decided to reschedule handbook policy workshop.

Ms. Holly informed the Commission that the minutes from August 31st and September 7th were prepared and ready to be approved.

Commissioner Witt informed he had corrections to make on minutes regarding title transfer to City of Smithers; minutes did not have that the Commissioners approved or the amount of purchase.

After reviewing minutes, Ms. Holly stated that the amount of purchase (\$500) was in minutes and asked whether or not it was all right with the Commissioners that "approved" be added at the end of sentence as a correction. This was approved.

Commissioner Witt informed he had another correction he felt should be corrected but couldn't remember which minutes the correction was in and asked the Commissioners if they would hold minutes for August 31st and September 7th to review. This was approved.

Ms. Holly presented to the Commission from the Executive Committee of the Democrat and Republican Parties a list of

Elected Officials, including, Poll Clerks, Election Commissioners Alternates and Emergency Absentee Voting Commissioners to be appointed for holding General Election, November 8, 1994. Ms. Holly informed the Commission that the County Clerk had requested to increase the number of alternates to attend school to 18 for each party (6 per district) to fill any vacancies which may occur; Kelvin Holliday, Clerk, stated that he felt the increase was necessary. The Commissioners approved of change. Order signed.

The Commissioners signed order reappointing Virgil Burgess, Commissioner of the Arbuckle Public Service District. Commissioner Witt questioned if Board approved; Ms. Holly stated that she did not have a letter from the PSD.

The Commissioners signed letters to Kelvin Holliday notifying him for payroll purposes that effective September 1, 1994, James Kincaid was employed full time as a mechanic/laborer at the Fayette County Park at a monthly salary of \$1,000 plus benefits, and effective September 12, 1994, Jackie Danbury was employed full time as custodian at the Courthouse at a monthly salary \$935.00 plus benefits; both employees are to be paid from the General County Fund. Commissioner Witt questioned if we established working hours for Jackie. Mr. Witt was informed that he was coming in at 4:00 p.m.

The Commissioners approved and signed order creating a Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners signed letter of thanks to the Raleigh

County Commission thanking them for their assistance and Dennis Sizemore's assistance for the cell bars from the Raleigh County Jail for the prisoner holding area.

The Commissioners received and reviewed letter from R. C. "Bob" Godsey, Jr., President of the Fayette County Deputy Sheriff Association requesting waiver of rental fee of Fayette County Memorial Building for Country Music Show being held on Sunday, October 2, 1994. The Commissioners signed letter to Ray Carson informing rental fee be waived for Country Music Show.

The Commissioners received and reviewed letter from Sheriff Laird commending the work of Dee Lively and Bob Massey in the fabrication and construction of the security bars with in the prisoner holding area.

Ms. Holly informed the Commission that at the last meeting a discussion was held regarding replacement of the defective tiller at the Fayette County Park and that the Commissioners had approved the purchase of another tiller. After talking with Earl Pauley and reviewing the three bids he received, Earl had advised her that he preferred to purchase from Troy-Bilt which is a little more expensive but is a better machine. Commissioner Witt moved to purchase Troy-Bilt at \$899.00. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed letter from Sheriff Laird requesting authorization from the Commissioners to proceed with a careful review of the steps required to improve the work conditions within the Sheriff's Tax Office. This was approved.

Ms. Holly informed the Commissioners that she had prepared

an order to reappoint members to the Fayette County Soldiers and Sailors Memorial Board but had talked with Carl Harris and he felt that there might be a conflict of interest in appointing him since he is an Assistant Prosecuting Attorney. Ms. Holly informed the Commissioners she needed to check further before they signed order.

Ms. Holly presented to the Commissioners for Henry Armstrong a petition of the City of Smithers, a municipal corporation, for a minor boundary adjustment annexing certain territory lying adjacent and contiguous to the City of Smithers, Fayette County, West Virginia for public hearing set for October 26, 1994 at 10:30 a.m. Ms. Holly informed the Commissioners Mr. Armstrong was not present because of Grand Jury hearings.

James Blankenship, Attorney for the Town of Fayetteville, presented orders for annexation by minor boundary adjustment of 15.821 acre tract adjoining the Town of Fayetteville owned by the Town of Fayetteville and situate on Marrs-Branch Adjacent to the Town of Fayetteville and annexation by minor boundary adjustment of 55 acre tract adjoining the Town of Fayetteville owned by Cecil Alvin Robertson and Randall R. Robertson and situate on Laurel Creek Adjacent to the Town of Fayetteville. Orders signed as approved at August 31st meeting.

The Commissioners received/reviewed and signed Fayette County Fire Levy Pumper Replacement Agreement for Fayetteville Fire Department.

President Carte signed monthly sales tax report for Fayette County Park for the month of August.

The Commissioners received and reviewed notices from Department of Tax and Revenue regarding questions of valuation of tax payers property.

The Commissioners received and reviewed audit report from Mount Hope Volunteer Fire Department.

Ms. Holly informed the Commissioners she had received a call from Greg Burton with Ferris, Baker Watts regarding refunding of bonds and asked if the Commissioners wanted to sign resolutions. Mr. Burton had advised her that Raleigh, Mercer and Nicholas Counties had already signed. Ms. Holly informed this was just a preliminary authorization and that there are actually 3 separate resolutions. Resolutions approved and signed.

The Commissioners received and reviewed report from Danese Volunteer Fire Department and Rescue Squad, Inc. meeting of August.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges informing they received claimant protest dated July 28, 1994, Claimant #85-56204, Percy Gilliam.

Ms. Holly informed the Commissioners she had received pager for Paul Blake and would give it to him today.

The Commissioners received and reviewed notice from Criminal Justice and Highway Safety Division acknowledging receipt of \$500.00 for tuition for one officers to attend the 88th Basic Training Program.

The Commissioners received and reviewed resignation of Jack Thompson from the Fayette County Building Commission. Commissioner Witt moved to accept Mr. Thompson's resignation. Com-

missioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she had not heard anything on the appraisal of the property at Glen Jean and asked the Commissioners if they wanted her to contact Building Commission to set up meeting. Commissioner Witt informed no need to call meeting with Building Commission.

Payroll and outstanding bills were approved.

The Commissioners approved and signed exonerations from Assessor's Office.

Ms. Holly informed the Commissioners that Dee Lively and Bob Massey had started working on handicap bathroom in courthouse.

The Commissioners received and reviewed from J. Victor Flanagan notices regarding Horrock v. City of Fayetteville, et al v. Fayette County Sheriff, Civil Action 92-C-1035.

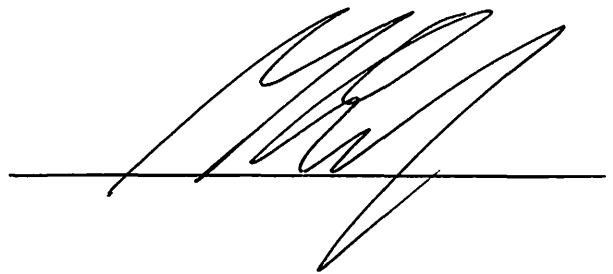
Ms. Holly informed the Commission that Earl Pauley would like to come and talk with them if they had time. President Carte suggested that instead of having Earl to come up to give him a call on the telephone. All approved. Earl informed the Commissioners he had checked into purchasing uniforms for the employees at the Park instead of renting and advised that purchasing would be cheaper. Earl informed park needed 7 sets per employee, with the exception of Park Superintendent to have 11 sets, with name tags included on each set. Employee uniforms would have to last for 2 full years, no more purchased until 2 years are up; after 2 years replace up to 3 sets only if needed, and at the end of 4 years 1 set a year. If any one left after purchase within the 2 year period, employee would have to pay the

remaining amount back to the County; any one retiring will keep his uniforms. Uniforms would be purchased from Aratex. The Commissioners approved of purchase. The Commissioners also approved for Herman Hudnall and Lawrence Jenkins to work 40 hours weekly part time through the winter and effective with next pay period salary would be \$5.00 an hour without benefits. This was approved.

The Commissioners signed proclamation rededicating the Soldiers and Sailors Memorial Building.

The Commissioners received and reviewed from Criminal Justice and Highway Safety Division grant award for Drug Control and System Improvement for Project DARE, Project #94-DC-003.

The meeting was adjourned. Next schedule meeting is September 28, 1994.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
SEPTEMBER 21, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John L. Witt

The Fayette County Commission met in Special Session on this 21st day of September, 1994.

Leon Axel, I.B.T. representative, Sherman Lazarus, Julian Wifandody and Steve P. Horvath were present along with members of the Fayette County Solid Waste Authority and Fayette County Haulers.

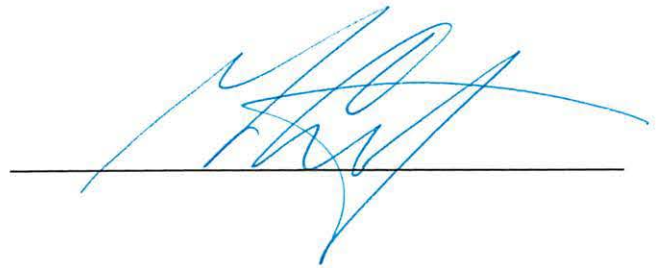
Mr. Axel gave brief summary of composting and recycling proposal for Fayette County and introduced Sherman Lazarus who is handling financial arrangements for project.

Mr. Lazarus informed this would be a joint venture with Fayette County and I.B.T., informed site would need at least 15 acres for construction preferably off Highway 19, asked the Commissioners to work with them to obtain permits and tax free industrial revenue bonds. Mr. Lazarus informed in order to make project work would need to have the affiliates of the haulers. Mr. Lazarus also informed they would need letter of intent and resolution from the Commissioner and informed that 20% of the revenue would go to the County.

Bob Arthur informed getting permits would take a timely process, informed Division of Environmental Protection had issued to the Authority a list of 27 items that had to be met before obtaining permits.

Terry Salyer questioned about blueprints and permits. Discussion was held regarding how many people would be employed, and how many would be from West Virginia. Mr. Axel asked the Commissioners if they would consider using 15 acres of the industrial property they had purchased in Glen Jean Property for facility. After a lengthy discussion it was decided that the Fayette County Haulers and Leon Axel and party get together and discuss after meeting.

The meeting was adjourned.

A handwritten signature in blue ink is written over a horizontal black line. The signature is stylized and appears to be the initials 'L.A.' followed by a flourish.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 28, 1994
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, John L. Witt

The Fayette County Commission met in regular session on this 28th day of September, 1994.

Edith Jarrett appeared before the Commission to present a cashier's check in the amount of \$3,979.92 from No Consolidation Fayette County Public Service Districts to which the Commissioners had contributed \$5,000.00 previously for assistance in helping stop the consolidation of Public Service Districts. Ms. Jarrett presented a letter to the Commissioners from the Salem-Gatewood Public Service District requesting that Earnest "Pete" Johnson be reappointed to the board; also, she presented audit report for fiscal year ended June 30, 1994 for Salem-Gatewood Public Service District.

Ms. Holly informed the Commissioners she had advertised for roof repairs to the Prosecuting Attorney's Office but had received only 2 bids. Bids were open and taken under advisement as follows: Rick Myles Construction--\$32,980.00 and 4M Plumbing and General Contractor--\$35,228.00. Ms. Holly said she would contact Rick Myles for a break down of cost for the roof repair for the Commission to review at the next meeting.

Commissioner Witt stated that the statement regarding Gideon Bibles should be deleted from the minutes of August 15 because the discussion was personal and not county related; deletion was

approved. Minutes of August 31st and September 15th were approved. Ms. Holly informed the Commissioners that correction was made on minutes of September 7th; minutes were approved.

Ms. Holly informed the Commissioners that the carpet had been installed in the Circuit Court Room and that Judge Hatcher has requested that Bob Massey put casters on the 6 council chairs and asked for a chair mat for his chair. This was approved.

Ms. Holly informed the Commissioners she had received invoices from Norma Isaacs for reimbursement, as previously approved on June 30, 1993, from Clifftop Community Water Association in the amount of \$2,836.76; balance of grant not drawdown is \$5,135.44. Ms. Holly informed the Commissioners she had prepared a letter and requisition to One Valley Bank, Bond Trustee, requesting disbursement. Approved and signed.

Commissioner Witt informed that he had talked with several Commissioners from other counties and all had found errors in the billings from Regional Jail. Ms. Holly informed the Commissioners that Sheriff Laird did check billings from the Regional Jail thoroughly and that there was a Regional Jail invoice in bills for today. The Sheriff had prepared separate invoices from the County Commission to the Cities of Oak Hill, Mount Hope, and Smithers for the expense for city commitments; the Southern Regional Jail had billed the county for those inmates and the municipalities would have to reimburse the County.

The Commissioners received and reviewed letter from the Whipple Community In Action informing that an error had been made

in sending a clean-up letter to Wilbert and Rosie McCormick as the Committee had requested; the property was incorrectly turned in as needing cleaned up.

The Commissioners signed order reappointing Claude B. Bess, Carl Harris, and Robert Kelly to the Fayette County Soldiers and Sailors Memorial Board.

The Commissioners signed a letter to Penelope Crandall, Director, Family Law Master requesting reimbursement for rent in the amount of \$550.00 for the month of September, 1994.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that they reviewed the proposal for public financial assistance for Bay Heights Water Project.

The Commission received and reviewed a letter from Delegate Pino regarding an application for Bellwood Community Water Systems Improvement; discussion was held. It was decided to schedule a meeting with the delegates, senators, Joe Shelton and John Perdue from the Governors Office, and Ms. Catherine Pomeroy on October 14, 1994 at 10:30 a.m. to discuss the project.

The Commissioners received and reviewed a check in the amount of \$577.50 (50% match) to reimburse the Fire Levy Fund from the Federal Emergency Management Agency (FEMA) grant for mobile command unit for the Office of Emergency Services.

The Commissioners received and reviewed a letter from the Governor's Office informing them that the Alternate Fuels Grant has been approved in the amount of \$9,578.00. This grant is to convert three police cruisers and two vans to compressed natural

gas. Copies of the agreement were signed by President Carte.

The Commissioners received and reviewed letter from the Governor's Office informing that a Juvenile Justice and Delinquency Prevention (JJDP) Project grant had been awarded to the Fayette County Commission in the amount of \$24,000 to be utilized to hire a social worker at Valley High School for a youth service program. The agreement was signed by President Carte. Commissioner Witt made a motion to approve resolution. Commissioner Carte seconded. All approved.

The Commissioners signed an order reappointing Earnest "Pete" Johnson to the Salem-Gatewood Public Service District.

Ms. Holly informed the Commissioners that the inspector from Firestone had inspected the repair and replacement of the Memorial Building roof on September 14 and had approved the installation; however, he had left some caulking with Dee Lively and recommended that it be applied along the line of mortar joint above the coping and below the limestone cap of the building. Ms. Holly informed she had not received the written certification yet.

The Commissioners received and reviewed Trustee financial statements from Chemical Bank for Union Carbide bond issue.

The Commissioners received and reviewed a copy of a letter from the Town of Rainelle to Greenbrier County for the local protection project of a 1959 flood control project. Copy given to Steve Cruikshank.

The Commissioners received and reviewed a request from Magistrate Mike Parsons for the upgrade of pagers for Magistrates

to conform with the new UHF equipment; low band pagers currently used do not receive all signals in all areas of the County. Commissioner Witt made motion to purchase pagers for Magistrates; Commissioner Carte seconded. Approved to be paid out of the Magistrate Court Fund.

The Commissioners received and reviewed letter from Sheriff Laird with an estimate of carpet for Valley Detachment. This was approved. Carpet to be purchased from M & W Carpet for \$506.00. Ms. Holly informed she had talked with Freda Cincinnati about cleaning the Smithers detachment twice a month as approved by the Commission; Freda to check with Joe Carelli to schedule.

Ann Skaggs appeared before the Commissioners and read letter of recommendation from Board of Zoning Appeals requesting additional staff for Zoning Office. Ms. Skaggs informed the Commissioners she wasn't asking for a decision today. Ms. Skaggs gave Commissioners resume of Linda Johnston for their review.

Ms. Skaggs asked the Commissioners to give Jack Clark and Steve Campbell 60 days to have property cleaned; she feels that the County has given them enough time. Commissioner Witt made motion that letters be sent to Jack Clark and Steve Campbell giving them 60 days to clean property. Commissioner Carte seconded. All approved.

Lee Massey and Timothy Fish appeared before the Commission with a signed Professional Service Agreement from Woolpert Consultants for a study regarding proposed rezoning along Route 19 in Fayette County. Commissioner Witt asked if this was something that needed to be done; Gary Harding said yes if they

followed through with the recommendations. The Commissioners approved to pay \$3,200 to Woolpert to do rezoning study.

Ms. Holly presented a complaint to the Commission by Ann Skaggs for the clean up of Eilene Berry Hanner's property. Ms. Holly was informed by Gary Harding that the owners were in the process of tearing down old buildings and bringing in dirt to fill in. Gary recommended that a clean up letter was not necessary. The Commissioners agreed; no letter to be sent.

The Commissioners received and reviewed copies of letters from Public Service Commission written to Ames Heights Public Service District and Wolf Creek Public Service District requesting that they file Customer Certification form.

The Commissioners received and reviewed a letter from Elkem regarding the Second Annual Elkem Metals Company Quarterly/Health Fair being held October 8, 1994 at 9:00 a.m. to 2:00 p.m.

The Commissioners received and reviewed a letter from Erwin Conrad regarding pending litigations, claims, or assessments against Fayette County for fiscal year June, 1993, audit.

The Commissioners received and reviewed a letter of thanks from Mike Parsons on the installation of the security light in front of the Magistrate Court building. Commissioner Witt suggested that the light be swung a little bit to the right in order to illuminate the entire front of the building.

Ms. Holly asked the Commissioners if maintenance staff could clean Magistrate Office in Danese; approved. Commissioner Witt questioned whether it would be cheaper to get someone from the Fire Department to do cleaning instead of sending our maintenance

staff every couple of weeks. Ms. Holly informed they only clean that building a few times a year and had not cleaned since around June.

Ms. Holly informed the Commissioners that the handicap bathroom in the Courthouse had been completed.

Vouchers for overtime for Dee Lively and James Perdue were approved. Ms. Holly stated that Dee had advised her that he had opted for overtime for his work in the jail holding area on September 5 instead of an alternate day off; approved.

Ms. Holly informed she had talked with Bruce Coleman regarding maintenance agreement on cooling and heating system at Annex and had received bid of \$200.00 a month to clean filters monthly and to do quarterly maintenance; parts not included. She had talked to Mr. Coleman again about parts and emergency repairs and he was supposed to get back with her today if he wished to include that coverage. Based on Camco's bid of \$200 monthly, Ms. Holly informed she felt Casto Technical would be the better contract because it covers everything (parts, labor, emergency repair). The Commissioners agreed to go with Casto Technical tentatively unless Camco would propose better agreement.

Attorney Ralph Young appeared before the Commissioners with Final Order for annexation of Lula Jeffries property. No opposition. The Commissioners signed and approved annexation.

Attorney Phil Tissue appeared before the Commission regarding the Estate of Denny Walker, petitioner Stephanie McCoin and Tracy Walker. The Commissioners informed Phil they had received

a fax from Kelly Kemp, Attorney for Rosa Kivett requesting a continuance. The Commissioner informed Mr. Tissue that since this would be a contested hearing that there was not enough time scheduled for hearing today. Discussion was held with Phil and his clients, and it was decided to reschedule hearing on October 5 at 10:00 a.m.

Ms. Holly asked the Commission whether or not it would be necessary for Bob Massey to continue to work from 10:00 A.M. until 6:00 P.M. on Tuesdays and Thursdays since Jackie Danbury worked the evening shift. The Commission approved a change in Bob's work schedule to be 8 to 4, Monday through Friday.

Commissioner Witt asked about hours of Jackie Danbury because the Commission's previous discussion had only established that he started to work at 4:00 P.M. Commissioner Carte stated seven hours a day since he was hired on a full-time basis.

The Commissioners received and reviewed pictures of rededication of Memorial Building from James "Puck" Painter.

Ms. Holly informed that Judge Hatcher had written a letter to the Commission regarding progress of computer system for Circuit Clerk's office. Ms. Holly informed she had reviewed the bid that was received in July but had not been able to contact the consultant that Denver Corley had recommended. Due to the age of the System 36 (purchased in 1986), Ms. Holly reported that the hardware, especially the terminals, keyboards, and printers, probably had been used for the greater of its useful life, and that the accumulation of data, added software and number of users was maximizing the System 36 memory and causing very slow

processing for all system users. In order to add the software for the Circuit Clerk, the mainframe (cpu) would have to be upgraded, and Ms. Holly did recommend for all of these reasons that the entire system should be upgraded. According to the bid from Software System, based on a 60-month lease the monthly lease payment to migrate from an IBM System 36 to IBM AS/400 and replace all of the current hardware would be \$2,512.85, including maintenance; if the current hardware is not replaced, the monthly lease payment would be \$1,800.75 in addition to the current hardware monthly maintenance cost of \$279.50 (total \$2,080.25). Also, none of the data previously entered and stored on the System 36 would have to be re-entered on the AS/400, the new system would provide enhanced user features but would require little or no retraining. Commissioner Witt asked if this new system will include everything in the Courthouse including County Clerk's office; Ms. Holly said it would be an improvement for all of the County offices currently on the system, include the Circuit Clerk's office, and allow for the addition of a reindexing system for the County Clerk's office; however, software and/or hardware for the County Clerk would have to be advertised for bids since that option had not been requested at the time of the original advertisement. Also, if the Commission still wanted to readvertise through the State, Ms. Holly said she would prepare the specifications. The Commission asked about a trade-in allowance for the System 36; Ms. Holly stated that according to IBM, the trade-in value is minimal (\$1,000--\$2,000); however, the Commission could probably sell the system to another county

or a municipality at a reasonable price; she will contact the West Virginia Association of Counties to see if advertisements can be placed in the "WVACo News" bulletin. Discussion was held; it was decided to make a decision on October 5.

Payroll and outstanding bills were approved.

The Commissioners approved and signed exonerations from Assessor's Office.

The monthly invoice for September rent for office space for Division of Corrections was signed. Amount \$300.00.

The Commissioners received and reviewed a letter from Assessor Tom Aiello requesting check in the amount of \$3,648.00 payable to the Department of Tax and Revenue as partial payment on the loan for the Reappraisal Program to paid out of PVC Fund. This was approved.

The Commissioners received and reviewed notice from Workers' Compensation Office of Judges regarding claimant Dovie Christian.

Ms. Holly asked the Commission if they had any nominations for vacancies on the Building Commission and gave Commissioner Witt copies of the appointments of the current members and a copy of West Virginia Code 8-33-3. The Commissioners decided to discuss the replacements at the next meeting.

The meeting was adjourned. Next scheduled meeting is October 5, 1994.

