

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 4, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 4th day of January, 1995.

Commissioner John Lopez moved that Commissioner John Witt replace Commissioner Gene Carte as President of the County Commission. Commissioner Carte seconded.

Commissioner Lopez made motion that Charlotte Holly Administrator, and Earl Pauley, Park Superintendent be authorized to make purchases up to \$600.00 without prior County Commission approval. Commissioner Witt informed he had no problem with Ms. Holly or Mr. Pauley being authorized to make purchases as long as they got 3 quotes before purchasing. Commissioner Carte seconded. All approved.

Commissioner Lopez made motion that Debbie Berry be the assistant purchasing agent. Commissioner Carte seconded. All approved. The Commissioners signed organization order. Commissioner Witt asked when was the decision made to have Charlotte and Earl authorized to make purchases, and why order is already prepared. Commissioner Lopez informed he had called Charlotte yesterday and asked her to prepare order for today's meeting.

Ron Walton with Whipple Community in Action appeared before the Commission regarding Pace Property in Whipple. Mr. Walton informed he had talked with the Pace Brothers and they agreed they

would sell their 2 ½ acre share of the property for \$3,300.00 and would like for county to have property surveyed. Commissioner Carte informed Mr. Walton that the other property owners would have to sign deed also, Commissioner Lopez informed you would have to have the entire property surveyed not just the brothers share of the property. Discussion was held, Ron informed the Commissioners Mike Pace said he would take day off to come in and talk with the Commission regarding the property. Commissioner Carte asked Ms. Holly to contact Mike and have him to appear January 13th at 10:00 a.m.

Ms. Holly informed the Commissioners that Jackie Hickman had checked with the Assessor's Office to see if they had any addresses on any the heirs of property owners in Whipple, informed Gloria Bozo checked, Assessor's Office have same addresses. Commissioner Carte informed the Commission would have to publish. Commissioner Witt asked how many times would they have to publish. Ms. Holly asked the Commission if they could go through with Public Notice without having sent the original clean up letter to the heirs.

Ms. Holly presented to the Commissioners minutes of the zoning hearing on November 30, 1994 for their signature.

Ms. Holly informed the Commissioners she had talked with Gordon Billheimer, informed her of Centennial meeting, Ms. Holly informed Centennial is set for November 22, 1995. Commissioner Witt informed he disagree with that date feel it should be held during the summer.

Ms. Holly informed the Commissioners she received letter from Jim Lively Insurance informing that FENCO is requesting a letter be

sent to all Emergency Medical Services Providers operating vehicles to answer any liability on behalf of the Commission only. Letter signed. Commissioner Witt asked Ms. Holly if she had a list of the Emergency Medical Services Providers. Ms. Holly informed she would get a list for him.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting for reimbursement for rent in the amount of \$550.00 for the month of December, 1994.

President Witt signed Sales Tax Report for the Fayette County Park for the month of December, 1994.

The Commission signed order as advised by the Assessor of Fayette County to waive the first half interest and/or penalty for 1994 real estate taxes for account 08174138 in the name of Ray and Violet T. Lamb due to clerical error.

Ms. Holly informed the Commissioners she received notice from Frances C. Webb requesting payment for overtime for December 28th, 29th, and 30th for lunch hours worked. Discussion was held, overtime approved. Commissioner Lopez suggested asking the Switchboard workers in again.

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

February 1, 1995	Wednesday	9:30 A.M.
February 6, 1995	Monday	9:30 A.M.
February 8, 1995	Wednesday	1:30 P.M.
February 14, 1995	Tuesday	10:00 A.M.
February 17, 1995	Friday	9:30 A.M.
February 23, 1995	Thursday	1:30 P.M.
February 28, 1995	Tuesday	9:30 A.M.

Commissioner Witt asked if individuals are aloud to walk-in. Ms. Holly informed it has always been our policy to call and schedule for an appointment. Commissioner Witt informed Ms. Holly when she advertise to include by appoint basis only.

Exonerations were signed and approved.

Ms. Holly informed the Commissioners she received follow-up on grant for Fayette County Park was informed the Commission need to contact a delegate to get in-put in digest and he's to let the West Virginia Development Council no the Commission is still interested.

Commissioner Witt asked Ms. Holly to contact everyone on the Water Project list and let them know that Senator Byrd is setting up a meeting for the 20th or 23rd to discuss New Haven Public Service District Water Project, Senator Byrd will do invitations. Commissioner Witt asked Ms. Holly to include David Wagner, would like to know by Friday. Meeting will be in County Commission Chambers.

Ms. Holly asked the Commissioners if they wanted the clean-up letters to Steve Campbell and Robert L. Ellis to go out today or wait until Carl Harris, Assistant Prosecuting Attorney complete title search. The Commissioners informed Ms. Holly to hold for title search from Prosecuting Attorney's Office.

Gary Harding, Tim Fish, Jack Wood and several people were again present to discuss the Route 19 Zoning Study and Report. Mr. Harding gave each Commissioner copy of proposal from Mr. Fish. Mr. Fish informed he had discussed proposal with Lee Massey, Planning Commissioner and he suggested that a public meeting be held regarding the proposal. Jack Wood, Planning Commissioner asked the

Commissioners if they had seen proposal. Commissioner Witt informed he haven't had time to review plan. Mr. Fish informed he believe a public meeting is a good ideal but prefer meeting in evening hours. Commissioner Witt informed he wasn't sure about getting someone from out of the Fayette County area to do this study. Mr. Fish informed the Commission that Woolpert is dedicated to satisfying their clients.

The Commissioners suggested having Public Meeting regarding the Route 19 Zoning Study and Report proposal and asked that the Planning Commission set date and time for meeting. The Commissioners hope to resolve at next County Commission meeting.

Ms. Holly informed the Commissioners that in their revised vacation and sick leave policy she had been questioned about a Doctor's excuse after 3 days, Ms. Holly asked the Commissioners if they wanted to include this in the policy. Commissioner Witt made motion to include Doctor's excuse after 3 days of sick leave in policy. No objections motion carried.

Ms. Holly informed the Commissioners that at last meeting she submitted letter from Steve Cruikshank, Emergency Coordinator, regarding generator on Mann Mountain and invoice requesting payment of \$7,608.60 to Electro-Tech Services, Inc. Ms. Holly informed it was approved to be paid and informed the Commissioners that Steve Cruikshank informed it would be paid out of 911 Fund and if you have any questions she could call Steve at his office and have him to come in. The Commissioners approved to pay from E-911 Fund.

Ms. Holly presented to the Commissioners Appraisal Report from Mike Walbrown for county property on Wiseman Avenue. Amount

\$19,000.00. Commissioner Lopez asked if they wanted to advertise. Commissioner Witt said yes. Commissioner Carte informed he was against advertising and selling. Vote passed 2-1. Ms. Holly asked if they wanted to have Public Auction. The Commissioners informed yes. Commissioner Witt suggested checking with Earl to see if he has any equipment to auction. Ms. Holly asked if they wanted to advertise the appraisal value. The Commissioners informed yes. Invoice to ERA Wise and Yeager Realty was approved. Amount \$200.00.

The Commissioners received and reviewed from Cleek, Pullin, Knopf and Fowler a "Defendants Motion to Compel" and "Defendants response to plaintiff's request for production of Documents" regarding Clint R. Lawson, Sr. v. Gene Carter, Jr., et al for their files.

Ms. Holly informed the Commission that Alarm System is now working at Courthouse, Annex and Jail. Sheriff has given keys to Steve Cruikshank so they would be able to access.

Ms. Holly asked Commissioner Witt if he had talked with Vernon Bailey, Raleigh County Commissioner regarding waiver for dumping dogs at landfill, Ms. Holly informed she had talked with Brian Shumate they had voted no to the waiver, but the County could apply to get taxes waived.

Ms. Holly asked the Commissioners about Ms. Abbot's request for funds. Discussion held, Commissioner Carte moved that the Commission give \$400.00 to Humane Society. Commissioner Lopez suggested Raleigh County Solid Waste Authority bill the County for disposal of dogs. Commissioner Witt agreed to have Raleigh County

Solid Waste Authority bill separately effective January 1, 1995.

The Commissioners received and reviewed copy of letter from Master Tele-Cable, Inc. regarding rate change.

Commissioner Carte received letter of appreciation from Governor Gaston Caperton, Major General Joseph Shaff, Commissioner Hun and Jack J. Roop for participating in the Mount Olive Correctional Complex dedication held December 12, 1994.

Ms. Holly informed the Commissioners they had approved 1994 Work Study Student for West Virginia University Extension Office, informed the Commission that Bob Arthur turned in refund from the Fayette County 4-H Leaders Association, Inc. Amount \$537.00.

The Commissioners received and reviewed Audit Report from Pax Volunteer Fire Department for fiscal years ending June 30, 1993 and June 30, 1994.

The Commissioners received and reviewed 3rd Place Award for 1994 Annual Christmas Decorating Contest from the Fayetteville Junior Woman's Club.

Ms. Holly informed the Commissioners she received letter from West Virginia Development Office thanking the Commission for submitting application for Small Cities Partnership Grant, also was informed pre-application forms requesting council review could be obtained by contacting West Virginia Development Council. Ms. Holly informed the Commission she had written letter requesting two pre-application forms for (1) Bellwood Community Water System Improvement Project, (2) New Haven Public Service District Water Extension Project.

Ms. Holly informed the Commissioners that she and Judge

Hatcher had talked about accessibility procedures for Circuit Court and the Circuit Clerk's office and asked the Commission to review document to keep on file.

Commissioner Lopez informed the Commissioners they are entitled to reimbursement from worthless check account feel the Commission should transfer money to General County Fund.

The Fayette County Solid Waste Authority met with the Commission to discuss the inmate work program. Jim Murdock, Chairman of the Authority informed the Commission we definitely need jail inmate to work on litter control program, informed the Commission that program has always worked. Commissioner Witt asked Mr. Murdock if he had talked with the Magistrates and Judges. Mr. Murdock informed he had met with Prosecuting Attorney, Magistrates, and Judges and they all agreed. Commissioner Lopez informed the Authority if the Commission sounded a little negative it was because they wasn't ever informed or enlighten about what their obligation or commitment would be. Sheriff Laird informed the Commissioners that beginning next week Coordinated Enforcement Program will be started to enforce the litter and waste in Fayette County. Commissioner Lopez asked the Sheriff if he would have the manpower to offer an officer during the day, feel this would cut down on liability. Sheriff Laird informed he would do everything he could to monitor program. Ms. Holly was asked to check with insurance agent regarding liability. Commissioner Lopez made motion subject to no complications regarding liability and insurance they would support inmate work program. Commissioner Witt seconded. All approved. Ms. Holly asked Mr. Murdock whether



or not this program could be extended to the cleaning up of creeks. Mr. Murdock informed they have had that type of problem before.. Aubrey Riner questioned about the landfill lease. Commissioner Witt informed we have no further use for it and don't think we are obligated. Mr. Murdock informed he made request to Prosecuting Attorney's Office and was informed they have no one with expertise that could answer.

Ms. Holly informed the Commissioners that John Kessler had purchased a mail slot for his door an asked if some one from maintenance could install. This was approved.

Ms. Holly asked the Commissioners if they wanted to discuss parking rules and regulations today. The Commissioner asked that this be tabled for later.

The Commissioners received and reviewed from Sheriff Bill Laird, Regional Jail Reports.

Ms. Holly informed she received first request on Juvenile Justice Grant for Sandra Tucker, amount \$750.00 plus travel from Martha Hager.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone system for the month of November, 1994.

The Commissioners received and reviewed check in the amount of \$28,531.62 for the Emergency Telephone System for the month of November, 1994.

Commissioner Carte informed the Commission he received call from Library informing that the tile is coming up in three places, need ballast replaced in the lights. Ms. Holly informed she told

James Perdue. The Commissioners approved for James to take care of.

The Commissioners received and reviewed copy of Assessor's Valuation Budget from Department of Tax and Revenue, have until January 15, 1995 to submit comments to Tom Aiello, Assessor.

The Commissioners received and reviewed letter from the Raleigh County Solid Waste Authority regarding the new landfill cell and rules for disposal beginning January.

The Commissioners received and reviewed letter from Robert Reed, President, FMRS Mental Health Council, Inc. asking the Commission if they know anyone they would like to recommend to be appointed to the Board of Directors.

The Commissioners received and reviewed thank you letter from Jerome Litton regarding appraised value on his property.

The Commissioners signed letter to Kelvin Holliday, County Clerk informing that effective January 1, 1995 the annual salary of Charlotte Holly shall be \$38,000.00 plus benefits to be paid from General County Fund.

The Commissioners received and reviewed report from Chemical Bank regarding Union Carbide Bond issue.

The Commissioners received and reviewed copy of letter from Paul Blake, Prosecuting Attorney from the Division of Correction informing the Commission they have been awarded \$53,235.06 for housing of prisoners.

The Commissioners received and reviewed letter from Green Thumb regarding Personal Leave policy.

The Commissioners received and reviewed invoice from

Automotive Research Tech, amount \$1,070.60.

The Commissioners decided to hold invoice to Woolpert, check number 7907 to be paid from Coal Severance Fund.

Outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is January 13, 1995.

John B. Witt

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 13, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 13th day of January 1995.

President Witt announced that on Tuesday, January 24, 1995 in the County Commission Chambers at 7:00 p.m., the Empowerment Zone will hold a meeting for the purpose of electing (1) one member to represent census tract #206 and (2) two members to represent census tract #205 of Fayette County to the Board of Directors of Central Appalachia Empowerment Zone of West Virginia.

President Witt read resolution endorsing the county-wide water treatment and distribution plan proposed by West Virginia-American Water Company. Commissioner Carte made motion to endorse the county-wide water treatment and distribution plan provided West Virginia American Waters include the Bay Heights Project in Summerlee. The Commissioners asked Ms. Holly to revise resolution to include Bay Heights Water Project, will sign this afternoon.

Commissioner Witt informed that a representative from Senator Robert Byrd's office will be here on Monday, January 23, 1995 at 1:30 to discuss water project for Fayette County.

Ms. Holly informed the Commissioners she received notice that the Enterprize Community Zone Board of Directors want the Commissioners to elect a member to set on the Board. Commissioner Carte moved that President Witt serve. Vote unanimous.

Commissioner Witt accepted.

Ms. Holly informed the Commissioners she received notice from Gloria Bozo that the State Tax Department wanted all mineral hearings scheduled on February, 14, 1995, if someone can't come on that day the State Department will try to have someone available at another time.

Ms. Holly informed the Commission she received call from Family Law Master office yesterday informing that wall paper will not stay up, believe it might be do to the condensation from the Laundromat, was informed they have brought paint and supplies but want to know if maintenance can come down and paint. Commissioner Witt opposed to having maintenance paint, Commissioner Carte approved. Decision to be made when Commissioner Lopez is present.

Ms. Holly informed the Commissioners she received audit report form Department of Tax and Revenue for fiscal year ended June 30, 1992 for the County, informed the Commission the report discloses the existence of certain instances of a noncompliance with state statues. Ms. Holly informed the Commission she prepared a letter to Sheriff William Laird, Prosecuting Attorney Paul Blake and Assessor Thomas Aiello asking them to remedy the instances of a noncompliance with the West Virginia State Laws. Letters signed.

Ms. Holly informed the Commissioners she received certified a letter from Page-Kincaid Public Service District informing that the Beards Fork Elementary School had not been signed up on the wastewater system. Ms. Holly informed the Commission she prepared letter and forwarded certified letters to the Board of Education informing that ownership of the Beards Fork Elementary School

property had not been transferred by deed to the Fayette County Commission. Letter signed.

Ms. Holly informed the Commission she received invoice from Otis Elevator Company for charges for travel time to and from jobsite for \$243.82; Ms. Holly informed she had discussed the work performed with the maintenance personnel, informed the Commission she feel the nature of the problem should have been detected during normal maintenance and the subsequent work performed should be covered under our maintenance agreement. Ms. Holly informed the Commission she prepared letter protesting the charges. The Commission approved and signed.

The Commissioners received and reviewed a letter from Sheriff Bill Laird regarding invoices from the Regional Jail and Correctional Facility Authority for the confinement of Fayette County inmates at the Southern Regional Jail, also informed the Commissioners that invoices have been prepared for the City of Oak Hill and the City of Mount Hope reflecting our expenses for city commitments.

The Commissioners received a letter from Ann Berry requesting the Commission to sign order canceling and reissuing 3 outstanding checks paid from General County Fund. Order signed, Ms. Holly informed the Commission she would have to check on one of the checks.

The Commissioners signed a letter to Elected Officials and Department Heads requesting that each office, prior to March 2, 1995 submit a detailed request for appropriations for anticipated or expected expenditures for ensuing fiscal year.

Ms. Holly asked the Commission if they would approve for her to prepare vouchers for Fire Levy request for standard reimbursement for payment. Invoices approved checks to be written.

Ms. Holly informed the Commissioners that she received a Inmate Labor form request from Sheriff Bill Laird that's required to be completed if an inmate is used for litter clean-up. Ms. Holly informed the Commissioners' she talked with Jim Lively about liability was informed he would write to our insurance company about Counties liability, he felt unless we're extremely negligent the county shouldn't have any problem, but he would check into and let us know. Ms. Holly informed the Commission she would check with the Sheriff about form.

Commissioner Witt informed the Commission need to get together and spend a little time to discuss what they're going to do with the Jail. Ms. Holly also suggested discussing property purchased from the Estate of Evelyn Estep. Commissioner Witt asked about floor plans on the buildings. Ms. Holly informed she had floor plans. It was decided to discuss in next meeting.

The Commissioners received and reviewed copy of Boomer Volunteer Fire Department quarterly report.

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

Ms. Holly reminded the Commission that the West Virginia County Commissioners' Association Annual meeting is scheduled for February 12th through February 15th and asked if anyone will be attending. Commissioner Witt informed he would be attending. Commissioner Carte will not be attending.

The Commissioners received and reviewed several letters from Page-Kincaid Public Service District regarding previous complaints and correspondences.

Ron Walton appeared before the Commission to discuss property in Whipple. Commissioner Carte informed Mr. Walton he feel the Pace Property could not be sold in parts as per his request. Commissioner Carte informed Mr. Walton that the Commission was committed for the entire amount requested. Mr. Walton asked the Commission to call Mr. Pace to see what his decision is; Mr. Walton asked if they could look other where for property. The Commission informed Mr. Walton he could check on other property but asked Mr. Walton would property be comparable to the Pace property. The Commission asked Mr. Walton to find out what's available and get back with them. Ms. Holly asked Mr. Walton if he had found out anything about the Mountain Laurel Property. Mr. Walton informed he hadn't heard anything regarding their decision.

The Commissioners received and reviewed Audit Report from Armstrong Creek Volunteer Fire Department for fiscal year ending June 30, 1993 and June 30, 1994.

Ms. Holly informed the Commission that AT&T was here yesterday to provide telephone training for Frances Webb and Nancy Massey, Switchboard Operators for new telephone system.

The Commissioners received and reviewed letters from Sheriff Bill Laird regarding Annual leave payment request for Gayle Koone and Bill Webb. Discussion was held, okay to pay but to have Mr. Koone and Mr. Webb sign statement acknowledging receipt of money and informed them that they're no longer correctional officers and



they're no longer under the Civil Service Commission.

Ms. Holly informed the Commissioners Bob Arthur had obtained copier for the Fayette County Park from West Virginia University Extension Service in Morgantown.

The Commission received and reviewed letter from the Civil War Re-enactment Ball Committee requesting waiver of rental fee of Memorial Building. This was approved; the Commission asked Ms. Holly to check with Dean Lockett, principal at the Fayetteville Middle School, but if the Ball Committee wanted special custodial services this has to be approved by the Board of Education.

The Commissioners received and reviewed minutes from Gauley River Public Service District for the months of October, November and December.

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

The Commissioners received and reviewed letter from Division of Highways requesting their review and comments regarding the Statewide Transportation Plan.

Ms. Holly informed the Commission she had talked with Mark Lokant regarding invoice from Automotive Research Tech. informed the Commission that West Virginia Gas match was in the equipment that this was the county share from the grant, informed the Commission that they would receive 2 more invoices; asked the Commission if they wanted to go ahead and pay this invoice or hold until other invoices are mailed. Ms. Holly informed once these invoices are paid County would be reimbursed. The Commissioner approved to hold for remaining invoices.

Mark Lokant, Chairman and members of the Fayette County Transition Team met with the Commission to give an update on the progress of the Transition team. Guy Dooley, member of the team gave brief update on what the team has done in last 2 years. Commissioner Witt recognized seven members of Transition Team and asked Mr. Dooley to introduce each member. Mr. Dooley informed the Commissioners they were here today to request that the Commission include in their 95-96 budget a salary and office space for a County Resource Coordinator to be paid a yearly salary of \$35,000 to \$40,000. Commissioner Witt informed he feel this coordinator would benefit the County. Discussion was held; Commissioner Witt informed he was in favor of coordinator, real opportunity and lot of jobs would be created. Commissioner Witt thanked the Transition team for coming. Commissioner Carte informed the Transition Team the Commission would discuss during budget.

Commissioner Witt questioned voucher Number 7921, asked Ms. Holly why we're paying for communication center travel out of Coal Severance Fund. Ms. Holly informed the Commission during budget session for '94-'95 it was decided to use this fund for 911 Emergency travel. Ms. Holly informed the Commission she talked with Steve Cruikshank and he informed her it would be okay to pay from Enhanced 911 Fund. The Commission asked Ms. Holly to void voucher Number 7921 and pay Communication Center travel out of the 911 Enhanced Fund.

Ms. Holly informed she received notice of hearing from unemployment compensation benefits regarding Diana Hudson. The Commissioners asked Ms. Holly to check with the Prosecuting

Attorney's Office to see if someone could attend and check to see whether Earl should attend.

Ms. Holly informed the Commissioners she had talked with Sheriff Bill Laird regarding form for inmate work program was told this was a general request form once everything is lined up, will follow the same procedure used when we had the County jail.

Ms. Holly informed the Commissioners that Ed Koone slipped and failed in the bathroom of the Memorial Building.

Ms. Holly informed the Commissioners as a follow up of last meeting she was waiting to hear from Ann Berry regarding the balance of the worthless check fund.

The Commissioners signed and approved exonerations.

The Commissioners recessed to go into Executive Session with Bob Arthur.

Meeting reconvened; informed the Executive Session was regarding personnel matter.

Outstanding bills and payroll were approved.

Kelvin Holliday appeared before the Commission to discuss hiring of part time worker, recommend hiring Maxine Blagg to work 3 working days and need part time position for in office training to help with preparing deeds from delinquent sales.

Commissioner Carte made motion to hire part time worker for 3 working days at \$35.00 a day and suggested talking about the hiring of a person for one day training for redemption of land in budget session.

Ms. Holly presented the revised resolution endorsing the county-wide water treatment and distribution plan proposal by West

Virginia American Water Company. Order signed.

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

The Commissioners received and reviewed letters from Workers' Compensation Division regarding Harold W. Connors.

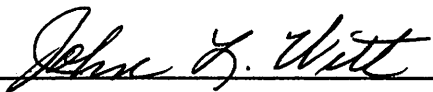
The Commissioners received and reviewed letter from Department of Tax and Revenue regarding Board of Equalization and Review hearing.

The Commissioners reviewed list of ambulance titled to the County.

The Commissioners approved to purchase Square D safety switch for mainline power disconnect part for annex building.

The Commissioners approved to pay invoice to SCT public Sector, Inc. for payroll and accounting computer hardware. Amount \$10,725.00.

The meeting was adjourned. Next scheduled is January 25, 1995.

  
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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 25, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 25th day of January, 1995.

Ms. Holly informed the Commission she talked with Jonn Fino regarding the grant money that had been approved for repairs at park, was informed that check had been released have not received. Discussion was held regarding applying for grant through legislative digest for park and memorial building. Ms. Holly presented a list of other projects from Earl Pauley, Park Superintendent. Commissioner Witt informed he think the county should consider Wetland Sewage Treatment Project.

Commissioner Witt read letter from the Board of Education asking the Commission if they would share the cost in back drop curtains on stage at the Memorial Building. Ms. Holly informed when Hartford Insurance Field manager did inspection was informed curtains were fire hazard. The Commissioners asked Ms. Holly to inform the Board that curtains should be removed because of fire hazard.

Ms. Holly informed the Commissioners that they had approved of accumulated vacation to be paid to Gayle Koone and William Webb. Ms. Holly informed the Commissioners that Teresa Daniels, Assistant Prosecuting Attorney had prepared acknowledgment agreement for them to sign. The Commissioners reviewed agreement and approved, once signed checks can be released.

Ms. Holly informed the Commissioners that Family Law Masters have painted the office walls.

Ms. Holly informed the Commissioners that reservation for the National Association of Counties Annual Meeting had been reserved, and also reservations for the West Virginia County Commissioners' Association has been reserved.

Ms. Holly informed the Commissioners that she had sent legal advertisements over to Carl Harris, Assistant Prosecuting Attorney for his review on the property owners in Whipple. Mr. Harris informed Ms. Holly legal advertisements were fine. Ms. Holly informed the Commissioner she would advertise with the Fayette Tribune and Montgomery Herald. The Commissioners approved.

Commissioner Carte informed the Commissioner he had been told the third floor was a fire hazard. Ms. Holly informed the Commission she had spoken with Jim Lively and he had given her suggestions on how to correct problem.

The Commissioners received and reviewed letter from Sheriff Bill Laird endorsing a Driving Training Program for Fayette County Deputy Sheriffs.

The Commissioners received and reviewed letter from Gordon Billheimer, Attorney for the Kanawha Falls Public Service District requesting the assistance of the Commission to help rebuild three large tanks.

The Commissioners received and reviewed statistics reflect responses dispatched thru the E-911 Center to respective resources agencies for the month of December, 1994.

The Commissioners received and reviewed statistics reflect the number of responses made by each ambulance during the month of December, 1994.

The Commissioners received and reviewed statistics reflect the total telephone traffic, incoming and outgoing, for each of the types of telephone groups for the calendar year 1994 for the Fayette County Office of Emergency E-911 Center.

The Commissioners reviewed deputies overtime for the fiscal year 1994-95. Discussion was held, it was suggested that letter be sent to the Sheriff regarding overtime.

The Commissioners received and reviewed Deputy's decision of the Unemployment Compensation Division regarding Diana L. Hudson.

The Commissioners received and reviewed check from The Helicon Group, L.P. for franchise fees for the period October 1, 1994 to December 31, 1994. Amount \$4,509.50.

The Commissioners received and reviewed certificate of insurance from Jan-Care Ambulance, Inc.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting for reimbursement for rent for the month of January, amount \$550.00.

The Commissioner received and reviewed letter from the Fayette County Board of Education regarding the Beards Fork Elementary School property. Discussion was held the Commissioner asked Ms. Holly to send information to Carl Harris, Assistant Prosecuting Attorney to review and advise the Commission of proper procedure to follow.

Ms. Holly informed the Commissioners she received the last 2

invoices for conversion of the last 2 vehicle to natural gas, need their approval to pay. This was approved. State will reimburse.

The Commissioners received and reviewed letter from Ann Berry regarding Audit Report of fiscal year 1991-92.

The Commissioners received and reviewed letter from Sheriff Bill Laird regarding schedule of findings and questioned costs of audit report for fiscal year 1991-92. Ms. Holly informed the Sheriff is drafting a written office policy to correct this action.

Commissioner Lopez informed he was still receiving complaints about the way the 911 Advisory Board was chosen. Commissioner Witt suggested that in the future the Firemen's Association submit 3 names to the Commission they would take under consideration and submit to the 911 Advisory Board the next time an appointment is to be made.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent is asking permission to advertise for seasonal positions for the Fayette County Park for the summer. This was approved.

Ms. Holly also presented to the Commissioner a list of suggestions from Earl for a grant to upgrade Fayette County Park.

Gary Harding, Zoning Officer appeared before the Commission to present the following cases: Z-398-95-1: Request of Burlin E. And Tronda L. Hamilton, owners, for a change in land classification from R-R, Agricultural and Rural Residential, to I-1, Light Industrial District, on 12.85 acres, Tract 1, Meadow



Fork, located on Route 18/2, Sanger Road, Plateau District.

Mr. Hamilton was present. The Zoning Officer informed the County Commission that the Planning Commission did on Monday recommend by a vote of 9-0 that this be approved for a garage and storage of Oak Hill Paving and Excavating. After a brief discussion a motion was made by Commissioner Gene Carte that this be approved as recommended. Motion was seconded by Commissioner John Lopez and carried 3-0.

Z-399-95-1: Request of Aaron Brooks, owner, for a change in land classification from R-R, Agricultural and Rural Residential, to I-1, Light Industrial District, on part of 5.262 acres, Wolf Creek, located on Summerlee Road near Oak Hill, Plateau District.

Mr. Brooks was present. The Zoning Officer informed the Commission that the Planning Commission did on Monday recommend that an area be rezoned to P-D, Planned Development, large enough to accommodate two rows of storage buildings 30' x 210' with an adjoining driveway along each side. This was recommended by the Planning Commission by a vote of 8 to 1 with Jack Wood voting no. Mr. Wood explained that he was not against the proposal but that he felt this was a misuse of Planned Development. After a brief discussion a motion was made by Commissioner Gene Carte that this be approved as recommended. Motion was seconded by Commissioner John Lopez and carried 3-0.

The Commissioners received and reviewed letter from Appalachian Power regarding electric service agreement informed if there are any changes to let them know.

The Commissioners received and reviewed letter from John

David, Secretary of the Page-Kincaid Public Service District informing of the Public Service Commission findings regarding the meter readings in the area.

Ms. Holly informed the Commissioners that she hasn't advertised for the auction of the property on Wiseman Avenue because Earl is working on list of surplus property at park. Ms. Holly asked the Commission if they wanted her to go ahead and just advertise for the Wiseman Avenue property or wait until Earl's list is completed. The Commissioner suggested waiting for list from Earl.

The Commissioners received and reviewed a request for copies of the minutes for the month of February from Nancy Harper. The Commissioners approved to make copies at no charge.

Commissioner Witt asked the Commission if they would except tower and lease on property on Gauley Mountain. Commissioner Witt informed the Division of Natural Resource and the West Virginia Division of Forestry would bear all the expense. Discussion was held, the Commissioners informed Commissioner Witt they would approve. Commissioner Lopez questioned about liability insurance and suggested putting up a chain link fence. Commissioner Witt informed the Commission that the Division of Forestry own tower and the Division of Natural Resources owns the grounds. Commissioner Lopez asked Commissioner Witt if ground would be leased to us under the old lease. Commissioner Witt informed he would report back to the Forestry and Department of Natural Resources and get back with them.

Exonerations were approved and signed.

Ms. Holly informed she would follow instructions of Jim Lively regarding the 3rd floor.

Commissioner Witt suggested checking in the jail to see if bars were used to hold up building.

Commissioner Witt asked Commissioner Carte what is the immediate concern about the Fayette County Solid Waste Authority. The Commission asked Joe Myers to give update. Mr. Myers informed the Commissioners that Paul Tygrett has been assigned to patrol litter program, also informed the Authority is working on organizing the clean-up program, working on budget and Larry Parsons salary.

Commissioner Witt questioned about the audit for 4-C Economic and Development.

Evelyn O'Dell, Director of the Retired Senior Volunteer Program appeared before the Commission to request funding from the Commission for fiscal year 1995-96, amount \$500.00. The Commissioners thanked Ms. O'Dell for coming and informed they would consider request for fiscal year 1995-96 budget. Ms. O'Dell also informed the Commissioners she had not received funds for the fiscal year 1994-95. Ms. Holly informed she hadn't received an invoice. Ms. O'Dell presented invoice for the fiscal year 1994-95, the Commissioners approved to pay, amount \$1,000.00.

Tom Aiello, Assessor appeared before the Commission to inform them that Magistrate John Lopez has requested the Commission to take appropriate measures to close abandon street in or near Boomer, Valley Tax District, Fayette County, West

Virginia. Ms. Holly informed the petition would have to be advertised and hearing set 15 days from the publication. Ms. Holly to type notice. Hearing to be held on Thursday, February 23, 1995 at 10:45 a.m.

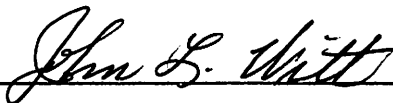
The Commissioners received and reviewed overtime for James Perdue.

The Commissioners received and reviewed letter from CableVision giving update on ongoing commitments to support our local schools through "Cable in the Classroom" and update on new rates.

The Commission received and reviewed letter from the Criminal Justice and Highway Safety Division regarding 94HS-19- Operation Buckledown Grant.

Payroll and outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is February 1, 1995.

  
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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
FEBRUARY 1, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 1st day of February, 1995 as Board of Equalization and Review of property assessment.

Prosecuting Attorney Paul Blake appeared before the Commission with a proposal from the Legislative Digest regarding funding for Special Prosecuting Attorney. Mr. Blake informed the Commission the cost would be \$325.00 a month and \$3,900.00 for the year. Discussion was held the Commission approved proposal as presented by Mr. Blake.

Lee Massey, Administrator for the Fayette County Health Department appeared before the Commission to request the assistance of the Commission to roof the Health Department. Commissioner Lopez suggested to Mr. Massey that he check to see what the Health Department could come with and get back in touch with the Commission. Mr. Massey also informed the Commission that they were having trouble with Appalachian OH-9 obligation of paying their share of the utilities, informed they were always late remitting payments. Mr. Massey informed on several occasions he had to call the utility companies so they wouldn't turn off utilities and would have to pay out of his pocket. Discussion was held no decision was made.

There were two scheduled hearings for Board of Equalization and Review of Property Assessment.

Geraldine Bowen appeared before the Commission requesting relief on property. Eddie Young with the Assessor's Office was present. Ms. Bowen was sworn in. Discussion was held, Eddie informed Ms. Bowen that he would have to go down this afternoon and check property. Commissioner Witt informed he feel the assessed value is too much. The Commissioners informed Ms. Bowen will take under consideration and will advise of decision by the end of the month.

Earl J. Wood appeared before the Commission requesting relief on property. Eddie Young with the Assessor's Office was present. Mr. Wood was sworn in. Mr. Young informed the Commission that all of Mr. Wood's property has been reduced, except for the .12 acres on Bennett Street, Mr. Wood informed the Commissioners this was an abandoned street would give to city, this was withdrawn. The Commissioners asked Mr. Wood if this was satisfactory. Mr. Wood informed yes.

Commissioner Carte asked the Commissioners what they wanted to do about the check written to Woolpert they were holding. Commissioner Witt asked Mr. Wood if Mr. Fish had been back in touch with the Planning Commission. Mr. Wood informed no, and recommended to the Commission to hold check until Mr. Fish get back to the Planning Commission with proposal.

Exonerations were approved and signed.

Commissioner Witt questioned about the adequate fee for the sell of property to the Commission for the Beards Fork Community Center from the Board of Education. Discussion was held, Commissioner Carte suggested offering \$100 to the Board for the

property, and if not satisfied with that offer ask them to sell to the Beards Fork Community Center. Commissioner Lopez questioned about the Kimberly property. Commissioner Carte informed Commissioner Lopez that a group should go to the Board and inquire about the Kimberly property.

The Commissioners received and reviewed letter from CableVision regarding explanation behind new rates.

The Commissioners received and reviewed letter from the Assessor's Office 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 of February. Order prepared and signed.

The Commissioners signed letter to the Fayette County Board of Education informing they have received and reviewed response and request regarding replacement of the backdrop curtains on the stage area of the Memorial Building the Commission informed the Board they are not willing to share cost of replacing backdrop and if Board does not plan to replace as recommended by county's liability loss control consultant, the Commission direct that the backdrop curtains be removed.

The Commissioners signed an appreciation letter to Mark Lokant with the West Virginia Power and his staff for their invaluable assistance and dedicated efforts in helping locate and repair the leak in the Courthouse gas line.

The Commissioners received and approved an invoice from West

Virginia Power for their materials they supplied for courthouse gas line leak repair. Amount \$202.59.

The Commissioners received and reviewed application from Billy William Blume.

The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia requesting the Commission to give their support to the passage of House Bill 2083, Fuel Tax Exemption Bill. The Commissioners asked that Ms. Holly call to give their support of the bill.

The Commissioners received and reviewed two accident reports, (1) Carey Vickers cruiser---totaled, (2) Bernard Forren cruiser---fender, Ms. Holly informed the Commissioners she was informed by Earl waiting until spring to repair.

The Commissioners received and reviewed letter from the Supreme Court of Appeals informing that the West Virginia Supreme Court of Appeals Administrative Office is phasing out the Home Confinement Monitoring Services Program between now and June 30, 1995, and asking that the Commission contact private vendor as soon as possible. The Commissioners asked Ms. Holly to contact Judge Charles Vickers, Judge John Hatcher, the Probation Officers, and Magistrates to set up meeting regarding the monitors. The Commissioners suggested returning the monitors for refund.

The Commissioners received and reviewed copy of letter from Assistant Prosecuting Attorney Henry Armstrong informing that the Argil Pace heirs have decided to accept offer of \$4,000.00 for 4.67 acres near Whipple. The Commissioners asked Ms. Holly to



notify Henry they accept and to prepare deed.

The Commissioners received and reviewed letter from Attorney Thomas Fast informing that the members of the Correctional Officers Civil Service Commission has tendered their resignation to be effective no later than February 15, 1995, since the Fayette County Correctional facility has been shut down.

The Commissioners received and reviewed letter from the Citizen's Advisory Board, Southern Regional Juvenile Detention Center informing the meeting for February 14, 1995 has been changed to February 21, 1995, meeting will still be held in the front lobby of the Southern Regional Juvenile Detention Center at 4:00 p.m.

The Commissioners received and reviewed check from Cable Equities of the Virginias, Ltd for franchise tax for the period from October 1, 1994 through December 31, 1994, amount \$3,605.34, and request for increase in its maximum permitted rate for its Basic Service Tier (BST) for all franchise areas served by its Oak Hill system.

The Commissioners reviewed public notice to be advertised in the Meadow River Post informing the Commission would receive bids until 10:00 A.M. on February 14, 1995 for repairs to the existing Bellwood Community Water system and to extend water service to eight additional households in Gould Hollow.

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

The Commissioners received and reviewed acknowledgments

signed by Gayle Koone and William Webb from Sheriff Laird regarding payment of accumulated leave while serving as correctional officers at the Fayette County Jail.

Discussion was held regarding the appointment of 911 Advisory Board. Commissioner Witt suggested writing a letter to the Firefighter's Association, Inc. and let them know the Commission would accept their recommendations.

The Commissioners received and reviewed update from Centennial Committee from Gordon Billheimer.

Ms. Holly informed the Commission that she had talked with Fred Cutlip regarding the status of the grant for the handicap bathroom at Fayette County Park, was informed that follow up letters and contracts are being prepared.

The Commissioners approved to purchase IBM Wheelwriter 2000 typewriter for Circuit Clerk's Office.

The Commissioners received and reviewed Industrial Bonds from Chemical Bank.

The Commissioners received letter from Friends of WNF'B network requesting they draft resolution in support of public broadcasting. The Commissioners opposed to the funding of the public broadcasting network.

The Commissioners received and reviewed letter from Mountain Transit Authority (MTA) requesting a letter be sent to reappoint Galen Horrocks to the Board of Directors.

Ms. Holly informed the Commissioners unofficially the General County Fund tax revenue for personal property is \$126,000.

Commissioner Witt informed the Commission he had spoke with John Hunt, Director of the 4-C Economic Development Authority he suggested County check into Industrial Bond fees.

Commissioner Witt informed the Commission he had talked with Steve Cruikshank, and he was informed by the members of the Danese Volunteer Fire Department and Rescue Squad, Inc. that they were thinking about discontinuing services in the Danese area. Discussion was held, Commissioner Witt suggested the Commission get together with the Board Members, Steve Cruikshank, David Neal to see if something could be worked out. Commissioner Lopez suggested talking with the Prosecuting Attorney's Office to see if they could shed some light on the problem, meeting is scheduled for Friday, February 3, 1994 at 7:00.

Outstanding bills were approved.

Commissioner Carte informed the Commissioners that Ms. Abbot called was informed that Judge Abbot had two file cabinets in his office that belong to the county and Lawrence Pearce wanted to know if the Fayette County National Bank could have. Discussion was held, the Commission approved to give to Mr. Pearce.

The Commissioners received and reviewed guidelines for audits prepared by the Department of Tax and Revneue from Region 4 Planning and Development Council for financial assistance through grants.

The Commissioners received and reviewed request for reimbursement for Project #94-DC-003 (D.A.R.E.).

The Commissioners decided to hold voucher # 111607 to Pioneer Research, asked Ms. Holly to check with Earl.

Meeting was adjourned. Next scheduled meeting is February  
6, 1995.

*John R. Witt*

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
FEBRUARY 6, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt and Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 6th day of February, 1995 as Board of Equalization and Review of property assessment. There were no scheduled appointments.

Commissioner Witt gave report on meeting held on Friday, February 3 with the Danese Volunteer Fire Department and Rescue Squad, Inc. Board Members, Steve Cruikshank, David Neal. Commissioner Witt informed after a brief discussion they will continue business for the time being, and Noel Revels will work with them on a schedule. Commissioner Witt informed they needed a new set of by-laws, David Neal is to let them know what equipment is obsolete and what's not. Commissioner Witt informed the Commission that Steve and David would work with them today.

Ms. Holly presented policy to the Commissioners regarding selling or dispose of any property belonging to the County. Commissioner Carte informed he had already called Ms. Abbot and told her she could have file cabinets. Discussion was held, it was decided because of extenuating circumstances the Commissioners decided to waiver the policy.

Ms. Holly informed the Commissioners she had talked with ITT Hartford regarding Sterley Flanagan vehicle, asked the Commissioners if they wanted to check into salvage procedures. The Commissioners approved.

Ms. Holly presented letter from Barbara Mosley regarding

property located in Whipple. The Commissioners asked that a copy of letter be sent to the Assessor's Office for their review.

The Commissioners received and reviewed checks from Tele-Media Corporation for the franchise fees for the period October 1, 1994 through December 31, 1994, amount \$5,480.07 and check from Rifkin Communications Partners, L.F. for the period October 1, 1994 through December 31, 1994, amount \$327.26.

The Commissioners received and reviewed check in the amount of \$29,460.94 for the Emergency telephone system for the month of December, 1994.

The Commissioners received and reviewed report from Danese Volunteer Fire Department and Rescue Squad, Inc. For the month of January, 1995.

The Commissioners received and reviewed letter from Victor Flanagan with Cleek, Pullin, Knopf and Fowler regarding Horrocks v. City of Fayetteville, et al. v. Sheriff of Fayetteville.

Ms. Holly informed the Commissioners she received letter from General Ambulance regarding ambulance service to the City of Ansted, informed the Commissioners she forwarded the letter to David Neal and Steve Cruikshank because it was dealing with the Advisory Board.

The Commissioners received and reviewed franchise check from Master Telecable, Inc. for the 4th Quarter, amount \$1,195.77, also received letter regarding restructuring of rates for basic service and equipment and installation charges.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council regarding a «Congested Area»

survey form from the West Virginia Department of Highways. The Commissioners informed Fayette County have no congested areas.

Ms. Holly informed the Commissioners Tom Woodrum, Mayor for the Town of Fayetteville had inquired about purchasing Personal Computer for town. Ms. Holly informed the Commissioners she had sent list and purchase price to all the municipalities, informed the cost of PC is \$408.00. The Commissioners asked Ms. Holly to check with Earl Pauley at Fayette County Park to see if he could use, if not they had no objections to selling to the Town.

The Commissioners received and reviewed letter from Criminal Justice and Highway Safety Division informing of their visit to the law enforcement agency recently to review funded Drug Control projects.

Meeting adjourned. Next scheduled meeting is February 8, 1995.

*John S. Witt*

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
COURTHOUSE

FEBRUARY 8, 1995

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, Gene Carte, Jr., Commissioner  
John H. Lopez arrived at 10:50

The Fayette County Commission met in regular session on this 8th day of February 1995.

Commissioner Witt informed the Commissioners he received a call from Lee Massey informing he had gotten two (2) estimates for the repair to the roof at the Fayette County Health Department. No decision was made. Ms. Holly suggested checking with Sutters Roofing.

Commissioner Witt informed the Commissioners they received letter from the Governor's Office informing they were approved for handi-cap restroom for Fayette County Park.

Steve Cruikshank, Emergency Services Coordinator, appeared before the Commissioners asked the Commission if they had seen letter from General Ambulance, Inc. regarding offering Als Ambulance service to the City of Ansted. Mr. Cruikshank informed the Commission that there was enough ambulance in the county without adding another, also informed that the Emergency Service will not furnish radios to service. Discussion was held it was decided to wait until Advisory Board met again to really look over situation. The Commission agreed.

Mr. Cruikshank informed the Commission he had met with John Perdue regarding getting assistance for water situation in Pax area of \$11,000.00, Steve informed the Commission that John asked him to check with the Commission to see if they would give



\$5,000,000. The Commissioners informed Steve they had already appropriated \$500,000 to Fax. Discussion was held the Commission informed Steve they would take under advisement and get with him, asked Ms. Holly to get hold of Senator Shirley love to see if John Perdue would go along with 75%.

Outstanding bills were approved.

Ms. Holly presented revised list from Earl regarding Partnership Grant for handicap bathroom, Ms. Holly informed the Commission that Earl feel they could do labor themselves.

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

The Commissioners received and reviewed statistics reflect responses dispatched thru the E-911 center to the respective resource agencies during the month of January, 1995.

The Commissioners received and reviewed sick leave and vacation report on Emergency Services personnel for calendar year 1994.

Ms. Holly informed the Commissioners in last meeting they approved to purchase wrecked police cruiser for salvage, informed the Commission she was waiting for meter reading from Earl Fauley, Park Superintendent.

The Commissioners received and reviewed letter from Putnam County Aging Program, Inc. requesting the Commission select a representative to be a member of the Board of Directors. Commissioner Witt informed he wouldn't even consider unless it came back to Facette County.

Ms. Holly informed the Commissioners that Nancy Tissue

wanted waiver of rental fee not custodial fee for Ruritans 1950-60's dance scheduled for February 11, 1995. This was approved letter signed.

The Commissioners received and reviewed letter from Sheriff Laird informing that yesterday he was advised that the deadline for ordering 1995 police vehicles from the State Contract is Wednesday, February 15, 1995, specifications and contract price was attached, cost of 1995 Crown Victoria Interceptor is \$17,072.50. Sheriff Laird requesting that the Commission approve to purchase 5 vehicles for fiscal year 1995-96. This was approved. Discussion was held, Commissioner Witt asked Ms. Holly to find out why they wanted the Crown Victoria and to check into purchasing Ford Taurus.

Ms. Holly presented to the Commissioners letter from Crystal Proctor regarding the Estate of John Monday, Ms. Holly informed the Commissioners she had called Teresa Daniel, Assistant Prosecuting Attorney regarding this matter she has scheduled a hearing for March 8, 1995 at 11:00 she will send notices. The Commissioners suggested setting aside order of August 3, 1993 due to request filed June 17, 1993, Ms. Holly to notify Tom Myles, Fiduciary Commissioner.

Attorney Jamie Blankenship appeared before the Commission with two (2) petitions for annexation by minor boundary adjustment of 1.45 acre and .96 acre tracts 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 tracts adjoining the Town of

Fayetteville owned by Adventures, Inc., Rivers-2, Inc. and the West Virginia Department of Highways, no opposition the Commissioners signed petitions, hearings for final orders to be held on March 15 at 10:30 a.m. and 10:45 a.m.

The Commissioners received and reviewed letter from Magistrate Monk requesting that a fluorescent type lighting be installed over the desk in the Danese Office. This was approved.

The Commissioners discussed scheduling meeting with Judge Vickers, Judge Hatcher, Magistrates Tom Monk, Larry Dotson, Mike Parsons, John C. Lopez, Sheriff Laird, Prosecuting Attorney Paul Blake, Probation Officer John Parrish, Supreme Court of Appeals Assistant Director Fred P. McDonald, Jack Myatt, HCMSO Manager to receive input and to discuss alternatives for home confinement monitoring services, meeting scheduled for Thursday, February 23, 1995, 11:00 a.m.

Commissioner Carte suggested putting \$30,000 in fiscal year budget contingency for projects.

The Commissioners received and reviewed two (2) requisition for materials from the Prosecuting Attorney's Office for 1-5 drawer legal size file cabinet and the Circuit Clerk's Office for 3-5 drawer legal size filing cabinets with no locks, and 3-5 drawer legal size filing cabinets with locks. This was approved.

Ms. Holly informed the Commissioners she had talked with Earl Pauley, Park Superintendent he informed he had gone down to the West Virginia Surplus Agency found Crown Victoria, body is in good shape motor burned up, the Commissioners suggested Earl check into.

Ms. Holly informed the Commissioners the County would be getting grant for the park and asked that the Commissioners make motion to sign resolution authorizing a contract with the state of West Virginia for Governor's Community Partnership Grant Program Funds for the Facette County Park. Commissioner Carte made motion and Commissioner Witt seconded, resolution signed.

The Commissioners received/reviewed and approved monthly report for the Facette County Humane Society.

Commissioner Witt informed the Commission he had called Larry Canterbury to see if he could recommend someone with knowledge of structural steel buildings and he recommended Denzil Rowe very highly from Fayetteville. Commissioner Witt informed he would talk with Mr. Rowe.

Ms. Holly asked the Commissioners if they would approve ordering checks for new software for the payroll office. This was approved.

Ms. Holly informed the Commissioners that Sheriff Laird want to know if he could hire Beverly Hundley as part-time to type budget for fiscal year 1995-96 if no conflict with her present position. This was approved.

The Commissioners received and reviewed update of cable rates from CableVision.

The Commissioners received and reviewed change of address from Bull HN Information Systems, Inc. Copy forwarded to Steve Cruikshank.

The Commissioners received and reviewed list of «refusals to pay» associated with the Emergency Telephone system for the month

of December, 1994.

Ms. Holly informed the Commissioners that the Facette County Sheriff Office received \$52,000 from the COPS FAST program.

The Commissioners received and reviewed floor plans of handi-cap bathroom from Earl Pauley for the Facette County Park.

Meeting was adjourned.

The Commission reconvened for Board of Equalization and Review (1:30 p.m.). There were two scheduled hearings for Board of Equalization and Review of Property Assessment, Margaret Marchio was scheduled for hearing but did not appear.

Lorenza Mira appeared before the Commission requesting relief on property. Eddie Young with the Assessor's Office was present. Mr. Mira was sworn in. Discussion was held, Eddie informed Mr. Mira that the Assessor's Office would change his class to Class 2. Mr. Mira questioned about the City of Oak Hill coming on property to maintain sewage asked if he could get some relief from that. Eddie to check and get back with the Commission regarding sewer lines. The Commissioners informed Mr. Mira they would change class and get with Eddie regarding sewer line and will advise of decision by the end of the month.

Exonerations were approved and signed.

T. E. Myles appeared before the Commission with question regarding the Estate of John Monday. The Commissioners informed Mr. Myles the hearing would be on the motion.

The meeting was adjourned. Next scheduled meeting is February 14, 1995.

*John & Witt*

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 14, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Gene Carte, Jr. and John H. Lopez

The Fayette County Commission met in regular session on this 14th day of February, 1995.

Payroll and outstanding bills were approved.

Ms. Holly informed the Commission she had talked with Judge Vickers regarding setting meeting to discuss monitors for home confinement service Judge Vickers informed that Thursday, February 23, at 11:00 a.m. was fine. Letter signed.

Ms. Holly informed the Commissioners she received check from Hartford Insurance for cruiser that was totaled.

Ms. Holly presented to the Commissioners 3 estimates from Earl Pauley for cost of repairs to the Sheriff cruiser, will send to our insurance carrier.

The Commissioners received and reviewed letter and invoices for the Cities of Mount Hope, Oak Hill, and Smithers, from Sheriff Laird from the Regional Jail and Correction Facility Authority for the confinement of Fayette County inmates at the Southern Regional Jail for the month of January, 1995. Invoices was approved.

The Commissioners received and reviewed contract grant from Governor's Community Partnership Grant for the Fayette County Park, the Commissioners suggested sending over to Prosecuting Attorney's Office for opinion.

The Commissioners received and reviewed letter from

CableVision informing the letter dated January 30, 1995 to the Commission was incorrect, the Limited Basic rate will increase by \$.11 and the CableVision Service rate by \$.89.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent a list of organizations who are scheduled to use park for camping this year. List and camp fees were approved by the Commission.

The Commissioners received and reviewed letter from Ferris, Baker, Watts, Incorporated regarding bond refinancing feasibility, informed the Commission they will continue to monitor the refunding possibilities and let them know if the status changes.

The Commissioners received and reviewed letter from Sheriff Laird regarding State Contract Purchase for 1995 Police Vehicles, informed the Commission they had done follow-up of their request for price information on 1995 Ford Taurus Police Cruisers, informed the Commissioners it is his judgement that the full size vehicle constitutes a better value for the County over the life of the vehicle. The Commissioners approved the purchase of the 5 vehicles, letter sent to Dils Motor Company.

The Commissioners approved invoices from Fire Department for \$4,249.00.

The Commissioners approved for Charlotte Holly, Administrator and Commissioner Gene Carte to attend the Workers' Compensation Development, Preparation and Settlement of a Claim Program in Charleston on April 27, 1995.

Ms Holly informed the Commissioners she had advertised for

bids for the Bellwood area, informed the Commissioners that today at 10:00 a.m. was the deadline she had not receive any bids, informed she talked with Lee Astin he informed he had not receive any either. The Commissioners asked Ms. Holly to hold until Friday.

The Commissioners decided to hold off on roofing for the Fayette County Health Department. Commissioner Witt to check with Whiteside.

Ms. Holly informed the Commissioners the roof in Circuit Clerk's Office is leaking.

There were three scheduled hearing for Board of Equalization and Review of Property Assessment.

Nirmal Kanti Gangopadhyay with Lightning, Inc., RHC., Inc. and New Land Leasing Company appeared before the Commission to request relief on properties. Charles Barlow and several other members from the State Tax Department was present. Eddie Young with the Assessor's Office was present. Discussion was held, Mr. Gangopadhyay informed the Commission he an objection as to the type of form the State Tax Department used. Mr. Barlow asked the Commission for a continuance so that he and Mr. Gangopadhyay could discuss and review materials. The Commissioners granted a continuance for Tuesday, February 28, 1995 at 10:30 a.m.

Dale Cummings with Harry Ward, Jr. Estate appeared before the Commission requesting relief on property. Eddie Young with the Assessor's Office was present. Charles Barlow with the State Tax Department was present. Discussion held, Mr. Cummings and Mr. Barlow asked for a continuance. The Commissioners granted a



continuance for Tuesday, February 28, 1995 at 10:30 a.m.

Tim Keeney appeared before the Commission to request relief on property. Charles Barlow with the State Tax Department was present. Discussion held and agreement made to withdraw the protest of the mineral property, Mr. Barlow informed the Commission that the state had assessed Mr. Keeney's property on the bases of Mr. Keeney having 43 acres in Gilbert no other coal value on property informed Mr. Keeney would be corrected if he was in agreement with that. Hearing is to be continued.

The Commissioners received and reviewed letter from Rose & Atkinson regarding Property Tax Assessment of Rivermont Presbyterian Home and Twin Oaks Plaza appeal pending in the Circuit Court and requested that this letter be used as a request for reassessment for Rivermont Presbyterian Home and Twin Oaks Plaza for 1995 property tax assessment. The Commissioners denied request, and asked that copy of letter be sent to Carl Harris, Assistant Prosecuting Attorney to answer prior to February 28, 1995 copy also given to Eddie Young.

The Commissioners received and reviewed letter from the State Tax Department giving the calculation of active coal acreages based on previous year(s) production.

The Commissioners received and reviewed Notice of Redemption from One Valley Bank.

The Commissioners received and reviewed from Sheriff Laird copy of request for reimbursement for Project #94-DC-003 D.A.R.E. Grant.

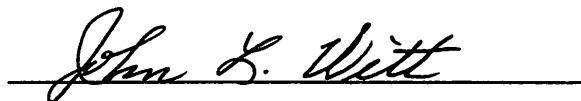
The Commissioners received and reviewed letter from Joe H.

Moreau requesting for Board of Equalization and Review hearing.

The Commissioners received and reviewed letter from Prosecuting Attorney Paul Blake informing that Debbie Rhinehart is currently working in his office as a substitute secretary at \$40.00 a day.

Outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is February 17, 1995.

  
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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
BOARD OF EQUALIZATION AND REVIEW  
FEBRUARY 17, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 17th day of February, 1995.

Commissioner Carte informed the Commission he had talked with Pat Wendell regarding asking the Commission if the Fayette Historic Landmark Society could use the county's Federal Identification Number for fund raiser for LaFayette statue. Commissioner Witt informed he feel the county should not get involved. Ms. Holly informed the Commission she didn't think county could do that.

Commissioner Carte asked that letter addressed to the Judges, Magistrates, Probation Office regarding the home monitor equipment copy be sent to the Public Defenders Office.

Jim Murdock, Chairman and Aubrey Riner, members of the Fayette County Solid Waste Authority appeared before the Commission to give an update of what is going on with the Authority, asked that the Commission if they would take over salaries of Debbie Berry and Jacqueline Hickman. Mr. Murdock also informed the Commission the Authority will be meeting again on Tuesday, February 28, 1995 to vote on a budget.

Mr. Riner appeared before the Commission to question about

the lease on the landfill in Cunard. Mr. Riner suggested to the Commission that since Rush Creek Land pays \$13,000 for property tax if they would consider giving them a break on their taxes for the land in Cunard. Commissioner Carte asked the Assessor to check the property. Ms. Holly informed the Commission that the lease would not be with the Commission. Commissioner Carte asked Assistant Prosecuting Attorney Carl Harris to check into.

Steve Cruikshank appeared before the Commission to asked if the 911 Center could add recording during the holiday informing the Courthouse is closed. The Commission informed they see no problem with that.

Commissioner Witt informed the Commission is now sitting as Board of Equalization and Review, there were two scheduled appointments.

Attorney Gordon Billheimer appeared before the Commission for Mark Grimmett, requesting relief of property. Eddie Young and Donald Hogan with the Assessor's Office was present. Everyone was sworn in. Mr. Billheimer informed the Commissioners he had spoke with the Assessor's Office and a agreement had been made to consolidate the lots. Mr. Young informed the Commission that Donald has revised all the lots. Commissioner Witt asked if everyone agreed with the decision and had no problem with value of the property.

The Commissioners questioned voucher for \$5,000.00 for the cost of extradition of prisoners, and asked Ms. Holly to have Chief Deputy Steele to come over.

Elkem Metals appeared before the Commission to request for a

continuance of Board of Equalization hearing. Discussion was held it was decided to reschedule for Thursday, February 23rd at 3:00 p.m. Commissioner Witt informed he see no problem. Assistant Prosecuting Attorney Carl Harris informed he would like for this to go on record that he had made major changes in his schedule to be here and he did not appreciate Elkem coming in here the day of the hearing requesting a continuance.

Deputy Steele appeared before the Commission regarding explanation of the cost for extradition of prisoners. Voucher approved, amount \$5,000.00.

The Commissioners received and reviewed invoice and order from Lewis County regarding Case #94-H-00151 evaluations of individuals involuntarily committed to the William R. Sharpe, Jr. Hospital (Weston). The Commissioners signed letter to John Holy the Mental Hygiene Commissioner advising that a payment should not be allowed unless the order of the Circuit Court directs the payment.

The Commissioners received and reviewed letter from Workers' Compensation Division informing that disability benefits for Harold Wayne Conners cannot be extended past March 10, 1995, will reach maximum 208 weeks, benefits are suspended. Ms. Holly informed the Commissioners they need to get in touch with Prosecuting Attorney regarding this matter.

The Commissioners received and reviewed letter from Page-Kincaid Public Service District requesting the Commission to considered them for a Small Community Block Grant (SCBG).

The Commissioners received and reviewed copy of thank you

letter from Page-Kincaid Public Service District written to Michael A. Miller with the West Virginia American Water Company.

The Commissioners received and reviewed letter from the U. S. Department of Justice Office of Community Oriented Policing Services notifying the Commission they have been selected to receive a COPS FAST grant award to hire 1 new and additional officer(s).

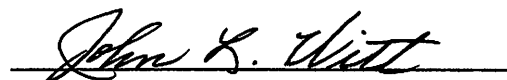
The Commissioners received and reviewed copy of letter from Tom Aiello, Assessor to the Department of Tax and Revenue informing the State that White Oak Lumber had applied for and was approved for managed timberland on a tract of land under the old map number, a copy of order signed by the Commission giving the State permission to correct errors were faxed.

The Commissioners received and reviewed letter from the Fayette County Historical Society requesting permission to use parking lot adjacent to the Courthouse for horse and carriage rides throughout the afternoon of Saturday, June 10, 1995 for the Battle of Fayetteville Re-enactment Committee. This was approved as long as they cleaned up afterwards.

Ms. Holly informed the Commission she had advertised for bids for Fayette County Health Department reroofing.

Outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is February 23, 1995.

  
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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
BOARD OF EQUALIZATION AND REVIEW  
FEBRUARY 23, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in special session on this 23rd day of February, 1995.

Ms. Holly informed the Commission she had called Fred McDonald and Jack Myatt with the Home Confinement Monitoring Services and was informed they would not be attending the meeting scheduled for today at 11:00.

The Commissioners signed monthly sales report for the Fayette County Park for the month of January, 1995.

The Commissioners signed request for reimbursement for the months of November, December, 1994 and January, 1995 for Project #94-JJ-3-001, Juvenile Justice and Delinquency Prevention Program.

Ms. Holly informed the Commissioners they had three cancellations for Board of Equalization hearings so Elkem was rescheduled for 1:45 p.m. instead of 3:00.

Ms. Holly informed the Commissioners all the work has been completed on the Alternate Fuel Grant. The Commissioners approved to pay Automotive Research Technology, amount \$9,577.91.

The Commissioners signed letter to the West Virginia Development Office regarding progress and financial reports reflecting 100% completion of the Alternate Fuels Grant.

The Commissioners signed letter to Attorney Gordon

Billheimer informing they are unable to approve their request for a quarter of a million dollars as partial funding to rebuild three large tanks for the Kanawha Falls Public Service District.

Ms. Holly informed the Commissioners that Eddie Young sent over letter requesting the Commission to prepare an order to waive the penalty on Larry Price 1994 tax ticket due to clerical error. Order signed.

Commissioner Carte questioned the 911 overtime.

Ms. Holly informed the Commissioners that Rick Myles had checked the roof at the Health Department was informed it would cost from \$32,000 to \$37,000 to reroof. The Commissioners asked Ms. Holly to go ahead and advertise.

Ms. Holly informed the Commissioners that at last meeting the Commission had received a bill from the Mental Hygiene Commissioners in Lewis County requesting payment in case #94-H-00151 was told to send back and request they submit an order from the Circuit Court requesting payment, Ms. Holly informed the Commissioners they had received order but it had the wrong case number on it.

The Commissioners signed letter to Jeanna Bailes with the West Virginia Development Office notifying the Fayette County Commission they was not the applicant and therefore is not the grantee for the \$10,000.00 Governor's Community Partnership Grant project included in the Legislative Digest for the Fayette County Senior Center project, applicant was Putnam County Aging Program applying for the Fayette Senior Citizen Nutrition Program.



The Commissioners approved for Ms. Holly to purchase bookcases stands for printers for the various offices.

The Commissioners received and reviewed invoices from the Fayette County Board of Education for cost of electricity at the Memorial Building due to the E-911 Communication Center, amount \$4,154.69. The Commissioners approved to pay.

Ms. Holly informed the Commissioners that Earl Pauley want her to ask if it was okay to change the pool hours to 11:00 a.m. -6:00 p.m. Ms. Holly informed the Commissioners that Mr. Pauley said there wasn't enough people during the other schedule to keep pool open any longer than 6 p.m.

Discussion was held regarding restoring vehicle and giving to Earl Pauley, Park Superintendent. This was approved, Paul Kessler with Custom Auto Body Works will repair for \$3,600. Commissioner Lopez questioned about 4-wheel drive for Dog Warden Bert Horrocks. The Commissioners asked Ms. Holly to have Earl check into.

Ms. Holly informed the Commissioners she checked with Earl about the date Part time employees would be hired they would be starting around May 15th.

The Commissioners received and reviewed notices from Helicon Cablevision regarding new rates.

The Commissioners received and reviewed receipts from Deputy Steve Kessler for extradition of prisoners from San Jose, California.

The Commissioners received and reviewed Certificate of Insurance from General Ambulance, Inc.

The Commissioners received and reviewed finalized copies of the International Business Machines Corporation (IBM) contract.

The Commissioners received and reviewed report from Dave Thomas with the Office of Environmental Health Services regarding the Ames Heights Public Service District's Public Water Supply System.

Discussion was held regarding turning the ambulances and the insurance over to the Companies. The Commissioners asked Ms. Holly to check on and discuss at next meeting, also asked that she send letter to the Prosecuting Attorney Office for their opinion.

The Commissioners received and reviewed request for funding from Janet Zamiela, Director of the Fayette Senior Program for fiscal year 1995-96.

The Commissioners received and reviewed copy of letter to Delegate Petersen requesting the continued support of the Legislature for a Community Partnership Grant for the Fayette Senior Program.

The Commissioners received and reviewed order from Cleek, Pullin, Knopf and Fowler regarding Horrocks v. The City of Fayetteville, et al, Civil Action #92-C-1035.

The Commissioners received and approved overtime for James Perdue and Wilbert Lively due to gas leak.

The Commissioners received and reviewed news article from Sheriff Laird regarding longevity pay issue for deputy sheriffs.

The Commissioners received and reviewed memo from Ben Todaro, Regional Manager with Cable Equities of the Virginias,

Ltd. concerning the affects of the possible annexation of Kilsyth Road in Mount Hope.

The Commissioners signed letters to Black Diamond Girl Scout Camp, Buckskin Council, St. Anthony, Bob Arthur, Hico United Methodist Church, Church of God, Camp Kismet, Gospel Hill Ministry, Virginia Street Baptist Church, regarding rules and regulations for camping at the Fayette County Park.

The Commissioners made motion not to get involved with the LaFayette Statue fund raiser.

Gary Harding, Zoning Officer presented to the Commission the following case for disposition: Z-400-95-1: Request of Lewis Light, owner, by Keith Morton, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on 1.08 acres, Loup Creek, located on Route 61 near Oak Hill, Valley District.

Mr. Morton was present and informed the County Commission that he wanted to operate a used car lot and small repair garage about two miles out of Oak Hill on Route 61. The Zoning Officer informed the County Commission that the Planning Commission did on Tuesday by a vote of 8 - 0 recommend that this request be approved. After a brief discussion as to the location a motion was made by John Lopez that this request be approved as recommended. Motion was seconded by Gene Carte and passed unanimously.

The Commissioners received and reviewed letter from the Planning Commission with recommendation that Eugene C. Kistler be placed on the Fayette County Planning Commission to fill the

unexpired term of Tim Richardson. The Commission signed order appointing Eugene C. Kistler to the Planning Commission.

Magistrate John C. Lopez appeared before the Commission for final hearing regarding closure of an abandoned street in or near Boomer, Valley Tax District, Fayette County, West Virginia. Commissioner Carte made motion to close abandoned street. Commissioner Lopez seconded and passed unanimously. Order signed.

Commissioner Lopez questioned the Commission about their plans for the house on Church Street. Discussion was held, it was suggested by Commissioner Carte that the extension office be moved there. Ms. Holly informed the Commission that she had talked with Mary Lou Schmidt and she informed they would be doing major clean-up job on the third floor. No decision was made.

Exonerations were signed and approved.

X The members of the Commission scheduled a meeting to receive input and to discuss alternatives for home confinement monitoring service with Judges Charles Vickers, and John Hatcher, Magistrates John C. Lopez, Larry G. Dotson, Tom Monk and Mike Parsons, Sheriff William Laird, Prosecuting Attorney Paul M. Blake, Probation Officer John Parrish, Assistant Director Fred McDonald with the Supreme Court of Appeals and Jack Myatt, HCMSO Manager, discussion was held regarding choosing vendor and getting cost for monitoring service. Mr. Parrish presented a price list from Strategic Technologies, Inc., informed this cost was for actively monitored units, and this was the only cost he had at this time. Ms. Holly informed the Commissioners that Fred

McDonald will send other vendors., Judge Hatcher suggested reading statue and suggested the Chief Judge, Judge, Magistrates, and Probation Officers get together and present proposal to the Commission.

\* The Commissioners signed thank you letter to Senator Shirley Love and enclosed a list of bills endorsed by the County Commissioners Association.

The Commission reconvened this afternoon to hear several Board of Equalization and Review hearings.

Attorney T. E. Myles appeared before the Commission to request relief on the Bank of Mount Hope properties, Mr. Myles presented several exhibits and informed the Commissioners he feel due to the depreciation conditions in the Mount Hope area a tax relief should be given. Donald Mitchell, Floyd Bonafacio, and John Gwinn was present and sworn in and informed the Commissioners that they also feel that due to the depressed conditions of the area the Bank of Mount Hope should be given a tax relief . Eddie Young with the Assessor's Office was present, he presented print outs of all the banks in the area and compared them with the Mount Hope area, informed the Commissioners that the Assessor's Office had considered the conditions in the area. The Commissioners thanked everyone for coming in and informed will take under consideration and will advise of decision by the end of the month.

Elkem Metals Company appeared before the Commission to request relief of property. Attorney Thomas McJunkin, George Tabit, Gary Shiwarski, Helen Lemon, Jeff Amburgey, Harvey

Williams was all sworn in. Attorney McJunkin presented his Exhibits and witnesses as to why the Commission should grant a tax relief for Elkem Metal. The State presented their exhibits and witnesses as to why Elkem property tax should not get tax relief. Discussions was held, the Commissioners informed they would take everything under advisement and inform them of their decision by the end of the month.

The Commissioners received and reviewed memorandum from Cindy Whitlock, Director with the Fayette County Chamber of Commerce informing of meeting on Wednesday, March 8 at 11:30 a.m. at the Fayette Plateau Vo-Tech regarding building a YMCA in the Fayette County area.

The Commissioners received and reviewed copy of letter from the Cable Equities of the Virginias, Ltd. to the West Virginia Cable Television Advisory Board informing of a complaint registered by John Brown regarding interference on Cable Channel 20.

The Commissioners signed letter to Senators Shirley Love, Randy Schoonover and Delegates Tom Louisos, Dr. Bruce Petersen, and John Pino requesting that an appropriation in the amount of \$53,300.00 be included in the Legislative Digest for the Fayette County Commission Park Project.

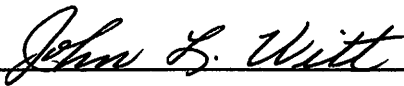
The Commissioners signed letter to Senators Shirley Love, Randy Schoonover and Delegates Tom Louisos, Dr. Bruce Petersen, and John Pino requesting that an appropriation in the amount of \$49,000.00 be included in the Legislative Digest for the Fayette County Soldiers and Sailors Memorial Building Project.

The Commissioners signed letter to Senators Shirley Love, Randy Schoonover and Delegates Tom Louisos, Dr. Bruce Petersen, and John Pino requesting an appropriation in the amount of \$10,000.00 be included in the Legislative Digest for the Fayette County Jail Study.

The Commissioners signed letter to Senators Shirley Love, Randy Schoonover and Delegates Tom Louisos, Dr. Bruce Petersen, and John Pino requesting an appropriation in the amount of \$30,000.00 be include in the Legislative Digest for renovation and expansion to the Fayette County Sheriff's Detachment in Smithers.

Payroll and outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is February 28, 1995.

  
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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
BOARD OF EQUALIZATION AND REVIEW  
FEBRUARY 28, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in special session on this 28th day of February, 1995.

Attorney Jamie Blankenship appeared before the Commission to request tax relief on the Nuttall Estate Properties. Charles Barlow with the State Tax Department was present. Mr. Blankenship and Mr. Barlow informed the Commission they would like to take a few minutes to discuss. Mr. Blankenship informed several applications have been withdrawn. The Commissioners excepted all the evidence and exhibits and informed they would take under advisement and make decision this afternoon.

Gary Holcomb and Mary McClanahan with the Danese Volunteer Fire Department and Rescue Squad, Inc. appeared before the Commission to request a loan to pay expenses related to the operation of the ambulance service in the Danese area. Discussion was held regarding talking with Keith Holly with the United Mine Workers to see if he could give any insight to the problem. The Commission approved to loan \$4,000.00 same type advance of agreement as signed before and asked Mr. Holcomb to come in at 10:15 a.m. on March 8th to pick up check and sign agreement.

Nirmal Kanti Gangopadhyay with Lightning, Inc., appeared before the Commission regarding continuance of hearing from February 14, 1995, Chuck Barlow with the State Tax Department was



present. Discussion was held evidence from both side were presented. The Commissioners informed Mr. Gangopadhyay they would take under advisement and make a decision this afternoon.

George Moreau appeared before the Commission regarding Joe Moreau request for relief of property, Eddie Young with the Assessor's Office was present. Discussion was held Mr. Moreau withdrew mineral protest. The Commission informed Mr. Moreau they would take under advisement and make a decision this afternoon.

Robert L. Haynes appeared before the Commission regarding request for relief of property and asking that classification be changed, Mr. Haynes presented pictures of property. Discussion was held, the Commissioners informed Mr. Haynes they would review and take under advisement and make a decision this afternoon.

Exonerations were approved and signed.

Tom Aiello asked the Commission if they would oppose Senate Bill 434.

The Commissioners signed letter to Senators Shirley Love and Randy Schoonover and Delegates Tom Louisos, Dr. Bruce Petersen, and John Pino urging them to work against the passage of Senate Bill No. 437 informed they have discussed the implication of this proposed legislation on Fayette County as well as other counties of West Virginia.

The Commissioners signed letter to Penelope Crandall, Director with Family Law Masters requesting reimbursement for rent in the amount of \$550.00 for the Office of the Family Law Master in Fayette County for the month of February.

The Commissioners signed letter to Fayette County Firefighter's Association, Inc, regarding the appointment of the representative of the firefighters to the E-911 Advisory Board.

The Commissioners signed order certifying they have examined each and every item and valuation fixed by the Assessor and have made such corrections and fixed such valuations, and that record shows the complete valuations and assessments of the land of Fayette County for the year 1995.

The Commissioners signed letter to Earl Wood informing of their decision as Board of Equalization and Review that the 1995 assessed valuation of the property will be, .12/Pt abandon Bennett St, Assessed Value--\$600, Appraised Value--\$1,000, Surf Lot 29 Cherry Lane Sd, Assessed Value--\$600, Appraised Value--\$1,000, Surf Lot 30 Cherry Lane Sd, Assessed Value--\$600, Appraised Value \$1,000, Surf Lot 31 Cherry Lane Sd, Assessed Value--\$720, Appraised Value--\$1,200, Lot 14 Earl J. Wood Sd, Assessed Value--\$660, Appraised--\$1,100, Lot 16 Earl J. Wood Sd, Assessed Value--\$720, Appraised--\$1,200.

The Commissioners signed letter to Joe H. Moreau informing of their decision as Board of Equalization and Review that the valuations of the properties in question will not be changed and informed that during the review of his property it was discovered that the 125.50 acre tract was not taxed in 1994, said property will be back taxed in 1995 for 1994 taxes.

The Commissioners signed letter to Robert L. Haynes convening as Board of Equalization and Review 1995 informing the valuations of the property in question will not be changed.

The Commissioners signed letters to Elkem Metals Company and Bank of Mount Hope/Bank of Mount Hope, Inc./Bank of Danville The Mount Hope Banking Center convening as Board of Equalization and Review 1995 informing the valuations of the properties in question were derived in accordance with regulations and guidelines provided by the West Virginia Department of Tax and Revenue will not be changed.

The Commissioners signed letter to Lorenzo Mira convening as Board of Equalization and Review 1995 informing the assessed valuation of the properties in question Lot 15 Hi Lawn Hts, Assessed Value--\$2,880, Appraised Value--\$4,800, Lot 35 Hi Lawn Hts, Assessed Value--\$2,700, Appraised Value--\$4,500, the appraised/assessed valuations for Lots 16,17,36,37,38, and 39 Hi Lawn Hts and Lots 18,19, and adjacent .17 Hi Lawn Hts have been reviewed and determined to be correct valuations will not change, but the Assessor Office advised the Commission that Lots 18-19 and adjacent .17 Hi Lawn Hts will be changed from Class IV to Class II.

The Commissioners signed letter to Geraldine Bowen convening as Board of Equalization and Review 1995 informing assessed valuation of the property in question will be 34/Armstrong Creek, Assessed Value--\$1,140, Appraised Value--\$1,900.

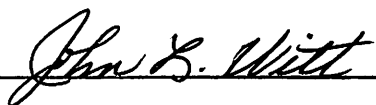
The Commissioners signed letter to Timothy Grimmatt, Mark Grimmatt and William Grimmatt convening as Board of Equalization and Review 1995 informing assessed valuation of the property in question Lot 1 Blk 3 Smithers Ck, Assessed Value--\$2,400, Appraised Value--\$4,000, Lot 2 Blk 3 Smithers Ck, Assessed Value-

-\$2,220, Appraised Value--\$3,700, Lot 3 Blk 3 Smithers Ck,  
Assessed Value--\$2,340, Appraised Value--\$3,900, Lot 4 Blk 3  
Smithers Ck, Assessed Value--\$3,180, Appraised Value--\$5,300, Lot  
5 Blk 3 Smithers Ck, Assessed value--\$3,300, Appraised Value--  
\$5,500, Lot 6 Blk 3 Smithers Ck, Assessed Value--\$3,660, Appraised  
Value--\$6,100, Lot 7 Blk 3 Smithers Ck, Assessed Value---\$3,360,  
Appraised Value--\$5,600, Lot 8 Blk 3 Smithers Ck, Assessed Value--  
-\$4,380, Appraised Value--\$7,300, Lot 9 Blk 3 Smithers Ck,  
Assessed Value--\$2,340, Appraised Value--\$3,900, Lot 10 Blk 3  
Smithers Ck, Assessed Value--\$3,540, Appraised Value--\$5,900, Lot  
11 Blk 3 Smithers Ck, Assessed Value--\$3,780, Appraised Value--  
\$6,300, Lot 12 Blk 3 Smithers Ck, Assessed Value--\$4,020,  
Appraised Value--\$6,700, Lot 13 Blk 3 Smithers Ck, Assessed  
Value--\$3,660, Appraised Value--\$6,100, Lot 14 Blk 3 Smithers  
Ck, Assessed Value--\$5,100, Appraised Value--\$8,500, Lot 15  
Dalporto SD, Assessed value--\$5,220, Appraised Value--\$8,700, Lot  
17 Dalporto SD, Assessed Value--\$6,960, Appraised Value--\$11,600.

The Commissioners reviewed legal advertisement for re-  
roofing the Fayette County Health Department.

Outstanding bills were approved and signed.

The meeting was adjourned. Next scheduled meeting is March  
8, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 8, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 8th day of March, 1995.

Ms. Holly presented fax from County Commissioners' Association asking the Commission to endorse Senate Bill 277, Fuel Tax Exemption. The Commissioners asked Ms. Holly to call Delegates Tom Louisos, Dr. Bruce Petersen, and John Pino and inform them they endorse Senate Bill 277.

The Commissioners received and reviewed letter from Gary Harding, Zoning Officer regarding discussion in February 23rd meeting about asking Diane Smallwood if she would be willing to serve on the Planning Commission, Mr. Harding informed he talked with Ms. Smallwood and she informed she would be willing to serve. The Commissioners approved. Ms. Smallwood is to fill unexpired term of Robert Stephens. Order signed.

Ms. Holly asked the Commissioners if they wanted to schedule a date to meet with the Elected Officials regarding Budget for fiscal year 1995-96.

The Commissioners signed letter to Herbert Mann, Circuit Clerk, William R. Laird IV, Sheriff, Kelvin E. Holliday, County Clerk, Paul M. Blake, Jr., Prosecuting Attorney, Thomas E. Aiello, Assessor, informing they would like to meet with them on Wednesday, March 15, 1995 to discuss their budget requests for

Fiscal Year 1995-96. Ms. Holly informed the Commissioners public meeting would be scheduled for March 24, 1995, will advertise.

President Witt signed monthly sales tax report for Fayette County Park for the month of February.

The Commissioners signed order reappointing Galen Horrocks a member of the Mountain Transit Authority of Summersville.

The Commissioners signed letter approving the Fayette County Historical Society request to block off the Fayette County Courthouse parking lot on Wiseman Avenue from noon until 9 p.m. on Saturday, June 10, 1995.

The Commissioners signed letter to Paul Blake, Prosecuting Attorney requesting his written opinion regarding whether or not and under what authority the Commission can transfer the ownership to various nonprofit/volunteer and private ambulance services.

The Commissioners signed two (2) Budget Revision orders for fiscal year 1994-95 for the General County Fund and Coal Severance Fund.

The Commissioners signed agreement for loan to Danese Volunteer Fire Department and Rescue Squad, Inc. for expenses related to the operation of the ambulance service in the Danese area. Amount of loan \$4,000.00. Mr. Gary Holcomb presented list of funds owed to Danese Ambulance for services provide, also presented monthly reports from June, 1994 through February, 1995.

Ms. Holly informed the Commissioners that she received one (1) bid for phases of construction of restroom facilities at the Fayette County Park from Fayco Lumber and Supply Company, Inc.

The Commissioners asked Charlotte to have Earl check.

The Commissioners received and reviewed minutes from the Deepwater Public Service District for the months of November, December, 1994 and January, 1995.

Ms. Holly presented copy of fax from Cecil I. Walker Machinery Company regarding protest of county property tax appraisals for Board of Equalization and Review. Ms. Holly informed the Commissioners that letter was sent to the Department of Tax and Revenue we received fax on February 28, 1995 at 4:00 after the certification of the Board of Equalization was finalized.

The Commissioners received and reviewed letter from Department of Tax and Revenue informing of in-service training seminars for County Commissioners and Assistants on August 6 - 8.

The Commissioners received and reviewed copy of letter to Kelvin Holliday from Paul Blake informing that effective March 1, 1995 Debbie Rhinehart is hired as a full-time employee, salary is \$12,000.00 a year.

The Commissioners received and reviewed thank you letter from Senator Randy Schoonover concerning the passage of Senate Bill #437.

The Commissioners received and reviewed memorandum from Jim Lively Insurance informing they received letter from Louis R. Tabit, Attorney for Christopher A. Johnson. Copy of letter forwarded to PENCO and copy to Sheriff.

The Commissioners received and reviewed letter from the Fayette County Deputy Sheriff's Association appointing

Christopher Moorehead as their representative for the Deputy Sheriff Civil Service Commission.

The Commissioners received and reviewed minutes from Gauley River Public Service District for the month of January. Ms. Holly informed the Commissioners Mr. Dearing had called and informed her that a Board member appointment had expired and he would send letter of appointment.

The Commissioners received and reviewed Audit Report from Ansted Certified Fire Department.

The Commissioners received and reviewed check in the amount of \$28,399.88 for the Emergency telephone system for the month of January, 1995.

The Commissioners received and reviewed update from Workers' Compensation on Philip Ronald Statler and Harold Wayne Conners.

David Higgins appeared before the Commission to ask permission to transfer change of ownership of the Kroger Store Bond Issue. Commissioner Lopez questioned if the Commission would be obligated or if the Commission would be liable. Mr. Higgins informed no obligation and no liability on the part of the Commission. Mr. Higgins informed he would give copy to the Prosecuting Attorney for his opinion. Commissioner Gene Carte made motion to authorize transfer. Commissioner John Lopez seconded. Commissioner Witt informed he would sign if Prosecuting Attorney give okay. Vote passed 3-0.

Ms. Holly informed the Commissioners that Earl had talked with Sheriff Laird about using exhaust fans in the jail at the park. Commissioner Witt suggested to the Commission that they



should look at first. Commissioner Witt informed he had no problem with letting Earl use the fans as long as they put things at the jail back like it originally was.

Earl also sent up a list of projects and equipment for the park for 1995. The Commissioners received and reviewed.

The Commissioners approved for Ms. Holly to attend Cobra and Family and Medical Leave Act of 1993 Seminar on April 27, 1995 at Charleston, West Virginia.

The Commissioners received and reviewed Dog Warden Report for the month of February, 1995.

Attorney Ralph Young and City Manager Tom Oxley appeared before the Commission to discuss annexation by minor boundary adjustment of 1.73 acre tract owned by Gary E. and Brenda P. Overbey situated in Plateau District, adjoining the City of Oak Hill, Fayette County, West Virginia. The Commissioners accepted and signed petition.

Reverend William Johnson and Floyd McKnight appeared before the Commission to discuss the Beards Fork Community Organization. Discussion was held regarding the responsibility of the Commission and Beards Fork Community. Commissioner Lopez suggested to Reverend Johnson and Mr. McKnight that once the Commission receive the deed from the Fayette County Board of Education they will get with Beards Fork Community and discuss each persons responsibilities. Commissioner Lopez informed the Commission would ask the Board about the utilities.

Mayor Mary Blackwell appeared before the Commission to request funding for the Fayette Senior Nutrition Center in Gauley

Bridge for the fiscal year 1995-96, amount \$4,000.00. The Commission informed Ms. Blackwell that would take under advisement during budget session and get back with her.

Adrian Goff, David Goff, Donald McMillion and Shaun Wheeler with General Ambulance appeared before the Commission to discuss reason why General couldn't add another ambulance in the Ansted area. Mr. Goff informed he had been told by David Neal that their was a freeze on adding ambulance to the 911 system. Commissioner Witt asked Mr. Goff if they had checked with the Advisory Board. Gary Light with Valley ambulance appeared before the Commission requesting that Valley could move a truck in the Armstrong Creek area. Steve Cruikshank informed that their was a freeze on until the Advisory Board met. Mr. Cruikshank informed by the Board being new they need time to get educated on issues and set some kind of procedures. Commissioner Witt informed he feel the Board of Advisory need to meet and also informed that this meeting should have been set with the Advisory Board and not the County Commission. Commissioner Carte suggested putting the General Ambulance on the system. Commissioner Carte made motion that General Ambulance be hooked up to 911 system and Valley Emergency Medical Service truck be moved to the Adena Village area. Commissioner Lopez seconded to go on line subject to whatever the Advisory Board decide. Mr. Cruikshank asked the Commission what if another ambulance wanted to be hooked up to the system. The Commission response was no one else could be hooked to system and the Advisory Board need to meet quickly. Commissioner Witt suggested to Steve to advise the Advisory Board

they need to call an emergency meeting to come up with some policy or procedures. The Commissioners received and reviewed letter from the Fayette County Enhanced Emergency Telephone System Advisory Board regarding standards for the delivery of Emergency Ambulance Services.

Jim Murdock and Aubrey Riner with the Fayette County Solid Waste Authority appeared before the Commission to ask for help with the leachate at the Landfill and also inquired about the lease at the Landfill. Commissioner Carte asked how much money the Authority talking about. Mr. Murdock informed the Commission that Debbie Berry would put copy of budget and a copy of minutes from last meeting in their box, also informed the Commissioners the Authority is still asking the Commission to consider hiring the secretaries. Commissioner Witt informed Mr. Murdock that the Commission is only interested in leasing 16 acres not the whole 90 acres. Mr. Murdock questioned about tax credit. Assessor Tom Aiello informed the Commissioners that the land is classified as managed timberland and to change to raw acreage at a \$100 an acre they would be paying higher taxes. After discussion no decisions was made.

Discussion was held regarding increasing percentage for exonerations from 7% to 9%.

Ms. Holly asked the Commissioners if they wanted to still hold voucher number 111607, to Pioneer Research, amount \$3,716.68, discussion was held, the Commissioners asked Ms. Holly to talk again with Earl Pauley, Park Superintendent to see if that much degreaser is needed. Voucher was not approved for

payment.

Commissioners Carte informed the Commissioners he had been asked by Mary Lou Schmidt if the Extension Office would be moving. Discussion held, the Commissioners informed they would look into. No decision was made.

Stephanie Harrah informed the Commissioners they need to appoint Special Fiduciary Commissioner. The Commissioners asked Ms. Holly to check with T. E. Myles to see if he would take appointment.

Ms. Holly informed the Commissioners she received a call from Janet Hurt regarding Mollie Stokes property, Ms. Hurt informed the Commission that Ms. Stokes have not done a thing to property. The Commissioners informed Ms. Holly they would discuss at next meeting.

Commissioner Carte informed the Commission he had talked with Ron Walton and he want to know the status of the Whipple property. Ms. Holly informed the property owners had 90 days from last public notice to clean property and Assistant Prosecuting Attorney Henry Armstrong is working on deed.

Commissioner Lopez informed Jack Atha had complained to him about some property in the Columbia area needing cleaning.

Commissioner Witt informed Gene Walker has not done nothing with his property in Minden. It was decided to discuss at the next meeting.

The Commissioners received and reviewed letter from Sheriff Laird regarding Harold Wayne Connors Workers' Compensation.

The Commissioners received and reviewed copy of a letter

from Sheriff Laird to ITT Hartford regarding the delivery of a Driver Training Program. The Commissioners informed Ms. Holly to contact Tom Aiello, Earl Pauley, David Neal and Steve Cruikshank regarding the training.

The Commissioners received and reviewed payment from ITT Hartford for Sheriff vehicle, cost to repair was \$1,350.00.

The Commissioners received and reviewed letter from Ann Berry, Chief Office Deputy regarding Fire and Library Levy bank accounts. Ms. Holly informed the Commissioners that voucher to reimburse for interest that was credited to wrong account is in the bills for their approval.

Kelvin Holliday presented to the Commissioners a letter regarding state-wide things that are happening in the voters registration office and the election asking the Commissioners to look at during budget.

Ms. Holly informed the Commission that Sandra Tucker with the Juvenile Justice Delinquency and Prevention Program want to know if she could purchase some needed materials. This was approved.

The Commissioners signed letter to Delegates John Pino, Richard Staton, John Amores, J. D. Beane, David Collins, Vicki Douglas, Barbara Fleischauer, Mark Hunt, Tal R. Hutchins, Evan Jenkins, Arley R. Johnson, Larry A> Linch, Dale Manuel, Ernest Moore, Grant Preece, Arnold Ryan, Gary Tillis, David Whitman, Larry Faircloth, Dan Greear, Edward Kime, Dale Riggs, Jody Smirl, Carl Thomas and Charles Trump urging them to support Senate Bill 327.

The Commissioners received and reviewed copy of letter to Carl Harris, Assistant Prosecuting Attorney from Sheriff Bill Laird informing the Workers' Compensation Division has reopened the claim for Earnest Lester.

The Commission received and reviewed request from The Fayette Transition Team to fund the position of County Resource Coordinator in the 1995-1996 fiscal year budget.

Commissioner Carte signed letter to Mountain Transit Authority requesting the possibility of scheduling a transit stop at the Fayette Manor Apartments located on Virginia Street in Oak Hill, West Virginia.

Commissioner Lopez signed letter to Senator Shirley Love informing he support issues submitted by President Witt reflecting the priorities of the County Commissioners' Association of West Virginia.

The Commissioners received and reviewed letter from the Corps of Engineers thanking them for submitting application to the Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program.

Outstanding bills were approved.

The meeting was adjourned. Next scheduled meeting is March 15, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 15, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 15th day of March, 1995.

Paul M. Blake, Jr., Prosecuting Attorney appeared before the Commission to discuss budget for fiscal year 1995-96. Mr. Blake explained the forfeiture procedure to the Commission. Ms. Holly asked Mr. Blake about the account procedure. Mr. Blake informed Ms. Holly he would check. After discussion, the Commissioners accepted Mr. Blake's presentation and informed they would get back with him.

Attorney Jamie Blankenship appeared before the Commission with two (2) annexations (1) annexation by minor boundary adjustment of tracts adjoining the Town of Fayetteville owned by Adventures, Inc., Rivers-2, Inc., and the West Virginia Department of Highways and (2) annexation by minor boundary adjustment of 1.45 acre and .96 acre tracts adjoining the Town of Fayetteville owned by the town of Fayetteville and situate on Marrs Branch adjacent to the Town of Fayetteville. No opposition for either annexation. Commissioner John Lopez made motion to approve annexation by minor boundary adjustment of tracts adjoining the Town of Fayetteville owned by Adventures, Inc., Rivers-2, Inc., and the West Virginia Department of Highways. Commissioner Gene Carte seconded. Motion unanimous. Vote passed 3-1. Commissioner Gene Carte made motion to annexation by minor

boundary adjustment of 1.45 acre and .96 acre tracts adjoining the Town of Fayetteville owned by the Town of Fayetteville and situate on Marrs Branch adjacent to the Town of Fayetteville. Commissioner John Lopez seconded. Motion unanimous. Vote passed 3-0.

Ms. Holly informed the Commissioners the deadline for the application for the Governor's Summer Youth Program is today and she needed them to sign application. Application signed.

Ms. Holly presented to the Commissioners bids for the reroofing of the Fayette County Health Department--Uni/Bond Roofing Company, Inc.--\$12,920.00--Beautiful Homes--\$13,700.00, Commissioner Witt informed Earl Whitener withdrew bid. Commissioner Lopez suggested getting Billy Horrocks to look at roof and let him make his recommendations.

Herbert Mann, Circuit Clerk appeared before the Commission to discuss budget for fiscal year 1995-96. Mr. Mann requested raise for employees and a increase in travel. The Commissioners informed Mr. Mann there would be no raises this year. Discussion was held, the Commissioners accepted Mr. Mann's presentation and informed they would get back with him.

Ms. Holly informed Mr. Mann she had received a fax from Butch Evans regarding the price of installing a telephone in the Circuit Clerks Office, cost would be \$504.00. Ms. Holly asked Mr. Mann instead of installing a new line can this be put on the juror line. Mr. Mann informed no, but he would check with the Supreme Court and get back with her.

Kelvin Holliday, County Clerk appeared before the Commission



to discuss budget for fiscal year 1995-96. The Commissioners informed Mr. Holliday there would be no raises this year. Discussion was held, the Commissioners accepted Mr. Holliday's presentation and informed they would get back with him. Mr. Holliday informed the Commissioners he would like an opportunity to talk with them about the Election.

Exonerations were signed and approved. Eddie Young asked the Commissioners about the cut off day for tax tickets. Mr. Young informed the Commissioners that Dale Cummings said the State would make corrections on property. Mr. Young informed the Commissioners the state has not sent corrections yet.

Tom Aiello, Assessor appeared before the Commission to discuss budget for fiscal year 1995-96. Mr. Aiello informed he would like increase in part time positions and travel expense, 5 new chairs for offices, stand for printer in Dianna Dyke's office, cabinet in Gloria Bozo office. Discussion was held, the Commissioners accepted Mr. Aiello's presentation and informed they would get back with him.

Ms. Holly informed the Commissioners she had talked with T. E. Myles regarding Special Fiduciary Commissioner, Mr. Myles suggested James C. Blankenship. The Commissioners decided to hold until next meeting.

President Witt informed the Commissioners and Sheriff Bill Laird would go into executive session regarding personnel problem.

Sheriff Bill Laird appeared before the Commission to discuss budget for fiscal year 1995-96. The Commissioners informed

Sheriff Laird there would be no raises this year. Discussion was held, the Commissioners accepted Sheriff Laird presentation and informed they would get back with him.

The meeting was adjourned, back at 1:30.

Ms. Holly informed the Commissioners she received letter from Gauley River Public Service District requesting that Teddy Elliott be appointed to fill the unexpired term of Louise Grimmett. Commissioner Lopez moved that Teddy Elliott fill the unexpired term of Louise Grimmett. Commissioner Carte seconded. Vote passed 3-0. Order signed.

The Commissioners signed letter to the Holiday Inn Martinsburg for Thomas E. Aiello, Gloria Bozo, Dianna Dyke, Mary Weatherford, Donald Hogan to have their sleeping rooms, meals, room guarantees and parking fees charged to the County while they are attending the Annual In-Service Training Seminar.

President Witt signed the Federal Tax exempt form from Sunoco.

The Commissioners received and reviewed invoice from Sheriff Laird to the City of Oak Hill for the confinement of inmates at the Southern Regional Jail during the month of February.

President Witt signed letter to the Division of Corrections for reimbursement for rent for the parole office for the months of January, February, and March, amount \$900.00.

The Commissioners received/reviewed and signed letter from Earl Pauley to Buckskin Council regarding day camp regulations at the Fayette County Park.

Ms. Holly informed the Commissioners that modem for Personal

Computer for Circuit Clerk Herb Mann would cost \$504.00 informed she would have Debbie call and have line installed. This was approved.

The Commissioners received and reviewed letter from Prosecuting Attorney Paul Blake regarding \$1,950,000 Industrial Development Bonds (R. F. Johnson, Inc., Project) advising that material meets with his approval and he can see no reason why the commission should not execute the First Amendment to Disposition Agreement as tendered. Agreement signed.

The Commissioners received and reviewed statistics reflect the number of responses made by each ambulance during the month of February.

The Commissioners received and reviewed Petition for Forfeiture from Sheriff Laird regarding filing fee for asset forfeiture action, amount \$70.00. This was approved.

The Commissioners received and reviewed letter from Sheriff Bill Laird appointing Deputy Paul Tygrett and Bert Horrocks Humane Officers for Fayette County.

The Commissioners received and reviewed copy of letter from the City of Oak Hill to J. D. Brackenrich regarding a request to change Lamplighter Street to Highland Road.

The Commissioners received and reviewed copy of minutes and budget from the Fayette County Solid Waste Authority.

The Commissioners received and reviewed letter from Carl Harris, Assistant Prosecuting Attorney regarding Harold Wayne Conner's Workers' Compensation.

The Commissioners received and reviewed copy of letter to

Harold Conner from Sheriff Bill Laird informing him that his Temporary Total Disability (TTD) Benefits cannot be extended past March 10, 1995 due to the fact that he will have reached maximum allowed benefit period of 208 weeks.

The Commissioners received and reviewed letter from Carl Harris, Assistant Prosecuting Attorney regarding Earnest Keith Lester re-opening order of the Commissioner for Workers' Compensation.

The Commissioners received and reviewed copy of letter from Tele-Media Corporation to the West Virginia Cable Television Advisory Board regarding a proposed Cable TV rate adjustment for: Cable Franchises, Inc, Cedar Grove Cablevision, CMA West Virginia, Tele-Media Company of Smithers, CMA Mingo.

The Commissioners received and reviewed copy of bill status from the House Judiciary Committee, John Pino, Vice Chairman.

The Commissioners received and reviewed reminder from the Page-Kincaid Public Service District regarding hooking the Beards Fork Elementary School to sewer line.

The Commissioners received and reviewed letter from Sheriff Laird regarding Driver Training Program, training will be delivered on April 11 and 12.

Ms. Holly reminded the Commissioners a public meeting for the budget is scheduled for Friday, March 24th at 10:00 a.m.

The meeting was adjourned. Next scheduled meeting is March 24, 1995.

  
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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 20, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 20th day of March, 1995 to discuss budget for fiscal year 1995-96.

Commissioner Witt informed he think the Commission should talk with Billy Horrocks before making any decision on Health Department roof. Commissioner Lopez suggested going with bid. Commissioner Witt informed he had no problem with going with the bid but would like Billy to supervise work. The Commissioners decided to go with lower bid Uni/Bond Roofing Company, amount \$12,920.00. Ms. Holly informed the Commissioners she would like to check over Uni/Bond specifications first.

Ms. Holly informed the Commissioners Bert Horrocks would be off a few days due to death in family.

Ms. Holly informed the Commissioners she had been informed by James Perdue that over the weekend someone tried to break in front door of courthouse.

Commissioners Witt suggested writing letter to the Town of Fayetteville asking them to enforce Leash Law on County owned property.

Ms. Holly informed the Commissioners she received call from Thelma Baldry was told that Gene Walker have not done a thing regarding cleaning up of his property.

Ms. Holly informed the Commissioners she received from James

Lively appraisal from Dave Fox on property in Glen Jean, amount of appraisal \$1,500.00. Discussion was held, Commissioner John Lopez made motion to pay. Commissioner John Witt seconded. Ms. Holly asked the Commissioners if they wanted the check to be paid to the Building Commission. The Commissioners informed yes and asked Ms. Holly to get both John Hunt with 4-C Economic Development Authority, and James Lively, Chairman of the Building Commission to sign off on approval.

Commissioner John Lopez informed the Commission he vote to go along with hiring a coordinator for fiscal year 1995-96. Commissioner Carte informed he was against hiring coordinator. Vote passed 2-1.

Commissioner Witt presented option on Real Estate purchase agreement for the Glen Jean Property want to know if 4-C Economic Development Authority could have option, it was suggested to have the Prosecuting Attorney review and prepare.

The Commissioners reviewed and discussed each officeholders budget request for the fiscal year 1995-96.

The Commissioners received and reviewed from Earl Pauley, Superintendent for the Fayette County Park part-time application for maintenance and lifeguards.

The Commissioners signed letter to Lisa Stanley, Director with the Department of Tax and Revenue informing the Fayette County did allocate funds for fiscal year 1996 to the 4-C Economic Development Authority.

The Commissioners signed letter to Lisa Cazad, Director with the Chief Inspector Division, State Tax Department informing that

for cost/savings and efficiency purposes, the policy for the purchase of commodities for various Fayette County departments has been that the Office of the County Commission will be the central purchasing office.

The meeting was adjourned. Next scheduled meeting is March 24, 1995.

John L. Witt

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 24, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present:

John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 24th day of March, 1995.

Commissioner Witt informed the Commission is setting for public hearing for fiscal year 1995-96 budget. No opposition present. Commissioner Witt asked if there were any questions or remarks to the budget.

Commissioner Lopez informed he was in favor of hiring a coordinator for the Fayette Transition Team, but he was also in favor of the Commission dropping 4-C Economic Development Authority.

Ms. Holly informed the Commissioners she had allowed \$4,000.00 in the Building and Improvement for the Whipple Community project.

Ms. Holly informed the Commissioners Tom Aiello, Assessor had checked with the State Tax Department regarding paying from the Assessor's Valuation Fund the Data processing fees for statewide computer in his office. Ms. Holly informed the Commissioners the State said no.

Commissioner Carte asked about Kathy Price the person Earl Pauley want to hire for Public Relations. Ms. Holly informed the Commissioners she did not allow anything in budget to cover this. Commissioner Lopez asked the Commissioners to talk with Earl about scaling back on projects at Park.



Ms. Holly informed the Commissioners she moved the Humane Society from the Dog Tax Fund to the Coal Severance Fund.

Ms. Holly informed the Commissioners she talked with Jackie Hickman and Debbie Berry regarding their part time salary for the Landfill.

Ms. Holly informed the Commissioners that Bert Horrocks, Dog Warden would like to purchase cages and equipment, would be paid out of the Dog Tax Fund.

Ms. Holly informed she talked with Steve Cruikshank, Emergency Coordinator regarding dispatchers salaries. Mr. Cruikshank informed this would be paid from 911 Fund, part-time would be \$3.50 an hour, full-time would be \$25.00 a month. This was approved.

Ms. Holly informed the Commissioners she did advertise for budget hearing today. Commissioner Lopez made motion to approve budget for fiscal year 1995-96. Commissioner Carte seconded. Commissioner Witt informed unanimous decision budget for fiscal year 1995-96 approved and signed.

Ms. Holly presented design for a sign for Fayette County Park from Earl Pauley, Superintendent. This was approved.

The Commissioners signed letter to Kelvin Holliday, County Clerk informing that effective March 21, 1995 Billy Horrocks and Forrest Bragg are to be employed on part-time basis as a carpenter and a carpenter's helper, Mr. Horrocks would be paid \$10.00 per hour and Mr. Bragg would be paid \$8.00 per hour from the General County Fund no fringe benefits.

Ms. Holly informed the Commissioners she had received

several calls from Dave Fox regarding payment of the appraisal he done on the Glen Jean property.

The Commissioners received and reviewed letter from the West Virginia-American Water Company informing of proposed rate increase.

The Commissioners received and reviewed letter from Multi-Cap, Inc. informing their is a vacancy on the Multi-County Community Action against Poverty, Inc. Board of Directors and requesting the Commission to appoint a representative.

The Commissioners received and reviewed copy of letter from Kelvin Holliday, County Clerk to the Fayette County Bar Association regarding new computer system in his office.

The meeting was adjourned. Next scheduled meeting is March 29, 1995.

John S. Witt

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 29, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 29th day of March, 1995.

President Witt read letter from Carl Harris, Assistant Prosecuting Attorney regarding his opinion on transferring the ownership to various nonprofit/volunteer and private ambulances, Mr. Harris informed he agree with the Commission that we should not be subsidizing private industry, particularly by the providing of insurance. Commissioner Carte suggested selling. Ms. Holly informed the Commissioners they would have to have a public auction and would have to notify the West Virginia Department of Health since they have a lien on the several of the ambulances.

The Commissioners also received letter from Carl Harris, Assistant Prosecuting Attorney regarding the option to purchase Glen Jean Property.

The Commissioners signed letter to the Mountain Transit Authority advising them that the Commission have appropriated \$2,500 to Mountain Transit Authority for fiscal year 1995-96.

President Witt signed request for reimbursement for Project #94-JJ-3-001, Juvenile Justice and Delinquency Prevention Grant for the month of February.

The Commissioners signed letter to Thomas Woodrum, Mayor and Council members of the Town of Fayetteville requesting approval

for Police Chief Jack Smith and his staff to monitor county owned property in the Town and enforce the town's leash law on said property.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$550.00 for the month of March.

The Commissioners signed letter to Sheriff William Laird informing they approve and agree for Fayette County Dog Warden Elbert Horrocks to be designated to act as an additional humane officer for Fayette County.

The Commissioners received and reviewed Salem-Gatewood Public Service District minutes for the month of February.

The Commissioners received and reviewed letter from Workers' Compensation Division regarding awarding further temporary total disability benefits for Earnest Keith Lester.

The Commissioners received and reviewed check in the amount of \$28,552.98 for the Emergency telephone system for the month of February, 1995.

The Commissioners received and reviewed letter from Sheriff William Laird requesting three (3) deputy sheriffs to attend the 10th Annual Medicolegal Investigation of Death Seminar in Morgantown. This was approved.

The Commissioners received and reviewed from Sheriff William Laird letter informing that sufficient funding was provided in the Fiscal Year 1994-95 Budget for the Fayette County Sheriff's Department for the immunization of all deputy sheriffs for Hepatitis B vaccine. Sheriff Laird informed the Commissioners

the Fayette County Health Department has ordered the vaccine from Smith Kline Beecham Pharmaceuticals, amount \$1,575.00

The Commissioners received and reviewed Debt Service Report from One Valley Bank for the County Commissioners of Raleigh County, Fayette County and Nicholas County, West Virginia Municipal Refunding Collateralized Mortgage Obligations (MR CMO).

The Commissioners received and reviewed from Steve Cruikshank, Emergency Coordinator funds for deposit from Armstrong Creek Volunteer Fire Department, Loup Creek Volunteer Fire Department, Montgomery Volunteer Fire Department, Ansted Volunteer Fire Department, and Fayetteville Fire Department reimbursing the Fire Levy Fund for pager and portable batteries.

The Commissioners received and reviewed appreciation letter from Sheriff William Laird to Nancy Massie for her assistance in his office.

Ms. Holly informed the Commissioners that the West Virginia Division of Labor had done inspection of Elevator at Annex on March 17, 1995 informed the Commissioners the inspector was very pleased; only suggestion he had was to install a fire extinguisher.

Ms. Holly informed the Commissioners she receive request from Magistrate T. C. Monk to have old records that are stored in the courthouse basement disposed of. This was approved.

The Commissioners received and reviewed a list of activities for which the Beards Fork Community would be using the Beards Fork Elementary School. Commissioner Witt informed the Commissioners he was told that the Board of Education only own

the building and not the land.

Ms. Holly informed the Commissioners that John Hunt and James Lively, Sr. had received, reviewed, accepted and signed; invoice approved for payment on the Glen Jean Property.

Ms. Holly informed the Commissioners she had prepared order to be signed for special Fiduciary Commissioner, she informed the Commissioners that T. E. Myles had suggested appointing James C. Blankenship, Commissioner Carte informed the Commission he had talked with Mr. Myles and was informed that he would accept appointment. Order signed. Ms. Holly informed the Commissioners she would check again with Mr. Myles.

Discussion was held regarding the Beards Fork Elementary School. Commissioner Lopez informed he think the Commission should tell the Board of Education they will not accept bid. No decision was made. Commissioner Carte to talk with Prosecuting Attorney Office and the people involved with the Beards Fork Community, Inc.

Commissioner Lopez informed the Commissioners he had talked with Judson Wallace and Mr. Wallace informed \$500.00 had been raised by the Community for roof repairs or to hire someone to cut grass at the Deepwater Civitan Park. Ms. Holly informed Commissioner Lopez that hopefully the Governors' Summer Youth Program would give the County a crew and they would be sent down to cut grass. Commissioner Lopez informed the Commissioners that Mr. Wallace want to know if the Commission wanted them to use the \$500.00 to repair the roof or to cut the grass at the park. The Commissioners asked Commissioner Lopez to call Mr.

Wallace and have him to get roof repaired.

The Commissioners received and reviewed letter from the State Emergency Response Commission informing of meeting being held on Monday April 24, 1995 at 11:00 a.m. in Charleston.

Ms. Holly informed the Commissioners that Tom Aiello, Assessor and James Perdue from Maintenance had measured in the Assessor's Office to build shelves and printer stands, the cost of the material would be \$1,100.00. This was approved.

Ms. Holly informed the Commissioners she had received several calls from Pioneer Research about payment regarding the degreaser shipment. The Commissioners approved release of check.

The Commissioners decided to meet with the Beards Fork Community (Floyd McKnight, Mike South and Rev. William Johnson) on April 5, 1995 at 11:30 a.m.

Ms. Holly informed the Commissioners she received from Tom Aiello, Assessor a copy of letter regarding the Annual IS&C Billing Conference being held on April 10, 1995, informed the Commissioners she would like to attend. The Commissioners approved for Ms. Holly to attend.

Ms. Holly informed the Commissioners she is still holding the Lewis Chevrolet invoice haven't had a chance to talk with Earl Pauley, Park Superintendent.

Ms. Holly informed the Commissioners she received copy of application for the new postal facility at Hico, informed the Commissioners that Region 4 Planning and Development want to know if they have any comments. The Commissioners informed Ms. Holly no comments.

The Commissioners signed order appointing T. E. Myles Special Fiduciary Commissioner.

Ms. Holly informed the Commissioners she received complaint from Robert K. Burlison regarding Jan-Care Ambulance and the Jan-Care employees involvement in picking up patient when requesting General Ambulance. Ms. Holly informed the Commissioners that David Neal, 911 Coordinator is checking into.

Ms. Holly asked the Commissioners what did they want her to do about the clean-up letters and complaints she had received. Commissioners Lopez informed he feel the Commission should hold off on the clean-up for awhile, Joe Myers informed the Commissioners he would like to work with the clean-up. Commissioner Witt suggested to find out what took place in legislature and have Carl Harris, Assistant Prosecuting Attorney check, also suggested getting with Mary Lou Schmidt, Dr. Lewis Cook with Keep America Beauty. Joe Myers recommended starting with Whipple area.

The Commissioners met with the Fayette County Fair Association. Carl Williams, Vice President of the Association gave a report on the plans of the Association for fair this year. Discussion was regarding charging or not charging at the gate. Commissioner Carte made motion to contribute \$2,000 to the Fair in lieu of the gate. Commissioner Lopez seconded, to be paid from 1994-95 fiscal year budget. Vote unanimous 3-0. Commissioner Witt made motion to waive the \$814.25 owe to the Fayette County Park for 1994 rodeo. Commissioner Lopez seconded. Vote unanimous 3-0. The Commissioners asked the Association to



get counter to give them a head count on how many attended. Bob Arthur asked about parking. The Commissioner informed no charge. Claude ■Booty■ Bess asked the Commissioners if they would waive rental fee for circus being held on May 4, 1995. Commissioner Lopez moved that rental for Circus be waived. Commissioner Carte seconded. Vote unanimous 3-0. Letter signed to Dean Lockett, Principal, Fayetteville Middle School.

Exonerations were approved and signed.

Steve Szuch appeared before the Commission to complain about his property taxes for 1994, Eddie Young with the Assessor's Office was present. Discussion was held, it was decided that Mr. Young take Mr. Szuch over to the Assessor's Office to compare other property owners taxes with his and explain the reason of why there was an increase in his property tax.

Aubrey Riner appeared before the Commission to discuss the lease at the landfill with Rush Creek Property. Eddie Young with the Assessor's Office was present. Mr. Young informed Mr. Riner the Assessor's Office would have to contact the State Tax Department to see if they would re-evaluate property. Mr. Young informed Mr. Riner the Assessor's Office had nothing to do with the evaluating the landfill taxes. Commissioner Carte suggested having the State Tax Department to look at tract. Commissioner Witt suggested getting a survey to mark off 16 acres of land they want to maintain. Jim Murdock informed the Commissioners that the Solid Waste Authority cannot afford any more money for leachate and informed the Commission the Authority would have to have control over property before it can be capped. The

Commissioners asked Mr. Murdock to get a description of the property and put in lease and asked that the Authority work with the Assessor's Office and get back with.

Commissioner recessed for one hour and 15 minutes.

Outstanding bills were approved.

Commissioner Carte informed the Commissioners Nancy Massie wanted a typewriter. Ms. Holly informed the Commissioners that Nancy have typewriter in Zoning Office.

The Commissioners signed letter to Norman Jordan, Director of the African American Heritage informing that his request for a \$2,000.00 grant to offset the cost of accessibility improvements was not received in time to be considered for funding in the fiscal year 1995-96 budget.

The Commissioners received and reviewed Deputy's Decision from the Unemployment Compensation Division regarding Sterley C. Flanagan.

The Commissioners received and reviewed letter from Cleek, Pullin, Knopf and Fowler regarding Clint R. Lawson, Sr. v. Gene Carter, Jr., et al, file no. 5:94-0509.

The Commissioners received and reviewed notice from Region 4 Planning and Development Council regarding surplus office equipment.

The Commissioners signed letter to the Whipple Community in Action informing the final date of publication of notice to Bessie Porter, Viney Robbins, Juanita Dixon, Harry Dixon, Jr., John A. Wilson and Velma Wilson and Sam Robinson property owners or heirs was February 15, 1995, and the 90-day time frame will

expire on May 16, 1995.

The meeting was adjourned. Next scheduled meeting is April 5, 1995.

John L. Witt

FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 5, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 5th day of April, 1995.

Ms. Holly gave an update on the roof at the Fayette County Health Department, she informed the Commission they had approved to go with Uni-Bond Roofing Company and Mr. Witt had signed contract. Ms. Holly informed the Commissioners that Lee Massey called her today and informed her that Southern Regional Health Council has agreed to pay 40% of the cost, Ms. Holly informed the Commissioners she sent copy of contract to Mr. Massey. Commissioner Lopez asked if Mr. Massey would still contribute the \$1,500.00 from the Health Department. Ms. Holly informed she had not talked with Mr. Massey about that. Ms. Holly informed the Commissioners the contractor has been notified.

Ms. Holly informed the Commissioners Earl Pauley, Park Superintendent called yesterday regarding the status of the handi-cap bathroom project, Ms. Holly told the Commissioners she had talked with the Community Development Office and was informed that under this grant part-time help would be reimbursed, informed that Earl had 2 part-time people he wanted to hire at \$4.25. The Commissioners approved and asked Ms. Holly to have Earl start as soon as possible. Ms. Holly informed the Commissioners that Earl had approved of materials and supplies Fayco Lumber and Supply submitted. The Commissioners approved to

purchase material and supplies from Fayco Lumber and Supply Company, cost would be \$9,124.94.

Ms. Holly informed the Commissioners they would have to meet April 18, 1995 to lay the levy. The Commissioners approved to meet at 10:00 a.m. to lay the levy.

Ms. Holly informed the Commissioners that Earl Pauley had mentioned to her that Pentree engineer want to run water line through park for Beckwith Public Service District.

The Commissioners tentatively approved the payroll for February 14, 1995 if the Governor's Office declare holiday for Friday.

Ms. Holly informed the Commissioners that Commissioner Witt had mentioned to her about moving pine tree from house and place in front of courthouse.

Ms. Holly informed the Commissioners that once the painting is finished at the Magistrate Office she would like for Dee Lively to go back on day shift. Commissioner Witt suggested scraping and painting house on Church Street.

The Commissioners received and reviewed application for employment from Tamara L. Hundley, Tracy L. Hypes, and Candice L. Miller.

Ms. Holly informed the Commissioners that Ray Carson from the Board of Education Office had called and informed her that if and when they make a decision regarding Beards Fork property the deed is ready.

Ms. Holly informed the Commissioners she talked with Earl Pauley about the spark plugs that were purchased from Lewis

Chevrolet Company, was informed that the new 1994 Caprice Classic cars natural gas is burning up the plugs. Ms. Holly informed that Earl said this is the cheapest place they could get the plugs. The Commissioners approved to release check to Lewis Chevrolet for \$368.76.

The Commissioners received and reviewed fax from King and Spalding regarding public hearing scheduled for Wednesday April 26, 1995 at 11:00 a.m. for \$15,000,000 County Commission of Fayette County, West Virginia Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Corporation Project), Series 1995.

The Commissioners received and reviewed from Sheriff William Laird copy of designation of Dog Warden for Elbert Horrocks as additional Humane Officer.

The Commissioners received and reviewed two (2) orders from the Circuit Court dismissing suits filed by Clyde Dowdy and Smithers Ltd., Smithers II Ltd. Partnership, and Smithers Elderly Limited Partnership.

The Commissioners received and reviewed letter to Kelvin Holliday, County Clerk from Earl Pauley, Park Superintendent informing that Kathy Price would be working part-time at \$7.00 an hour. The Commissioners asked Ms. Holly if Earl know that this is just from April through November.

The Commissioners received and reviewed letter from Claude F. Bess asking if they would participate in Know Your Government Day. Commissioner Witt made motion that the Commission participate in Know Your Government Day on May 5, 1995.

The Commissioners received and reviewed notices from Workers'

Compensation Division for Harold Wayne Conner and Robert C. Godsey, Jr., the Commission also received and reviewed Physician update for examination for Harold Wayne Conner.

The Commissioners received and reviewed notice from Workers' Compensation Appeal Board regarding Earnest K. Lester. Copy sent to Sheriff.

The Commissioners received and reviewed copy of letter to Carl Harris, Assistant Prosecuting Attorney from Sheriff William Laird informing the Bureau of Employment Programs Board of Review Hearing has set a hearing for April 11, 1995 for Sterley C. Flanagan.

Ms. Holly informed the Commissioners she had talked with Jack Stafford and he advised her to hold off submitting any other grants for the New Haven Public Service District afraid it would jeopardize everything else that had already been submitted.

Ms. Holly informed the Commissioners she received letter from Paul M. Blake, Jr., Prosecuting Attorney asking to have a check issued payable to him in the amount of \$1,800.00 to be paid from the Investigation and Detection of Crime fund, informed the Commissioners this was submitted after the Commission meeting, Commissioner Carte and Commissioner Witt approved.

The Commissioners received and reviewed from the Circuit Court of Kanawha County, West Virginia final order denying Elizabeth A. Blackburn claim for unemployment benefits.

The Commissioners received and reviewed copy of letter to Cott System from Kelvin Holliday, County Clerk giving official notice regarding the termination of services for index-related

work for his office.

The Commissioners received and reviewed thank you letter from Mountain Transit Authority (MTA) thanking the Commission for their appropriation of \$2,500 for fiscal year 1995-96.

The Commissioners received and reviewed from Chemical Bank report on Industrial Bonds.

The Commissioners received and reviewed from Bell Atlantic a list of «refusals to pay» associated with the Emergency Telephone system for the month of January, 1995.

The Commissioners received and reviewed minutes from the Fayette County Historic Landmark Commission for the month of March, 1995.

The Commissioners received and reviewed minutes from Gauley River Public Service District for the months of February and March, 1995.

The Commissioners received and reviewed letter from Attorney Gordon Billheimer requesting that a Petition for Probate in Solemn Form hearing be set regarding the Mabel Perdue Will. The Commissioners set hearing for Wednesday, April 26, at 9:30 a.m.

The Commissioners approved for Charlotte Holly to attend the Employer Discharge and Documentation hearing being held in Charleston.

The Commissioners approved to purchase typewriter for Nancy Massie.

Ms. Holly to check work station prices for Circuit Clerk's Office.

Ms. Holly informed the Commissioners that phone line is in at



the Park.

The Commissioners approved to change February 14, 1995 meeting from 9:30 a.m. to 10:00 a.m.

Attorney Ralph Young and City Manager Tom Oxley appeared before the Commission with final order for annexation by minor boundary adjustment of 1.73 acre tract owned by Gary E. And Brenda P. Overbey situated in Plateau District, adjoining the City of Oak Hill, Fayette County, West Virginia. Commissioner Carte made motion to approve annexation. Commissioner Lopez seconded. Vote passed unanimous.

Exonerations were signed and approved.

Leonard Coleman with Goodwin and Goodwin appeared before the Commission to present resolution of the County Commission of Fayette County, West Virginia, authorizing the issuance of up to \$12,000,000 of Fayette County, West Virginia Solid Waste Disposal Revenue Bonds (International Biotech, Inc. Project) Series 1995A and up to \$1,500,000 of Fayette County, West Virginia taxable solid waste disposal revenue bonds (International Biotech, Inc. Project) Series 1995B for the purpose of assisting in the financing of the acquisition, construction and equipping of a solid waste disposal project to be located in Fayette County, West Virginia. Mr. Coleman informed the Commissioners that this was not a final resolution. Commissioner Witt informed the plant would be owned by the Fayette County Haulers and I.B.T. would run operations. Ms. Holly asked Mr. Coleman if there was a limit on the number of induced bonds the county could have. Mr. Coleman informed Ms. Holly that the law had change. Commissioner Witt

asked the haulers if they had any comment.

Joe Hutchinson informed he feel that Fayette County needed something instead of the people having to go to Raleigh County. Jim Murdock, Chairman of the Fayette County Solid Waste Authority informed he was for the project, it would produce jobs for the Fayette County area. Discussions was held Commissioner Witt informed everyone that this appointment was for the Commissioners to sign resolution, informed the Solid Waste Authority would have to come with recommendation to build the recycling center. Commissioner Witt informed this meeting has ran into another appointment and requested this appointment be rescheduled for April 18th at 10:15 a.m. to discuss further. Barbara Hickman informed the Commissioners she opposed to the recycling center. Commissioner Carte moved the approval of the inducement resolution. Commissioner Lopez seconded. Vote unanimous. Kathryn Hoffman informed the Commissioners she take exception to the Commissioners for excepting the resolution.

Reverend William Johnson, Mike South, and Floyd McKnight appeared before the Commission to discuss the Beards Fork Elementary School. Commissioner Witt informed the Commission wanted to provide place for the community but have ran into some problems. Commissioner Witt informed he had heard from an Attorney of Pocahontas Land Company that the Board of Education did not own the property just the building, informed he did not think the Commission could handle the expense of the school. Commissioner Witt presented copy of utility expense the Board is paying now and the school is closed. Discussion was held

regarding the condition of the school, it was suggested that the Commission go down and meet with the Beards Fork Community Group to check out school, meeting would be at 10:30 A.M. on April 19th.

Mary McClanahan, David Neal, E-911 Coordinator and Steve Cruikshank, Emergency Service Coordinator appeared before the Commission to discuss the closing of the Danese Volunteer Ambulance and Rescue Squad. Commissioner Witt informed we're here today to make sure the Danese area is covered by a Ambulance Service until some kind of service or permanent place can be established. Commissioner Witt asked Ms. McClanahan to give an explanation on what happened. Ms. McClanahan informed the funds just not coming in having trouble collecting payments informed the Commissioners that small payments are coming in but its just not enough. Commissioner Witt asked Steve Cruikshank or David Neal to give some ideas on how to direct this problem. Mr. Neal informed the Commissioners as of right now we're working with General Ambulance and Valley Ambulance on 24 hours basis, informed the Commissioners that Jan-Care Ambulance said they didn't have the resources. Discussion was held regarding the disposition of the equipment and vehicles. David Goff with General Ambulance and Gary Light with Valley Ambulance informed the Commission they would help until something permanent come up. Commissioner Witt asked David Goff to talk with Adrian Goff and see if General Ambulance could come up with some type of plan for the area. Mr. Light informed the Commissioners the only problem he had was that his drivers did not have a place to stay once

they were stationed in area, they would have to sleep in vehicles. The Commissioners asked Steve about using the Danese Fire Department. Steve informed the Commission that the County has the authority to use the 2nd floor. Commissioner Witt suggested to the Administrator to make arrangements with the Sheriff and Magistrates to provide temporary housing quarters for drivers. Commissioner Witt suggested leaving up to Emergency Services and Ms. Holly and hopefully will get something worked out permanently.

David Goff with General Ambulance appeared before the Commission to ask about moving an ambulance station from Hunter Street to Summerlee Avenue. Discussion was held Mr. Goff informed that Jan-Care was moving their ambulance from Summerlee Avenue. Steve Cruikshank and David Neal was questioned by the Commission as to why this couldn't be done. Mr. Cruikshank informed the Commission they were told by the Commission in there last meeting with them that no other changes or moves would be made until the E-911 Advisory Board met. Commissioner Witt suggested David get on agenda to discuss this matter. The Commission gave permission for General Ambulance to move to Summerlee Avenue. After discussion, Mr. Cruikshank questioned the Commission again regarding their decision regarding not to change or move any ambulance until the E-911 Advisory Board met. Commissioner Lopez decided to rescind decision to freeze changes in ambulance and asked David Goff, David Neal and Steve Cruikshank get together and work out the details.

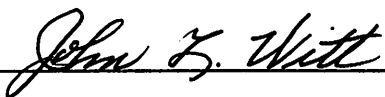
Ms. Holly informed the Commissioners that Ann Berry had

called Coal Severance checks were bouncing, Ms. Holly informed the Commissioners that she had the payroll clerk write check from the General County Fund to Coal Severance Fund will get drawdown tomorrow and reimburse the General Fund.

The Commissioners suggested to Ms. Holly to have Steve Cruikshank bring ambulance from Danese to Fayette County Park.

Ms. Holly informed the Commissioners she was getting a list ready for things to get done around courthouse and asked if they would have any suggestions other than painting house.

The meeting was adjourned. Next scheduled meeting is April 14, 1995.

  
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IBT Meeting

04-05-45

- 1 Beverly Walling
- 2 Katherine Hoffman
- 3 John R Hoffman
- 4 Charles K. Tombs
- 5 David Tompkins
- 6 Augustus Pennington
- 7 Barbara Hickman
- 8 Bob Wittwe
- 9 Aubrey Riner
- 10 John Gray
- 11 Leonardo Coleman
- 12 Marie Prezioso
- 13 Paul LANGAT
- 14 Allen Fay
- 15 Joe Hukler
- 16 Horace P
- 17 Tex Hall
- 18 Arvid Kipke
- 19 Tom Esht
- 20 Jullian W. Japhody
- 21 Fred Muddick
- 22 Jerry V. Salzer

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
APRIL 18, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 18th day of April, 1995.

Administrator Holly presented letter from State Tax Department regarding approval of Levy Estimate (Budget) for fiscal year July 1, 1995. 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 March 30, 1995, informed the Tax Department the Commissioners did review the actual amounts of the delinquencies, exonerations, and uncollectible taxes for fiscal year 1993 and 1994 and based upon their review, the Commission determined that these estimates should be increased to a total of nine (9) percent for fiscal year 1996. Ms. Holly informed the Commissioners she talked with Lavada Williamson at the Tax Department was informed letter was okay and it was okay for the Commission to use nine (9) percent on levy order. Necessary forms and order signed.

Ms. Holly informed the Commissioners she had talked with the Governor's Community Development Office questioning the processing of the grant for Bellwood Water informed the Commission they did not have an answer but suggested it would be safe if the Commission followed the state/local level rules. Ms. Holly informed she would check before we actually did anything.

Commissioner Witt informed that this meeting is with the International Biotech, Inc. to continue discussion of questions and answers the public might have from meeting held on April 5, 1995 regarding the recycling center off Route 19, Mr. Ray Ravida presented plans of what the facility would look like, gave details of what would go in each part of the facility and how the waste would be distributed. The members of the Solid Waste Authority were present. Mr. Murdock again stated he supported facility.

The meeting was adjourned. Next scheduled meeting is April 26, 1995.

John L. Witt



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 31, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette county Commission met in a regular session on this 31st day of May 1995.

Paul M. Blake, Jr., Prosecuting Attorney appeared before the Commission with a release from the Division of Corrections, Claim No. CC-94-678 for the Commissioners to sign.

Ms. Holly informed the Commissioners she has written letters to Mark Miller, Chris Jarrett, West Virginia American Water Company, Jack Stafford, Stafford Engineering, and W. D. Smith, Region 4 Planning and Development Council asking for a status report regarding the application for the Fayette County Regional Water Project to the Infrastructure Council. Letters signed.

The Commissioners received from Sheriff Laird invoice from the Regional Jail and Correctional Facility Authority for the confinement of Fayette County inmates in the Southern Regional Jail during the month of April 1995, also received prepared invoices to the City of Smithers, the City of Oak Hill and the City of Ansted which reflect our expense for the jail commitments from these three cities during the month of April.

The Commissioners signed a letter to Cynthia Lucas, Utilities Analyst, Public Service District Division regarding their request for the date the members of the Beckwith Public Service District were appointed.

The Commissioners signed a letter to Stephen C. Wroblewski, Office of the Commissioner informing they wish to renew the lease on the parole office under the same terms as the current lease which expires on August

31, 1995.

Ms. Holly informed the Commissioners she received a letter from Supreme court of Appeals informing that all invoices for the fiscal year as to be submitted no later than July 15th for payment.

The Commissioners signed letters to Penelope Crandall, Director, Family Law Masters for reimbursement for rents for the months of May and June, amount \$1,100.00.

The Commissioners signed an invoice to the Division of Corrections for rent for the parole office for the months of May and June, amount \$600.00.

Discussion was held regarding the dog debris tracked in on the steps and on the rug inside the courthouse.

The Commissioner informed Ms. Holly that they had no objections in letting Gene Kistler use courthouse lawn for Friday's in the Park.

Commissioner Witt informed Ms. Holly that he still didn't like the set of the vouchers. Ms. Holly asked that the Commission bear with us that they are trying to work something out.

The Commissioners signed order regarding the Estate of John Monday, Deceased, Garnet Gipson, Executrix, informing that the motion to review and reconsider the report of the Fiduciary Commissioner be denied.

Ms. Holly informed the Commissioner that the check she received from Earl Pauley, Park Superintendent donation from the Fayette County Volunteer, Inc. for repairs to the boy's rest room at campground had not been deposited asked the Commissioners if it was okay to deposit. The Commissioners informed okay to deposit.

The Commissioners signed title for 1987 Chevy truck to be used in Law Enforcement.

The Commissioners signed renewal application for registration certificate for Fayette County Park.

The Commissioners signed contract agreement for the Fayette County Health Department for contribution (\$10,000.00) approved for fiscal year 1995-96.

The Commissioners received and reviewed a summons from the Circuit Court of Fayette County regarding Civil Action #95-C-0149, Robert W. Maynor, Ila Mae Maynor, James F. White and Patricia White vs. Stacy L. McCourt. The Commissioners asked Ms. Holly to send copies to Gary Harding, Zoning Officer and to the Prosecuting Attorney's Office.

Ms. Holly informed the Commissioners that the Advisory Board would not be meeting until mid July.

The Commissioners received and reviewed a letter from Valley Emergency Medical Services asking the Commission if they could obtain the 1990 Ford ambulance that the County has put on loan to them since the demise of the Danese Ambulance Service. Discussion was held, regarding removing the Danese Ambulance back or leaving it in the Valley. Commissioner Carte suggested letting Valley Emergency use the ambulance for the time being. The Commissioners asked Ms. Holly to write a letter to Valley and explain to them that if Jan Care Ambulance or General Ambulance moved an ambulance in the Danese area the ambulance on loan to them would have to be returned.

Ms. Holly informed the Commissioners she had received several telephone calls from Mary McClanahan asking what decision the Advisory Board has made. The Commissioners asked Ms. Holly to draft a letter to Ms. McClanahan requesting a status of loan repayment and records of receipts.

The Commissioners signed maintenance agreement for copier in the Circuit Clerk's Office.

The Commissioners signed Custodian and Security Agreement for third party deposits from the First Empire Federal Bank.

Ms. Holly informed the Commissioners she had received several calls from Carolyn O'Dell and the Blume brothers regarding the janitorial services at the Thomas house. The Commissioners informed Ms. Holly they would be using the janitors we already have.

Jim Murdock, Chairman Fayette County Solid Waste Authority, and Aubrey Riner member, Sam Murphy and Charlie Wiggins with Rush Creek Land appeared before the Commission to discuss the lease at the Cunard Landfill. Mr. Murdock informed the Commissioners the Authority is having Leon Spencer to survey the land, Mr. Murdock informed the Commissioners that Mr. Spencer informed it would be a few more days before the survey is complete, informed the Commissioners it would be 25 acres they would have to lease instead of the original 16 acres. Mr. Murdock informed the Commissioners the Authority could not get landfill capped if no lease has been signed.

The Commissioners informed Mr. Wiggins the lease should be between Rush Creek and the Fayette County Solid Waste Authority. Mr. Wiggins informed the Commissioners that Rush Creek Land is willing to lease if a rental fee could be worked out. The Commissioners suggested to the Authority and Rush Creek representatives that they get together and discuss and inform them of their decision.

Gary Harding, Zoning Officer appeared before the Commission regarding the following zoning hearings: Z-405-95-1: Request of Thomas A. and Susan Harlan, owners, for a change in land classification from R-1, Residence District, to B-1, Neighborhood Business, on Lot 33, Oakridge Homeseekers Subdivision, Route 16, Oak Ridge, near Fayetteville, New Haven District. Mr. Harding informed the Commissioners that Mr. Harlan had been in the office this morning and had withdrawn his request for a change in land classification.

Z-406-95-1: Request of Mark Hurley, contract owner, for a change in land classification from RR-1, Agricultural and Rural Residence to B-2, General Commercial, on Lots 4, 5 and 6, section 5, Adena Village, located on Route 16, Mt. Carbon, Valley District. Ms. Holly informed the Commissioners that Mr. Hurley had called and he was delayed in traffic on Route 16. Four people were present in opposition to this request. The Zoning Officer informed the Commission that the Planning Commission did on Tuesday by a vote of 8 - 0 recommend that this property be rezoned to B-2, General Business to allow a 40' x 80' masonry building to house the offices and garage of a building contractor. After a lengthy discussion a motion was made by Gene Carte that they uphold the Planning Commission's recommendation and approve the request to B-2 with the condition that a building permit not be approved until a screening fence was erected between lots 3 and 4. Motion was seconded by John Lopez and approved by a vote of 3 - 0.

Mr. Harding informed the Commissioners that Stacy McCourt had reappeared before the Planning Commission and asked that his request under Z-403-95-1 be amended to allow only the operation of a gun shop and archery range. The Planning Commission did on Tuesday by a vote of 8 - 0 recommend that 2 acres be approved to Planned Development to allow Mr. McCourt to build a gun shop and archery range. After a general discussion a motion was made by Gene Carte that this be approved as recommended by the Planning Commission. Motion was seconded by John Lopez and passed 3 - 0.

Discussion was held regarding Jack Clark property. Commissioner Carte made motion that the Commission release Mr. Clark from any further actions regarding his property. Commissioner Lopez seconded. All approved.

Dennis McGraw appeared before the Commission to ask permission to

place a sign on Gatewood Road to inform tourist of his business on Gatewood Road. Discussion was held, Commissioner Carte made motion that Mr. McGraw go back to the Zoning Appeals Board and request they review and amend decision of Article XIV, Section 1400, Subsection 2 regarding directional signs. Commissioner Lopez seconded. Vote passed 3 - 0. All approved.

Ron Walton and several members of the Whipple Community in Action appeared before the Commission to inquire about the progress in tearing down of houses in the area. Commissioner Lopez informed that the Commission would have to get some type of judgment lien on property to get reimbursed for the expense. Commissioner Witt informed he think the Commission should talk with the Prosecuting Attorney's Office before making any decision, informed he feel the County would be leaving themselves wide open for law suits and other communities wanting the county to do the same for their community.

It was suggested by Joe Myers, member of the Fayette County Solid Waste Authority to have building demolished. The Commission asked Mr. Myers how they would go about doing this, Mr. Myers informed that Raleigh County put out bids for demolishing buildings and hire contractor to demolish, pay them and send bill to property owner and if the property owner don't pay for demolition the County can file a lien against the property. Again, Commissioner Witt informed the Commission would have to talk with the Prosecuting Attorney's Office. Ms. Holly informed our Assistant Prosecutor Attorney Carl Harris had informed in our last meeting that their is no hope of recouping from the clean-up since some of the property had been sold to the State. Commissioner Lopez questioned about the bill the Commission had received from the clean-up of Juanita Dixon property, amount \$512.00, Mr. Myers informed the Commission that this was not a bill to the Commission it's

just a bill reflecting the cost of the work done if the Commission would want to put a lien on the property. Commissioner Witt informed the Whipple Community in Action group that they are running behind in their schedule and suggested that this be continued on Thursday, June 15th at 10:30 a.m. with the Prosecuting Attorney present.

Ms. Holly informed the Commissioners she received new bids for the Bellwood Community Water Project and informed the Commissioners that Triple J and B still were the lowest bid without the cost of the pipe for the system the amount would be \$37,523 instead of \$39,620. The Commissioner asked Ms. Holly to contact Mr. Austin.

Exonerations signed and approved.

Kelvin Holliday appeared before the Commission to give update on the converting of Cott System to Software System. Mr. Holly informed the Commission he received a fax from the Cott System giving an outline of the prices requested for the conversion of indexing data (Real Estate) from January 1 through April 28, 1995 to a 1600 Magnetic Tape for Probate only and a combined printed index for 1988 through 1995 (Probate) Mr. Holliday informed the Commissioners the cost would be \$325.00 and asked that the Commission approve payment. Commissioner Carte made motion that \$325.00 be approved for indexing of Probate. Commissioner Lopez seconded. Vote passed 3 - 0. All approved. Mr. Holliday also informed the Commissioners that the covers on the Probate Books need repair.

Ms. Holly informed the Commissioners that in February they met with the Judges, Magistrate, Probation Officers regarding the home confinement program doing away with the bracelets, informed the Commissioners that someone from that group was to get documents from other counties and review. Ms. Holly informed the Commissioners she had prepared letter to Judge Vickers regarding this matter. Commissioner

Witt asked Sheriff Laird if he would check into the matter.

Ms. Holly informed the Commissioners of problem they're having regarding switchboard receiving 911 calls asked the Commission if they wanted. Commissioner Lopez suggested adding another line and asked Ms. Holly to get cost and this should solve the problem.

Ms. Holly informed the Commissioners she received memorandum from Mary Lou Schmidt informing that WV Central District Office is upgrading their system and requesting that the Commission purchase optional computer peripherals, cost would be \$525.00. Discussion was held, Commissioner Lopez suggested having Ms. Holly to ask Mary Lou to talk with the Board of Education to see if they would share 50 percent of the cost.

Ms. Holly informed the Commissioners they had approved private telephone line for the Prosecuting Attorney's informed the Commissioners that Paul Blake wanted to know if its okay to have the number unlisted in directory. The Commissioners approved, Ms. Holly to contact Prosecutor's Office.

The Commissioners received and reviewed Audit Report for the fiscal year ended June 30, 1993.

The Commissioners received and reviewed thank you letter from the Fayette Senior Programs for their contribution for the fiscal year 95-96.

The Commissioners received and reviewed memorandum from Criminal Justice and Highway Safety Division informing that a Drug and Violent Crime Control Policy Board Meeting is being held at the Charleston Civic Center on Thursday, June 1, 1995.

The Commissioners received and reviewed letter from Workers' Compensation Division informing that Harold Wayne Conner has be awarded further temporary total disability benefits from May 1, 1995 to June 10,



1995. Copy given to Sheriff Laird and Assistant Prosecutor Carl Harris.

The Commissioners received and reviewed copy of letter from West Virginia-American Water Company informing that Mossy Public Service District has agreed for them to purchase.

The Commissioners received and reviewed annual reports from Paul M. Blake, Jr. and Herbert Mann for the period beginning June 1, 1994 through May 30, 1995.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges regarding Percy Lee Gilliam claim. Copy given to Prosecuting Attorney's Office.

The Commissioners received and reviewed letter from Mayor Tom Woodrum inviting the Commissioners to attend the dedication of the Town of Fayetteville's Waste Water Treatment Facility on Friday, the 9th of June at 10:00 a.m. at the Fayette County Courthouse, reception to follow.

Commissioner Witt informed that the Commission is not accepting the title or deed from the Board of Education to the Beards Fork Elementary School.

The Commissioners received and reviewed from the Extension Board agreement hiring J. Ancil Schmidt as County Extension Agent for the period June 1, 1995 through June 30, 1996.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone system for the month of February, 1995.

The Commissioners received and reviewed check in the amount of \$28,798.22 for the Emergency Telephone system for the month of April, 1995.

The Commissioners received and reviewed franchise checks from Tele-Media Corporation--\$5,885.00 and The Helicon Group L.P.--\$4,606.12 from

January 1, 1995 through March 31, 1995.

The Commissioners received and reviewed letter from Tom Aiello, Assessor informing Glen Richardson and Andrea N. White were hired as part-time workers effective May 16, 1995.

The Commissioners received and reviewed letter from Sheriff William Laird informing Lisa Carelli, Angie Steele, and Michael Chornobay has been hired as part time workers in his Sheriff Department and Law Enforcement Division.

The Commissioners received and reviewed letter from G. Lee Massey informing John Frazier's term as a member of the Fayette County Board of Health expires June 30, 1995 and recommend he be reappointed for a five year term. Ms. Holly informed the Commissioners she received a letter from Rick Powell recommending that K. R. Carson be appointed member of the Fayette County Board of Health. Commissioner Witt recommending reappointing John Frazier. All approved, informed that if a vacancy exists on the Board they would consider appointing K. R. Carson.

The Commissioners received and reviewed letter from Linda Ramsey, Vice President and Cashier Fayette County National Bank regarding securities pledged.

Ms. Holly informed the Commissioners she received a call regarding the refinance bond for Kroger at Gauley Bridge. Discussion was held regarding administration. Commissioner Carte made motion that effective June 1, 1995 the County Commission will charge .5% fee on all requested industrial revenue bonds.

The Commissioners received and reviewed check in the amount of \$3,875.00 from Georgia-Pacific for Administration Fee regarding the County Commission of Fayette County, West Virginia Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Corporation Project), Series 1995.

Ms. Holly informed the Commissioners she received notice that the

West Virginia State College is having workshop entitled Local Government Employee Performance Appraisal being held on the campus of the college on Wednesday, June 14, 1995 at the Thomas W. Cole , Jr. Complex would like to attend. This was approved.

The Commissioners received and reviewed letter from Cleek, Pullin, Knopf and Fowler regarding Horrocks v. City of Fayetteville, et al, Civil Action No. 92-C-1035.

The Commissioners received and reviewed copy of the West Virginia Development Fund's Annual Report for 1994.

The Commissioners received and reviewed statistics reflect the number of responses made by each ambulance during the month of April, 1995.

The Commissioners received and reviewed letter from Southern West Virginia Regional Primary Care Centers, Inc. thanking the Commission for the interest they have shown in the continuous provision of primary health care services in Fayette County.

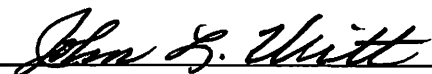
The Commissioners received and reviewed letter from Workers' Compensation Division informing of classification and premium rate for fiscal year 1996 which begins July 1, 1995.

The Commissioners received and reviewed from Rural Economic and Community Development Services Fact Sheet regarding the Rural Performance Partnership Initiative (RPPI).

Outstanding bills were approved.

Ms. Holly informed the Commissioners she had talked with Earl Pauley, Park Superintendent and he informed the diving board has a crack in it, want to know if it was okay to purchase new cost would be \$1,100.00. This was approved.

Meeting adjourned. Next scheduled meeting is June 7, 1995.

  
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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 7, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 7th day of June, 1995.

Ms. Holly informed the Commission that the roof repairs to the Health Department had been completed, informed the Commissioners she had talked with Dr. N. Allen Dyer, Executive Director with the Southern West Virginia Regional Primary Care Centers, Inc. and he has requested that the Commission schedule a meeting to discuss the use and access of the Health Department building. Ms. Holly informed that Dr. Dyer has included in their request for funding from the State for the 40% cost of the roof repairs. Ms. Holly informed the Commissioners that Earl Pauley had inspected the roof and that he would be in to discuss. Earl Pauley informed the Commissioners that Uni-Bond could have done a better job, caulking was terrible, needed to add little more insulation and had several dirty seams. Commissioners Witt suggested having Earl come back with the contractors and give him details of the problem with the roof. Commissioner Witt informed he had heard the roof leaked right after the repairs were made. Ms. Holly informed the Commissioners the

check to Uni-Bond had been issued but hasn't been mailed. The Commissioners asked Ms. Holly to call Uni-Bond and inform them that check is here but before the check would be issued they would like problems with the roof be resolved, the Commissioners asked Ms. Holly to hold check.

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

Ms. Holly informed the Commissioners she had readvertised for the construction of Bellwood Community Water Project and Triple J and B still had the lowest bid of \$39,620. Ms. Holly informed the Commission that contract had been sent over to the Paul Blake, Prosecuting Attorney O for his review and any changes he feel is necessary. Ms. Holly also informed the Commission that Lee Austin informed he want to get out of project because of his health.

The Commissioners approved voucher for Paul Blake to attend the National District Attorneys Association meeting in Las Vegas July 16th through July 20th, 1995.

The Commission signed letter authorizing sleeping rooms, meals, room guarantees and parking fees be charged to the Commission for Gene Carte, Jr. and Thomas Aiello while they are attending the National Associations of Counties meeting being held July 21st through July 24th, 1995.

Ms. Holly informed the Commission that Jim Lively has sent over renewal application for liability coverage with

PENCO, informed she has made changes and reviewed current property values. Ms. Holly informed the Commissioners she informed Mr. Lively that the Health Department employees were listed and she had him to delete.

Commissioner Witt informed the Commission that Dr. Carrico has put him in touch with engineer to go through jail at no charge.

Attorney Gordon Billheimer appeared before the Commission to file final probate in solemn form for the Estate of Mabel Perdue. Discussion was held, the Commission signed order stating that the said Mabel J. Perdue prepared a Will in compliance with the laws of West Virginia on the 6th day of July, 1979 and that the said copy of the will be admitted to probate, copy of the codicil to the last Will and Testament of Ms. Perdue was signed.

Commissioner Witt signed salvage title for 1988 Dodge that wrecked by Deputy Carey Vickers.

Ms. Holly informed the Commissioners she had prepared letter to Danese Volunteer Fire Department and Rescue Squad, Inc. regarding their outstanding loan of \$10,500.00, informed the Commissioners she did have the Prosecuting Attorney review and he informed the letter was fine, letter was signed by the Commission.

The Commissioners signed and reviewed letters to the

Public Service Commission and Ken Hechler, Secretary of State regarding updated list of public service districts and the current board members for each district.

The Commissioners signed order reappointing John Frazier to the Fayette County Board of Health, term expires June 30, 2000. Ms. Holly informed the Commission that the term of Paige Skaggs will expire June 30th, 1995. The Commission asked Ms. Holly to talk with Paul Blake, Prosecuting Attorney regarding the Board of Education appointing someone to the Board of Health and if they contribute to the county for health.

The Commissioners signed letter to the West Virginia State Agency for Surplus Property informing that Gauley River Volunteer Fire Department, Inc. is a duly incorporated, non-profit corporation and is currently an integral part of the County safety program operating and performing fire fighting and prevention services.

The Commissioners signed Sales Tax Report for the Fayette County Park for the month of May.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone system for the month of March, 1995.

The Commissioners questioned Ms. Holly about the Bond Refinancing for Gauley Bridge (Kroger Store). Ms. Holly informed the Commissioners they would meet with the

Commission only if they have any questions on fee.

Ms. Holly informed the Commissioners she had given contract for the Bellwood Community Project to Paul Blake, Prosecuting Attorney for review and he suggested that the Commission add Save Harmless Clause to contract, contractor comply should save the alleged violation thereof.

Commissioner Lopez asked the Prosecuting Attorney what they could do regarding the Whipple Community properties. Ms. Blake informed the Commissioners there was something under the State law but that he hasn't had a chance to look at lately.

The Commissioners received and reviewed letter from William Laird, Sheriff regarding the abuse of county vehicles, and asked that the Commission approve the form Report Record for Verification of Suspected Vehicle Abuse. The Commission approved and signed letter to Earl Pauley, Park Superintendent informing him of the new form.

The Commissioners received and reviewed letter from Sheriff Laird to all Deputy Sheriffs regarding care for county vehicles.

The Commissioners received and reviewed statistics reflect responses dispatched thru the E-911 center to the respective resource agencies during the month of May, 1995.

The Commissioners received and reviewed notice from the Workers' Compensation Division regarding Harold Wayne



Conner.

Attorney Jamie Blankenship appeared before the Commission with petition and order for annexation by minor boundary adjustment of the Old Court Street/Goose Creek Road areas adjoining the Town of Fayetteville. No opposition, order and petition signed, final hearing set before the Commission on July 5th, 1995 at 11:00 a.m.

Ms. Holly informed the Commissioners she received telephone call from Thelma Baldry regarding the Gene Walker property in Minden.

Ms. Holly informed the Commissioners she received notice Monday from Job Service that the County had been approved forty eight (48) youths and six (6) supervisors for the Governor's Summery Youth Program. Ms. Holly informed the Commissioners that the work would be divided between the Page-Kincaid Beards Fork area, Harlem Heights Park, Deepwater Civitan Park and Fayette County Park. Ms. Holly informed the Commission she received a call from John Ramsey regarding being a supervisor again this year for the program. The Commissioners approved John Ramsey for supervisor position. Ms. Holly informed the Commission applicant would have to pick up applications at Job Service.

Ms. Holly informed the Commissioners she received from Earl Pauley, Park Superintendent copy of estimates for county vehicle driven by Gloria Bozo want to know if the

Commission would like for him to hold off on repairs until he hear from other insurance. The Commission asked Ms. Holly to have Earl hold off on repairs.

The Commissioners received and reviewed Annual Reports from Sheriff William Laird and Herbert Mann for the period from June 1, 1994 through May 30, 1995.

The Commissioners received and reviewed copy of letter from Attorney Belinda Morton regarding documents filed with the Workers' Compensation Fund for claimant Percy L. Gilliam.

The Commissioners received and reviewed copy of accident report and three estimates of cost for repair for Deputy James Sizemore vehicle. Ms. Holly informed information had been forwarded to our insurance carrier.

The Commissioners received and reviewed from the Workers' Compensation Appeal Board regarding their decision in the case of Earnest Keith Lester.

The Commissioners received/reviewed and signed contract with the Community Work Experience Program (CWEP) for the period July 1, 1995 through June 30, 1996.

Outstanding bills were approved.

The Commissioners certified that the Personal and Real Estate Book have been examined.

Ms. Holly informed the Commissioners she had talked with Mary Lou Schmidt regarding purchase of new computer for

the Extension Office and was informed that she could pay half from allocation she received for fiscal year 1995-96. Ms. Holly also informed the Commissioners that Ms. Schmidt had also asked if the Extension Office could have blinds and carpet for new offices. Commissioner Witt informed the Commissioners they would have to check up on the spending on the Thomas House.

The Commissioners received request from Fayette Humane Society for request for additional funds for fiscal year 1995-96. Commissioner Lopez and Commissioner Witt suggested leaving appropriation they approved for fiscal year 1995-96 budget. Commissioner Carte opposed. Commissioner Witt asked Ms. Holly to write letter to the Fayette Humane Society informing them of amount appropriated for fiscal year 1995-96.

Earl Pauley, Park Superintendent informed the Commissioners that pool at the park is full, but lost 6 inches of water in a days time, informed he will check again today.

Ms. Holly informed the Commissioners that John Parrish had called asking her the status of the Home Confinement Program she informed the Commissioners that she told Mr. Parrish they were to report back to the Commission. Ms. Holly also informed the Commissioners if funds are available they did put in the Sheriff budget funds for the Home

Confinement program.

The Commissioners received and reviewed letter from Carol A. Jones regarding cleaning up of property in Minden.

The Commissioners signed letter to the Department of Transportation regarding certificate of title for one (1) 1987 Chevrolet and county license plate.

The Commissioners signed letter to Charleston Marriott authorizing sleeping room, meals, room guarantees, and parking fees be charged to the Commission for Harvey E. Young while he is attending the IAAO Course #201: appraisal of Land being held July 10th through July 14th, 1995.

The Commissioners asked Ms. Holly to address letter to the Valley Emergency Service regarding the 4-Wheel Drive ambulance from Danese Volunteer Fire Department and Rescue Squad, Inc., the Commissioners approved of \$10,000.00 contributions for new ambulance subject to receiving and updated copy of their financial statement.

The Commissioners received and reviewed questionnaire from the County Commissioners' Association regarding county reimbursement policies.

The meeting was adjourned. Next scheduled meeting is June 15, 1995.

  
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6/8/95 -

Fay Worley J  
Sam W Dorado  
George Bragg  
Gene Foltz

John May  
Joe Hill  
Ely Hall  
Tom Mubok  
Leon G. Giff  
Geo Strunk

Don Dragan  
Jack Wood  
Don Mitchell  
Fred Brifacio  
Randy Maynor  
Leonard Kree

Paul Lansat  
George Davis  
John Witt  
L. E. Joyce

Box 822 Mount Hope Fayette Planning Comm  
212 MAIN ST MOUNT HOPE, Fayette Planning Comm

Fayette Tribune

Oak Hill Garbage  
Huffs Sanitation  
CHAIR FCSWA  
F.C.R., INC.  
Dave's Sanitation Service.

D.D.I.

PZ  
Bank of Mt Hope Inc  
Mayor - City of Mount Hope  
Manager - City of Mt. Hope  
Bowles Rice

Fayette County Reclamation, Inc  
UKVEDC  
Fayette Co Commission  
Joyce Engineering

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 15, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 15th day of June, 1995.

Ms. Holly informed the Commissioners Earl Pauley, Park Superintendent had talked with Dustin Fitzwater of Uni-Bond Roofing Company regarding the repairs done on the Health Department roof. Ms. Holly informed the Commissioners that Mr. Fitzwater has submitted an additional proposal for installing additional insulation at corner of building these were repairs that he and Mr. Pauley had discussed. The Commissioners informed Ms. Holly that on recommendation they would approve payment of \$150.00 for addition proposal. The Commissioner informed Ms. Holly it was okay to release check for repairs to contractor.

The Commissioners received and reviewed from the Fayette County Health Department request to drawdown \$10,000.00 allocation for fiscal year ending June 30, 1995. This was approved.

Ms. Holly informed the Commissioners that the Payroll Department has prepared pretaxed refund due each employer for contribution from retirement. The Commissioners approved to pay.

Ms. Holly informed the Commissioners the property books had not balance and a adjustments has been made, received from the

Assessor's Office amended certificate of assessed value of the various classes of Real Estate, Personal Property and Public Utility Property for the assessment year 1994. Ms. Holly informed the Commissioners the net report increase is \$750.00.

The Commissioners asked Ms. Holly to prepare letter to the Fayette Humane Society informing them that their contribution for fiscal year 1995-96 would be the same as last years, amount \$40,200.00.

Ms. Holly informed the Commissioners the contractor who did repairs to the Health Department roof has been paid, and the Health Department has paid their \$1,500.00 as promised. Ms. Holly informed the Commissioners that Dr. Dyer had included the roof repairs in their request for money to the State.

Ms. Holly presented order for request for budget revision for the General County Fund and Coal Severance Fund for fiscal year 1994-95. Commissioner Lopez made motion to adopt resolution and Commissioner Witt seconded, all approved.

Ms. Holly opened second public meeting for Central Appalachia Empowerment Zone of WV (CAEZ WV) for W. D. Smith with Region 4 Planning and Development Council informing the Clay County Commission is sponsoring a HUD Small Cities Community Development Block Grant application in behalf of the CAEZ (Enterprise Community) and the Fayette County Commission, grant application shall request up to 750,000 to be used for Housing Improvement Program in the CAEZ area, which includes the

communities of Mt. Hope, Pax, Page and Kincaid. No comments (written or verbal) received from the public. Commissioners Lopez made motion to approve agreement, Commissioner Witt seconded, Vote unanimous. Agreement signed.

The Commissioners received and reviewed letter from the West Virginia Development Office asking the status of the Governor's Community Partnership Grant awarded to the Commission on December 16, 1987, for Sexual Abuse, Incest, and Neglect Team (SAINT) project.

The Commissioners signed letter to the West Virginia Development Office regarding Project SAINT requesting an extension of the project deadline until June 30, 1996, also the Commission submitted copies of the monthly reports and invoices for work completed and paid for during the period of July 1, 1994 through May, 1995.

The Commissioners signed letter to One Valley Bank requesting drawdown for Clifftop Community Water Project, amount \$3,365.21.

The Commissioners signed letter to Charleston Marriott authorizing sleeping room, meals, room guarantees, and parking fees be charged to the Fayette County Commission while Harvey E. Young is attending the IAAO Course #201: Appraisal of Land being held at the Charleston Civic Center July 10th through July 14th, 1995.

The Commissioners signed Fire Levy Fire Protection



Agreements for Loup Creek Fire Department and Gauley Bridge Fire Department.

Ms. Holly presented grant application from Valley Emergency Medical Services, Inc. for the Commission to sign for the purchase of computer software and modem.

The Commissioners received and reviewed Legislative Alert letter from the National Association of Counties (NACo) urging the Commission to endorse their support of funding for the Community Development Block Grant (CDBG) program and the HOME Investment Partnerships program. The Commissioners signed letter to Senators John D. Rockefeller and Robert C. Byrd and Congressman Nick J. Rahall.

The Commissioners signed order transferring \$50,000.00 for the fiscal year 1994-95 from the Magistrate Court Fund to the County General Fund.

Commissioner Lopez informed the Commissioners he had received word that the Legislative Digest has funded for different projects going on in Fayette County. Commissioner Lopez asked that a release should go out to all the newspapers.

Exonerations were signed and approved.

Ron Walton with the Whipple Community in Action and other members of the group appeared before the Commission asking for assistance in tearing down old condemned houses in the Whipple area. Commissioner Witt informed Mr. Walton that the Commission would have to regroup and come up with some kind of policy.

Commissioner Witt asked Mr. Walton what is the cost of tearing down buildings? Mr. Walton informed the cost would be \$850 for 1-story building and \$1,000 for 2-story building. Commissioner Lopez informed Mr. Walton the County do not have that kind of money. Joe Myers member of the Fayette County Solid Waste Authority informed the Commission they need to prioritize trying to do one or two houses in the area. Ms. Holly suggested working with the Authority on cleaning up building. Discussion was held, Commission Lopez made motion to appropriate \$1,000 from this years budget to tear down Wilson house in Whipple. Commissioner Carte seconded, vote unanimous. Ms. Holly asked if this would be a contract agreement with Whipple Community in Action. The commissioners informed yes, and asked Ms. Holly to have the Prosecuting Attorney Office prepare contract.

Attorney John Shumate appeared before the Commission with annexation by minor boundary adjustment of West Virginia State Department of Highways right of way for a section of West Virginia Route 19/20, Lot Nos. 147, 148, 149 and Part Lot 142 of Kilsyth Subdivision. Commissioners Witt asked if their was any opposition. No opposition. The Commissioners approved and signed order.

John Vernon, President of the Fayette County Firefighters Association appeared before the Commission to present Truck Replacement Policy. Mr. Vernon informed the Commission that this policy had been presented in the Firefighters Association

meetings and presented to the governing body of each Fire Department both had approved. Commissioners Lopez made motion to except Truck Replacement Policy of the Firefighters Association. Commissioner Carte seconded. Vote unanimous. All approved.

Payroll approved.

The Commissioners signed renewal lease agreement with the Division of Corrections for the fiscal year 1995-96 for the Parole Office.

The Commissioners approved to pay \$300.00 for construction permit application for the Proposed Water Facilities for Bellwood Community Water Project.

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

The Commissioners received and reviewed notices from Workers' Compensation Division for Harold Wayne Conner.

The Commissioners received and reviewed bond refinancing report from One Valley Bank regarding the County Commissions of Raleigh County, Fayette County and Nicholas County, West Virginia Municipal Refunding Collateralized Mortgage Obligations (MR CMO).

Ms. Holly informed the Commissioners that Mary Lou Schmidt had requested accordion doors between conference room and secretary's office and between conference room and kitchen. Commissioner Witt made motion to approve purchase of accordion doors. Commissioner Carte seconded. All approved. Commissioner Witt suggested curtailing on purchases for Extension Office.

Ms. Holly informed the Commissioners that Mary Lou wanted to know if they would be on courthouse phone system or separate phone system. The Commissioners asked Ms. Holly to inform Mary Lou they would stay on courthouse phone system.

Ms. Holly informed the Commissioner she received bids for diving board from Earl Pauley, Park Superintendent. The Commissioners reviewed bids and decided to go with Earl's recommendation of lower bid with Ideal Distributing Inc. The Commissioners approved to purchase 2 diving boards at \$1,091.20 each.

Discussion was held regarding the Board of Education nominating Ray Carson to be appointed to the Fayette County Board of Health. Ms. Holly informed the Commissioners that Mr. Carson is a resident in the Valley District and his appointment would not comply with West Virginia Code 16-2A-2. Ms. Holly informed the Commissioners of the number of members, their political party and magisterial district that are on the Board of Health.

The Commissioners signed request for reimbursement for the Juvenile Justice and Delinquency Prevention Program Grant.

The Commissioners decided to donate Gideon Bibles to employees who has had death in their immediate family.

Outstanding bills were approved.

The Commissioners received and reviewed from the Health Department permit for sewer for the Fayette County Park.

The Commissioners signed order transferring \$2,564.52 for

the fiscal year 1994-95 from the Magistrate Court Fund to the Fayette County General Fund in reimbursement of long distance telephone expenses made on behalf of the Magistrate Court System.

The Commissioners signed order transferring \$67,475.00 from the Fayette County General Fund to the Building and Improvement Fund for reimbursement of the costs of providing parking for Magistrate Court personnel and public utilizing Magistrate Court services.

The Commissioners signed order transferring \$78,612.23 from the Worthless Check Fund to the Fayette County General Fund for expenditures for the Magistrate Court.

The Commissioners signed order transferring \$102,718.60 from the Fayette County General School Fund 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 magistrates.

The Commissioners received and reviewed notice from the Citizen's Advisory Board, informing the next meeting of the Advisory Board will be held on June 19, 1995 at 4:00 p.m. in the front lobby of the Southern Regional Juvenile Detention Center.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone system for the month of April, 1995.

The Commissioners received and reviewed letter from Sheriff Bill Laird informing that June 15, 1995 Deputy Sheriffs John Eric

Wriston and Cary Allen Vickers will successfully complete their one year probationary period of employment as required by West Virginia Code 7-14-11 and effective June 15, 1995 their salaries be increased to \$1,523.42 a month.

The Commissioners received and reviewed copies of letters to James Nelson, Richard Moorefield, Michael Volpe and Dave Pollard informing of day and time interview for the Community Resource Coordinator is scheduled.

The Commissioners approved overtime for Jackie Hickman.

The Commissioners received and reviewed letter from Workers' Compensation Division informing that Earnest Keith Lester has been awarded further temporary total disability benefits.

The Commissioners received and reviewed letter from citizen regarding the county cars being abused.

Discussion was held regarding the Home Detention Program, Ms. Holly asked the Commission if they wanted her to send letter to Judge Charles Vickers regarding the matter. Mr. Witt informed he would talk with Judge Vickers concerning the program.

The Commission received and reviewed letter from the West Virginia Association of Counties regarding the report on Webster County trial of suit brought by Deputy Sheriffs over their incremental pay and back overtime.

The Commissioners received and reviewed budget statement from Circuit Clerk Herbert Mann for the fiscal year 1995-96.

The Commissioners signed letter to West Virginia Development

Office requesting pay request number 23 and final for the White Oak Public Service District Sewer System Improvements.

The Commissioners received and reviewed list of real estate in the county delinquent for non-payment of taxes for the year 1994 from Sheriff Bill Laird.

The meeting was adjourned at 1:57. Next scheduled meeting is June 28, 1995.

*John G. Witt*

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 28, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 28th day of June, 1995.

The Commissioners signed order and letters designating incorporated banking institutions in the County of Fayette as Depositories of Public Monies for the Fayette County National Bank, First Empire Federal Savings and Loan Association, Bank of Mount Hope, Inc., One Valley Bank of Oak Hill, Inc. Ms. Holly informed the Commissioners that Paul Blake, Prosecuting Attorney had reviewed and approved.

The Commissioners signed the County Commission Budget Statement for fiscal year beginning July 1, 1995 through June 30, 1996.

Ms. Holly presented to the Commissioners a resolution for final budget revision for fiscal year 1994-95 for Coal Severance Fund and General County Fund. Commissioner Lopez moved the resolution be adopted. Commissioner Carte seconded. All approved.

Ms. Holly informed the Commissioners she received a call from Dee Lively, maintenance supervisor, informing the top of the flagpole broke yesterday, also informed the Commissioners that Dee need to get in vault to get table to take to Assessor's



Office. This was approved.

The Commissioners received and reviewed copy of order from the Circuit Court informing suit filed against Stacy L. McCourt has been dismissed.

Ms. Holly informed the Commissioners she received a call from David Kauff informing the City of Glasglow is interested in purchasing police cruiser from the Fayette County Sheriff Department.

The Commissioners approved to let City of Glasglow purchase spare vehicle at the Fayette County Park. The Commissioners suggested to sell at Earl Pauley's recommended price.

The Commissioners received and reviewed letter from Tele-Media Company informing of a copy of an insert that will be included in the subscribers' invoices for the July 1995 billing.

The Commissioners received and reviewed from the Workers' Compensation Office of Judges automatic time frame order for Harold Wayne Conner. Ms. Holly informed copy has been sent to the Prosecuting Attorney's Office.

The Commissioners received and reviewed amended certificate of valuations from the Assessor's Office.

The Commissioners received and reviewed notice from the Consolidated Public Retirement Board informing that Harold Wayne Conner application for disability retirement benefits has been granted.

The Commissioners received and reviewed copy of letter to

Sheriff William Laird from Harold Wayne Conner informing that effective June 21, 1995 he will be resigning his position as Deputy Sheriff for Fayette County.

The Commissioners received and reviewed amended statement from the Workers' Compensation Fund for the payment period April 1, 1995 through April 30, 1995.

Ms. Holly informed the Commissioners she had received invoice for additional work to the Health Department amount \$150.00. The Commission asked Ms. Holly to hold until Earl Pauley, Park Superintendent checked. Ms. Holly informed the Commission that she received invoices from Kelvin Holliday for Dayton Legal Blank for books for County Clerk's Office asked that they approve payment. This was approved.

Outstanding bills and payroll were approved.

Ms. Holly informed the Commissioners she has received several invoice for handi-cap bathroom at the Fayette County Park, these were approved to pay.

The Commissioners received and reviewed from Sheriff Bill Laird regional jail invoices for the month of May, also included was invoices to the City of Oak Hill and the City of Smithers for payment.

The Commissioners received and reviewed bid from Rick Myles for repairs to roofs at Fayette County Park. Discussion was held, no decision was made.

The Commissioners received/reviewed and signed maintenance

agreement for copies for West Virginia Extension Office.  
Commissioner Carte suggested asking the Board of pay half of  
cost.

Ms. Holly informed the Commissioners that Everette Steele,  
Chief Deputy had requested payment to Dils Ford for five (5) new  
cruisers that was budgeted for fiscal year 1995-96, amount  
\$85,387.50. Commissioner Carte made motion to pay after July 1,  
1995. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed from Bank One annual  
State of Cash Receipts and Disbursements and Cash and Investment  
Balances report for Single Family Mortgage Revenue Bonds, 1983  
Series A and Taxable Mortgage Revenue Compound Accretion  
Refunding Bonds, Series 1994 for the year ending December 31,  
1994.

The Commission received and reviewed copy of a letter from  
A. E. Landis, M.D., Orthopaedic Surgeon regarding Earnest Keith  
Lester.

Ms. Holly informed the Commission she has received contracts  
from the Bellwood Community Water Project everything has been  
corrected and changed.

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

The Commissioners received and reviewed letter from  
Secretary of State Ken Hechler regarding the appraisal of natural  
resources.

The Commissioners received and reviewed letters from the Public Service Commission to Paul Gonzalez, Kathy Bird, and Patty Dickerson members of the Beckwith Public Service District regarding Board Members Training Responsibility.

Ms. Holly informed the Commissioners she received letter from the Board of Education regarding the cost of a backdrop curtains for the Memorial Building. The Commission informed Ms. Holly they would discuss later.

The Commissioners received and reviewed letter from West Virginia Development Office regarding extension of State/Local Agreement fiscal Year 1989 Small Cities Block with the White Oak Public Service District Sewer System since final audit has not been completed, the expiration date of the Agreement has been extended to June 30, 1996.

The Commissioners received and reviewed letters from Tom Aiello informing that Kalie Berry, Jenni Jones, Hollie Elswick and Cynthia D. Aliff would be hired as summer workers at \$4.50 an hour.

The Commissioners received/reviewed and signed Fire Levy Agreements for July 1, 1995 through June 30, 1996 for City of Oak Hill, Gauley River Fire Department, Pax Fire Department, Boomer Volunteer Fire Department, and Ansted Certified Fire Department.

Tom Aiello, Assessor submitted Dog Tax Collection for current year, amount \$7,392.00. The Commission approved to pay Assessor 10% Commission, amount paid \$739.20.

The Commission received and reviewed letter from West Virginia University Central District Office requesting that the Board of Education transfer grant fund to the Commission in support of the West Virginia University Extension Service.

The Commission received and reviewed letter from Otis Elevator Company informing of on-site inspection of elevator at the Courthouse Annex recommend that sump pump in annex be covered.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission with contract for Whipple Community in Action. Mr. Harris informed the Commission contract needed the president's signature and the president of the Whipple Community in Action. Commissioner Carte suggested contract be forwarded to Arby Pell for signature.

Exonerations were approved and signed.

Gary Harding appeared before the Commission with two zoning hearings: Z-407-95-1: Request of Aaron B. Clackler, owner, by Gary Wayne Legg, for a change in land classification on Lots 3 and 5, Block 4, J. R. Fox Subdivision, Victor, from R-R, Agricultural and Rural Residence District, to B-2, General Business District located on U. S. Route 60, Victor, New Haven District. The Zoning Officer informed the Commissioners that on Monday the Planning Commission did by a vote of 11-0 recommend that this request be approved for the operation of a tire shop and repair garage. Mr. Legg was present and there was no

opposition. After a brief discussion a motion was made by John Lopez that this be approved as recommended. Motion was seconded by Gene carte and passed 3-0.

Z-408-95-2: Request of George A. Dunham, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-2, Heavy Industrial District, on 140.905 acres, Bend Branch, located on Route 19, near Mount Hope, Plateau District. The County Commissioner was informed by the Zoning Officer that on Monday Mr. Leonard Knee had requested that this case be changed to 50 acres of Planned Development with the rest being in a buffer zone but that the Planning Commission did by a vote of 9-2 recommend that this request be denied. Jim Keenan spoke to the Commission on behalf of the haulers' association and Leonard Knee spoke to the Commission for the developers. After a general discussion a motion was med by Gene Carte that this be denied as recommended. Motion was seconded by John Lopez and passed by a vote of 3-0.

Commissioner Witt informed the Commission he had received telephone call from W. D. Smith, asking that the Commission endorse Fayette Plateau Regional Water System sponsored by West Virginia-American Water Company informed the Commissioners he had received a letter from Mr. Smith to Mr. Daniel B. Yonkosky, Direct with the West Virginia Infrastructure and Jobs Development County for the Commission to sign. Commissioner Lopez made motion that the Commission endorse the Plateau Regional Water

System. Commissioner Carte seconded. All approved.

Joe Laughery with the Department of Environmental Protection and Joe Smith resident of the Prince area appeared before the Commission to ask for their assistance in getting dust control problem on the Army Camp Road near Prince solved. Discussion was held, the Commissioners informed Mr. Laughery and Mr. Smith they would draft letter to the New River Gorge National Park Service, West Virginia Division of Highways, and Senators Robert C. Byrd and John D. Rockefeller to see if they would provide a joint effort to reduce or eliminate this problem.

Cindy Whitlock with the Fayette County Chambers of Commerce appeared before the Commission with a proposal requesting the Commission consider County-wide Hotel/Motel Tax. Discussion was held, Commissioner Lopez informed he have no problem with the proposal. Commissioner Carte suggested taking under advisement. Commissioner Witt made motion to adopt Hotel/Motel Tax. Commissioner Lopez seconded. Commissioner Carte opposed. Vote passed 2-1.

Charles Toombs with Wolf Creek Public Service District appeared before the Commission asking them to replace Claude "Booty" Bess as Commissioner of the Wolf Creek Public Service District, informed the Commission that the last board meeting Mr. Bess attended was in November, 1994. Mr. Toombs asked the Commission if they would consider replacing Mr. Bess with Robert Jackson. Commissioner Witt informed Mr. Toombs they would let

him know something by the 15th of July.

The Commissioners signed letter to the West Virginia Development Office requesting an extension of the contract period for Community Partnership Grant #95-244 for the Fayette County Park.

The Commissioners signed letter to Father Frank Neville regarding partial refund of his June, 1995 camping fee previously paid to the Fayette County Park, amount of refund \$250.00.

The Commissioners approved to purchase ceramic tile for kitchen floor of Fayette County Park House, amount \$868.10.

The Commissioners approved to pay \$1,500.00 for PSAS: PP Vendor Check system from Software Systems. Ms. Holly informed this was in place as of July 1st.

The Commissioners signed contract between the Fayette County Board of Health. The Commission was informed that effective August 1, 1995 Dr. Donald C. Newell, Jr. has resigned as Health Officer for the Board of Health and Dr. Mark D. White has been appointed to fill the position.

Commissioner Witt suggested getting a report on how many meetings Robert Stephens member of the Fayette County Board of Health has attended. Commissioners Witt feel that the Commission should resolve issue of Paige Skaggs.

The Commissioners received and reviewed letter from Sheriff William Laird regarding overtime for the Deputies for the month of June.



The Commissioners voted unanimously to purchase Government Services Television Network (GSTN). Tom Aiello informed he would pay \$1,860.00 half of cost from PVC Fund.

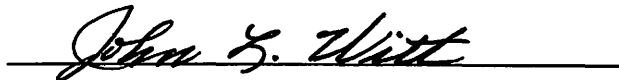
The Commissioners voted unanimously to pay half for backdrop curtain at the Memorial Building, amount of bid \$4,856.00 the Commission would pay \$2,428.00.

The Commissioners suggested writing letter to Reverend William Johnson and his group informing them that their on-site inspection of the Beards Fork School revealed immediate necessary repairs that are beyond financial ability for the Commission to repair, and to inform them they have declined to accept the Beards Fork School property from the Board of Education.

Ms. Holly informed the Commissioners she had talked with vendor regarding the home confinement bracelets for prisoners to having a temporary pilot program, but Judge Charles Vickers and Sheriff Laird did not want to go with temporary program. Ms. Holly informed the Commission she sent Judge Vickers a copy of the agreement but have not heard anything from him as of today.

Ms. Holly informed the Commissioners that the Regional Health Council want to meet with the Commissioners and the Administrator on Tuesday, July 11, 1995 at 10:00 a.m. to discuss problems they are having with the Health Department.

Meeting was adjourned at 1:24 p.m. Next scheduled meeting is July 5, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 5, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 5th day of July, 1995.

Paul Blake, Prosecuting Attorney appeared before the Commission to discuss law suit regarding deputies back pay. Mr. Blake informed the Commission he feel their may be a conflict of interest since former Deputy Allen Workman is working in his office, may have to appoint special prosecutor. Ms. Holly informed the Commission that copy has been sent to the insurance. Commissioner Witt informed he feels right now its not serious yet. Mr. Blake informed the Commissioners he would file answer.

The Commissioners also received letter from Sheriff Bill Laird regarding R. C. Godsey, et al vs. William R. Laird IV, et al Law Suit.

The Commissioners received and reviewed letter from Judge John Hatcher regarding security of the courthouse. Commissioner Witt suggested Ms. Holly call meeting with maintenance staff to discuss security and give them a copy of Judge Hatcher's letter.

The Commissioners received and reviewed letter from Prosecuting Attorney Paul Blake with a copy of a registration form for the Short Course for Prosecuting Attorneys to be held in Chicago, Illinois, July 31 through August 4, 1995, informing

Teresa Daniel will be attending. The Commissioners approved.

Commissioner Lopez informed the Commission that he checked on a landfill in the Page area.

The Commissioners received and reviewed accident report of Deputy Bernard L. Forren.

The Commissioners received and reviewed letter from Danese Volunteer Fire Department and Rescue Squad, Inc. submitting copies of their monthly financial reports and collections from Mountaineer Data Processing for the months of April, May and June, 1995. Commissioner Witt asked Ms. Holly to review balance on accounts, and Communicate with Mary McClanahan to see how they stand.

Ms. Holly presented to the Commissioners the State Surplus Property renewal contract. Ms. Holly informed the Commission that contract has to be renewed every two (2) years. Ms. Holly informed she would look in file to see whose name to add or take off.

Ms. Holly informed the Commissioners that this may be the last week Billy Horrocks could work. Commissioner Witt commented and said he thought at Mr. Horrocks age he can make any amount and still draw 100% social security.

Ms. Holly informed the Commissioners she received check in the amount of \$13,003.14 for the Emergency telephone system for the month of May, 1995, informed the Commissioners that May had been reduced because the first half of May TAR's had not been

billed to the system. Ms. Holly informed hopefully June will have the correction.

Ms. Holly reminded the Commission that informal meeting with the Fayette County Health Department, and Regional Health Council is scheduled for July 11, 1995 in the County Commission Chambers at 10:00 a.m. to discuss the roof repairs at the Health Department.

The Commission received/reviewed and signed Fire Levy Agreements for Pax Volunteer Fire Department and Montgomery Fire Department.

The Commission approved for John L. Witt, Gene Carte, Jr. and Charlotte Holly to attend West Virginia Institute of Public Affairs Annual Training Seminars being held August 6, 7, 8, 1995 at the Brier Inn Motel & Convention Center in Lewisburg.

The Commissioners received and reviewed thank you letter from Congressman Nick Rahall for their letter requesting support for adequate funding for the Community Services Block Grant and the HOME program.

Commissioner Lopez informed the Commission that Legislature Digest funds are available after July 1, 1995. Ms. Holly informed the Commission she would check on how to go about obtaining funds. Commissioner Carte suggested checking with Senator Shirley Love.

The Commissioners received and reviewed letter from the Department of Tax and Revenue confirming in writing the terms and

objectives of their work in conducting an audit for the fiscal year ended June 30, 1994.

Outstanding bills were approved.

Ms. Holly informed the Commissioners she had received signed contract from Ms. Arby Pell, President of the Whipple Community in Action. Ms. Holly asked the Commissioners if it was okay to prepare checks to the heirs of the property. The Commission approved.

Discussion was held about moving switchboard, no decision was made.

Maintenance contract for Software Systems was signed.

Commissioner Lopez congratulated the maintenance crew and Governor's Summer Youth Workers for work done at the Deepwater Civitan Park.

Earl Pauley, Park Superintendent appeared before the Commission with update on work at the park. Mr. Pauley informed the Commission that handi-cap bathroom is basically finished, plumbing, septic tank would be 4-5 days, Mr. Pauley estimated that work should be completed by the end of July. Mr. Pauley informed the Commission that the pool would be open in possibly one week, informed the Commission that concrete pipe 8" line had frozen and busted and that this would have to be changed. Mr. Pauley informed the Commissioners that Hornsby advised that pool should never be drained, because it was not designed to drain.

Attorney Jamie Blankenship appeared before the Commission

with annexation by minor boundary adjustment of the Old Court Street/Goose Creek Road areas adjoining the Town of Fayetteville. George Eder spoke in opposition of annexation. Discussion was held, after discussion Mr. Eder decided to except annexation. Commissioner Carte made motion that annexation be approved. Commissioner Lopez seconded. All approved.

Earl Pauley, Park Superintendent informed the Commission that public need to know that no pets are allowed in the park. Ms. Holly informed the Commission that the rules for the park indicate that no pets are allowed.

The Commissioners asked Joe Myers to do article on the Governor's Summer Youth Program. The Commission feel the workers and supervisors need to be recognized.

Ms. Holly informed the Commissioners that residents asked if the County could extend the parking lot at Harlem Heights Park. The Commission asked that Earl Pauley check with Tom Oxley, City Manager. Ms. Holly informed the Commission that the Department of Highways has approved to apply gravel. The Commission asked that Earl submit a plan. Ms. Holly informed the Commissioners that the Governor Summer Youth workers are cleaning area now.

Bud Hill and Cindy Whitlock, members of the Fayette Transition Team appeared before the Commission with their recommendation for Resource Coordinator. Ms. Whitlock informed the Commission that four (4) candidates had been interviewed for the position, the transition team made up ballots to select

applicant for the position and asked 12 questions to each individual applicant. Mr. Hill informed the Commission that the Transition Team recommend Dave Pollard for Resource Coordinator. Commissioner Carte informed the Commission and Mr. Hill and Ms. Whitlock he was against project. Commissioner Carte asked if they knew \$35,000.00 entire package for one (1) year, project do not have funding for assistance, secretary etc. Commissioner Carte also asked if Commissioner Witt had anything to with the process for picking the Coordinator. Ms. Whitlock informed he did not. Commissioner Witt informed the Commission whoever the Transition recommend he would be behind. Commissioner Lopez asked about the office space. Ms. Whitlock informed Mr. Pollard office would be temporary at her office. Discussion was held regarding telephone this expense is also included in the \$35,000.00. Commissioner Lopez made motion to accept recommendation by Transition Team of Dave Pollard as Resource Coordinator. Commissioner Witt seconded. Commissioner Carte voted no. Vote passed 2-1. Dave Pollard approved as Resource Coordinator.

Commissioner Carte suggested that Commissioner Witt work with Ms. Whitlock regarding the space and starting time.

Mike Miller, Tom Muncy, and Lee Hill Attorney with the West Virginia American Water Company appeared before the Commission to discuss the Fayette Plateau Regional Water System Project. Mr. Miller presented to the Commission an update of the project,

application, letter written to the Infrastructure Council and maps of the project. Mr. Miller informed the Commission that included in application was a copy of their support letter for the project. Mr. Miller informed the Commission that Mossy Public Service District and the Town of Ansted were ready to approve. Attorney Hill gave an update and details of tax increment financing, informed that Legislature had passed bill regarding the use of new property taxes to finance water project. Mr. Hill informed that to implement this project, they would have to post notice, have public meeting and would have to have referendum from all the people in the county can vote on project. Ms. Holly asked Mr. Hill if all the people were entitled to the funds. Mr. W. D. Smith with Region 4 informed the Commission that bids and pieces not put together yet, would have to work out bugs. Ms. Holly informed that Special Election would have to be held and the West Virginia-American Water Company would have to pay cost of election. Commissioner Carte made motion to authorize Commissioner Witt to sign application for West Virginia-American Water Company. Commissioner Lopez seconded. Vote unanimous. Ms. Holly asked if Mossy Public Service District had signed agreement and if so, it would have to be approved by the Public Service Commission and then they would have to take steps of dissolving from the Fayette County Commission. Ms. Holly informed she would review Code.

Ms. Holly informed the Commission she had received several



phone calls from Vada Ellison regarding the cleaning up of Stanley Matthews property in Scarbro. Ms. Ellison wants to know the reason no one had responded to her request. Ms. Holly informed the Commission she would have Larry Parsons review.

Commissioner Witt asked to let the minutes show that the Commission did have a meeting regarding the Home Confinement Program in February, 1995, and they did assigned a committee to make recommendations. Mr. Witt informed that nothing has been done and that it wasn't the fault of the Commission, and this was not the Commission duties. Commission Witt suggested that the any vendors to see Sheriff Laird. Sheriff Laird informed the Commission that he has taken action as far as he can go.

The Commissioners received and reviewed order from Teresa D. Daniel, Assistant Prosecuting Attorney regarding the Estate of John Monday, Deceased, Garnet, Gipson, Executrix. Ms. Holly informed the Commissioner that an order regarding this estate had been signed and recorded previous. The Commissioners asked Ms. Holly to check.

The Commissioners signed letter to Kelvin Holliday, County Clerk informing that effective July 1, 1995, Debbie Berry is to be paid \$150.00 monthly plus benefits and Jackie Hickman is to be paid \$75.00 monthly plus benefits from the Landfill Salaries and Wages line item of the General Fund. The salaries are to be paid once a month on the 15th of each month for secretarial and clerical assistance to the Fayette County Solid Waste Authority.

The Commissioners received and reviewed letter from Fire Marshall regarding correction to the Memorial Building. Commissioner Carte suggested sending copy to the Fayette County Board of Education Superintendent to make corrections immediately.

The Commissioners signed contract agreement to the West Virginia Surplus Property Department. The only people to charge are Charlotte Holly, Administrator, John Lopez, Purchasing Agent, Dee Lively, Maintenance, Steve Cruikshank, Emergency Coordinator, and Earl Pauley, Park Superintendent.

Commissioner Witt asked Ms. Holly if the flagpole had been prepared. Ms. Holly informed Commissioner Witt that Dee Lively, from Maintenance had gone to Fayco and Appalachian Power Company would be her tomorrow with their carry-all truck to help install.

Kelvin Holliday, County Clerk informed the Commissioners that he had contacted Software Systems regarding the use of the computers in his front office. Mr. Holliday informed the Commission that the front office is no longer on computers, but they are using for indexing.

The Commissioners received and reviewed certificate of insurance from Cable Equities of the Virginia's, Ltd and Rifkin Communications Partners, L.P.

The Commissioners received and reviewed letters from One Valley Bank in Charleston informing the Commission they hold the security to secure for deposits with the One Valley Bank of Oak

Hill and Fayette County National Bank.

The meeting was adjourned at 1:48 p.m. Next scheduled meeting will be held July 14, 1995.

John L. Witt

7/5/95

FCC

Annexation - Town of Fayetteville

Goose Creek Rd

DAVID TURNER

Kirk Wallace

Cecil Gibson Jr

Judy Hess

Becky Wood

Connie Wallace

Ben Calugross

Edna P. Bilyeu

Deloris Nelson

Randall Nelson

Maury Hurd

Rebecca Hurd

Margaret Ballard

Jim Ballard

George Eder Jr

Mr. <sup>George</sup> ~~Eder~~ Eder

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 14, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 14th day of July, 1995.

Commissioner Carte moved to go into executive session with Prosecuting Attorney Paul Blake regarding personnel matter.

The Commissioners returned from Executive Session, Paul Blake presented the Commission with answer of complaint filed by R. C. Godsey, Jr., et al., Civil Action No. 95-C-0194.

Commissioner Witt questioned about the look of the vouchers. Ms. Holly asked Mr. Witt to bare with us until September would try to have different vouchers prepared.

The Commissioners signed letter to Valley Emergency Medical Service giving permission to use on a temporary basis the 1990 Ford Ambulance previously stationed at Danese, informed Valley the temporary usage is granted provided they provide the proper insurance coverage on unit during the period used, also the Commission informed Gary Light, Executive Director that the Commission has approved their request for funding up to an amount of \$10,000 as a contribution to fund the replacement cost of a new ambulance, funds to be available during fiscal year 1995-96.

The Commissioners received and reviewed copy of Fayette County Solid Waste Authority financial report and minutes.

Attorney Jamie Blankenship brought in map for annexation by minor boundary adjustment of the Old Court Street/Goose Creek road areas adjoining the Town of Fayetteville.

The Commissioners signed letter to the West Virginia Development Office submitting progress report and financial report reflecting 84% completion of the Fayette County Park Improvements project and requests for reimbursement in the amount of \$16,746.11.

Commission signed monthly sales report for the Fayette County Park for the month of June.

Payroll approved, no objections.

The Commissioners signed letter to the Fayette County Board of Education informing that after an on-site inspection of the Beards Fork School building and after consideration of the repairs deemed necessary to the building, i.e., excessive leaking from the roof and subsequent water damage in the gymnasium, the members of the Commission unanimously decline to accept the conveyance of the property, including improvements.

The Commissioners signed letter to Beards Fork Community Organization, Inc. informing them that the Commission declined to accept the Beards Fork School property from the Fayette County Board of Education.

The Commissioners signed letter to the Fayette County Board of Education informing that on July 10, 1995 they had forwarded to them a copy of the State Fire Marshal's Fire Safety Inspection

Report of the Memorial Building requesting that the Board make the appropriate corrections as required by the report and notify the Commission of the action taken.

The Commissioners signed letter to the Fayette County Board of Education informing they have reviewed the bid information for the replacement of the cyclorama and two ceiling boarders and approved the bid of International Drapery in the amount of \$4,856 and will pay \$2,428.00 ( $\frac{1}{2}$  of said replacement cost).

The Commissioners signed letter to the Fayette County Board of Education informing they reviewed their recommendation of Mr. K. R. Carson for appointment as a member of the Fayette County Board of Health and informed them that he is a resident of the Valley District, and his appointment would not comply with West Virginia Code 16-2A-3. (See attached)

The Commissioners received and reviewed letter from Sheriff William Laird with invoice from the Regional Jail and Correctional Facility Authority for the confinement of inmates at the Southern Regional Jail during the month of June, 1995, also included were invoices prepared to the cities of Oak Hill, Fayetteville, and Mount Hope which reflect our expenses for the jail commitments.

The Commissioners received/reviewed and signed application for certificate of operation to the West Virginia Department of Commerce, Labor, and Environmental Resources for operating incinerator at courthouse during the fiscal year July 1, 1995

through June 30, 1996. The cost of \$200.00 was approved.

Exonerations signed and approved.

Mary Abbot, Elbert Horrocks appeared before the Commission with request for additional funds for the Fayette Humane Society. Mr. Horrocks gave report on 911 calls he receive and asked if he could write citations. The Commission asked that he check with the Sheriff Office and the Prosecuting Attorney Office regarding writing citation. Commissioner Lopez made motion that an additional \$5,000.00 be funded to the Fayette Humane Society for fiscal year 95-96. Commissioner Carte seconded, vote passed unanimous.

Dave Pollard the Community Resource Coordinator appeared before the Commission to give them an update on what he would be doing as Resource Coordinator for Fayette County. Commission Witt informed Mr. Pollard that the Commission would like for him to meet with Mike Miller and W. D. Smith to get updated on the Regional Water System proposal. Mr. Pollard informed he would be needing filing cabinet, desk, and telephone, he also informed the Commission that on the 28th, 29th, and the 30th he will be attending a 3 day seminar at no cost to the county.

Commissioner Lopez made motion to adopt resolution for Budget Revision of the 1995-96 Coal Severance Fund budget. Commission Carte seconded. It was by unanimous decision that budget revision be approved.

Ms. Holly informed the Commission that Henry Armstrong had



brought over deed for the Whipple Community Park and requested that four (4) checks be issued to the heirs, Kathy Lynn Pace Barger, Michael Arden Pace, Bonnie Gay Pace Woodson, and Patrick Aaron Pace for \$1,000.00 each.

The Commission signed letter and requisition to One Valley Bank requesting a drawdown of \$1,770.23 from the Fayette County Project Account Subaccount for Clifftop Water System.

The Commissioners signed request for reimbursement to the West Virginia Criminal Justice and Highway Safety for the Juvenile Justice and Delinquency Prevention Project for the month of June.

The Commissioners approved and signed Direct Access Support/Help (DASH) Service Agreement with Software Systems for one year, cost would be \$200.00.

The Commission discussed receiving letter from Delegate John Pino regarding grant processing. Ms. Holly informed the Commissioners she had talked with the West Virginia Development Office and she was informed that they are in the process of sending out letters. Ms. Holly also recommended to the Commission that the majority of money be used for memorial Building. Commissioner Witt made same suggested as Ms. Holly but also informed he had talked with Earl Pauley, Park Superintendent regarding the electrical wiring in the cabin areas.

The Commissioners received and reviewed copy of letter from Tom Aiello, Assessor informing of salary change for Mary K.

Weatherford, salary would be \$1,325.00 a month, her title will be Re-appraisal Supervisor.

The Commissioners received and reviewed certificate of insurance from Plateau Medical Center.

The Commission received/reviewed and approve letter from Extension Office that money for Heather Hambrick salary be transferred.

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

Ms. Holly presented invoice from the Whipple Community in Action for cost of tearing down, removing of structure of old house owned by John Wilson, amount \$1,000.00. This was approved for payment. Ms. Holly informed the Commissioners that Ms. Arbutus Pell had picked up check.

Ms. Holly informed the Commissioners she received telephone call from Thelma Baldry regarding Gene Walker property in Minden. Ms. Holly informed the Commissioners that Ms. Baldry said that if the Commission want Mr. Walker to attend a meeting she would gladly come. Commissioner Witt ask Ms. Holly to write a letter and have Mr. Walker come in for the next meeting.

Commissioner Lopez asked the Commission if Dee Lively could go down to the Civitan Park in Deepwater, Monday to install 3 or 4 receptacles for building. This was approved.

Ms. Holly reminded the Commission of the County Commission Association Seminar being held on August 6 through August 8,

1995.

The Commission received and reviewed minutes from Multi-County Community Action Against Poverty. Commissioner Witt informed the Commission that this agency wants to sponsor Weatherization Program. The Commission informed they had no objection to them sponsoring the Weatherization Program.

The Commission received and reviewed minutes from Salem-Gatewood Public Service District for the month of June.

The Commission received and reviewed letter from the Criminal Justice and Highway Safety Division regarding an on-site program review of the Juvenile Justice and Delinquency Prevention Grant.

The Commissioners received and reviewed fax from Russell Deering, Chairman of the Gauley River Public Service District informing of a boundary adjustment with the Clay County Commission.

The Commissioners received and reviewed Environmental Assessment report of Fayette Station New River Gorge National River.

The Commission received and reviewed Clay County Commission's Application for the 1994 HUD-SCBG funding on behalf of the Central Appalachia Empowerment Zone of West Virginia (CAEZ).

Commissioner Witt informed the Commission that he and Charlotte Holly, Administrator met with a couple of members of

the Southern West Virginia Regional Health Council regarding request for funds for Fayette County Health Department roof. The Council did inform that they submitted the cost of the roof in their budget.

Ms. Holly informed she received copy of letter from Sheriff William Larid from Airlines Antitrust Settlement Administrator regarding the ten percent (10%) airfare discount available to government entity beginning August 8, 1995.

The Commissioners received and reviewed letters updating claims of Harold Wayne Conner from the Workers' Compensation Division.

The Commission approved to pay invoice for carpet for the West Virginia Extension Office, amount \$946.00.

Ms. Holly informed the Commission she had talked with maintenance regarding keeping windows down and locked in the Courthouse.

Charles Toombs appeared before the Commission with request to replace Claude "Bootie" Bess with Robert Jackson. No decision was made regarding the appointment.

The Commissioners received and reviewed from West Virginia Gas information on Energy One.

The Commissioners received/reviewed and signed annual maintenance agreement for the West Virginia Extension Office.

Prosecuting Attorney Paul Blake questioned about the annual cost of maintenance on their copier.

Commissioner Witt asked about the elevator at the Annex building. Ms. Holly informed Mr. Witt that Otis Elevator was supposed to have sent a trainer, but haven't heard anything from them as of today.

Ms. Holly informed the Commissioners that she had placed a call to AT&T yesterday representative would contact her Monday.

The Commission decided to place Resource Coordinator downstairs, couch would have to be moved. Ms. Holly informed the Commission that the 911 Center would be interested in having couch placed in their lounge.

Ms. Holly informed the Commissioner that Bob Arthur had asked if he could have the maintenance crew build shelves in the garage to store some of the Extension Office paper. Ms. Holly informed the Commission she feel the Commission should kept the garage as a storage place for county lawn mowers. Commissioner Witt informed he don't think the place is suitable for storing paper.

Commissioner Witt asked Ms. Holly if the maintenance crew had check on fixing the louvers on top of courthouse. Ms. Holly informed Commissioner Witt that Dee Lively and crew had checked and informed they could not get them out. Commissioner Witt again asked that the louvers be removed and cleaned. Ms. Holly informed she would have the maintenance crew look at again and try to get them out.

Ms. Holly informed the Commissioners she received letter

from Region 4 informing of annual dinner and informed Mr. Witt she had informed Region 4 that he would be attending.

Kelvin Holliday asked the Commission if he could replace his old computer terminal with one of the new terminals.

The Commissioners approved to pay invoice for Tom Aiello for subscription for Government Services Television Network (GSTN), amount \$930.00 from the Assessor's PVC Fund.

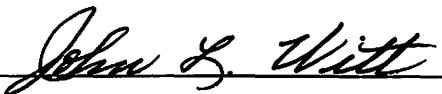
The Commissioners received and reviewed letter from Sheriff William Laird to Electronic Home Monitoring Vendors regarding request for proposals and price quotations.

The Commissioners received and reviewed final drawdown for the White Oak Public Service District Small Cities CDBG Sewer Improvements Project.

Outstanding bills were approved.

Ms. Holly asked the Commissioners if it was okay with them she will be taking vacation starting August 14. This was approved.

The meeting was adjourned at 12:20. Next scheduled meeting is July 26, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 26, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 26th day of July, 1995.

Discussion was held regarding rules and regulation for the Fayette County Fair. It was decided to use Fayette County Park pool rules and park rules.

Commissioner Witt informed the Commissioners that 911 Emergency was out during the storm last night, informed that David Neal went to Charleston and hooked up with the Metro line and as of today 911 Emergency is working.

The Commissioners received and reviewed letter from the Fayette County Board of Education advising that a purchase order has been issued to the low bidding firm, International Drapery and Design, Inc., for the replacement of the cyclorama at the Fayette County Memorial Building.

The Commissioners approved of appointing Robert Jackson a member of the Wolf Creek Public Service District.

The Commissioners received/reviewed and signed Fire Levy Protection Agreements for Mount Hope Fire Department, Nuttall Fire Department, Montgomery Volunteer Fire Department, Armstrong Creek Fire Department, Smithers Fire Department, the Town of Fayetteville, and Fire Levy Pumper Replacement Agreement for

Mount Hope Volunteer Fire Department.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$550.00 for the Office of the Family Law Master in Fayette County for the month of July, 1995.

The Commissioners signed invoice to the Division of Corrections for rent for Parole Office for the month of July, amount \$300.00.

The Commissioners approved travel expense for the Prosecuting Attorney's Office.

The Commissioners approved paying mileage to Billy Horrocks for trips to Fayco Lumber.

The Commissioners received and reviewed Application for Employment from Heather Hambrick.

The Commissioners received and reviewed letter of thanks from the Fayette Humane Society.

The Commissioners received and reviewed responses dispatched through the E-911 Center to the respective resource agencies during the month of June.

The Commissioners received and reviewed copy of letter from the Public Service Commission to Teddy Elliott, member of the Gauley River Public Service District regarding his training as a new board member.

The Commissioners received and reviewed letter from Herbert Mann regarding interest earned from checking account from July,



1994 through June, 1995.

Ms Holly informed the Commission she received letter from Judge John Hatcher informing that the West Virginia Supreme Court of Appeals Administrative Office has supplied him with a new, Sharp telecopier machine for his office and requesting that the Commission take the appropriate steps to install telephone line and number to his office. Ms. Holly informed the Commission that they would be responsible for monthly cost. No objections the Commission approved.

Ms. Holly informed the Commissioners she had talked with Bell Atlantic regarding placing of cable from the Fayette County Annex Building to the new office of the West Virginia Extension Office informed Commissioners she received proposal, cost of placing cable terminals and associated splicing includes materials, labor and splicing case and engineering time estimated cost would be \$4,865.00. Ms. Holly also informed the Commissioners that Bell Atlantic said it would take six (6) weeks to complete the job, 3 weeks for cable shipment and 3 weeks for plowing, placing and splicing and their might be a stoppage starting August 5, 1995. Commissioner Carte and Commissioner Lopez suggested not putting them on the switchboard. Ms. Holly informed the Commission she should be getting other contractors estimates within the next few days. Ms. Holly informed the Commission she would work at getting other information.

The Commissioners received and reviewed copy of letter from

Sheriff William Laird to West Virginia Division of Culture and History regarding invoice for security services rendered by the Fayette County Sheriff's Department in support of the Doo Wop Saturday Night event held at Camp Washington Carver on July 15, 1995.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone system for the month of May.

The Commissioners received and reviewed copy of Audit Report from Mount Hope Volunteer Fire Department for the period ended June 30, 1995.

The Commissioners received and reviewed letters from Cleek, Pullin, Knopf and Fowler informing trial is scheduled for Monday, September 18, 1995 at 9:00 a.m. in the case of Horrocks v. City of Fayetteville, et al., Civil Action #92-C-1035.

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

The Commissioners received and reviewed copy of letter from Sheriff Laird informing Earnest Lester that on August 1, 1995 he has used all of his accumulated annual and sick leave benefits.

The Commissioners received and reviewed letter from the Workers' Compensation Division informing that regarding overpayment of temporary total disability benefits for Harold Wayne Conner, also received and reviewed copy of letter from Prasadarao B. Mukkamala, Md. to Pat Huffman, Claims Manager for

the West Virginia Workers' Compensation Division.

The Commissioners received and reviewed letter from the Kanawha Falls Public Service District requesting they reappoint Joe J. Craffey for another six year term. This was approved.

The Commissioners received and reviewed letter from Ms. Glenna Fitzwater requesting the removal of the cost of the 911 number from her telephone bill. Ms. Holly informed the Commissioners she forwarded letter to David Neal, 911 Coordinator.

The Commissioners received from the Fayette County Fair request of funds for fiscal year 1995-96. This was approved, amount \$2,000.00.

The Commissioners received and reviewed letter from the Upper Kanawha Valley Chambers of Commerce asking the Commission to support the appropriate Resolution to the Legislature establishing the name of a roadway or bridge. The Commission informed they would take under advisement.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent had called and informed her that during the storm last night a tree had fallen on Shelter #1, and there was damage to pool room, Ms. Holly informed damages has been report to Jim Lively Insurance.

Ms. Holly informed the Commissioners that in last meeting they had been informed that Kelvin Holliday would like to replace his terminal with one of the new terminals that was purchased for

his office. Commissioner Carte made motion that terminal be moved. All approved.

Commissioner Witt asked what was going on with the Home Monitoring System. Ms. Holly informed the Sheriff did sent a copy of letter he had sent to different vendors regarding information and service cost.

Ms. Holly informed the Commission she would like to attend the West Virginia Employment and Labor Law Seminar being held Tuesday, September 19, 1995 at Charleston. The Commission approved for Ms. Holly to attend.

Commissioner Witt informed that since the pool is about to open is their a possibility the county could have a free day or free weekend for the public. Ms. Holly informed the Commission that Earl would have to limit the number in at a time.

Commissioner Carte and Commissioner Lopez informed they had no objection to having first free weekend when pool is open.

Gary Harding, Zoning Officer presented the following case for a disposition: Z-409-95-2: Request of Ronald Paine, dba Auto Recylcing, owner, by Thomas Fast, attorney, for a change in land classification on part of 4.46 acres, Lochgelly, from I-1, Light Industrial District, to I-2, Heavy Industrial District located on Lochgelly Road near the Fayette Clinic, Plateau District. The Zoning Officer informed the County Commission that on Monday the Planning Commission did by a vote of 8-2 recommend that this request be denied. Tom Fast was present representing Ron Paine

and informed the County Commission that this request was approximately 1100 feet from the front of the property and behind the existing building on site. Mr. Fast also made mention that other uses permissible under I-1 could generate more traffic than what was currently there. Lee Massey spoke for the Planning Commission and stated that they had no problem with Mr. Paine's use of the property but were only concerned with the I-2 classification if Mr. Paine should sell the property. After a brief discussion a motion was made by Gene Carte that this be sent back to the Planning Commission to look at the possibility of P-D, Planning and Development for Mr. Paine's use. Motion was seconded by Mr. Lopez and passed by a vote of 3-0.

Bobby Gee and the Community for Equal and Proper Representation appeared before the Commission to complain and give an update of the situation at Page-Kincaid Public Service District. Mr. Gee asked the Commission if there was anything they could do to control the water rate increases in their community.

Exonerations were approved and signed.

The Commission received and reviewed Dog Warden Report for the month of June.

The Commissioner received and reviewed from ITT Hartford acknowledging they had received lawsuit filed by the Deputy Sheriffs of Fayette County, R. C. Godsey, Jr., et al.

Thelma Baldry was present for Gene Walker's appointment with

the Commission to see what explanation Mr. Walker would give regarding the cleaning-up of his property located in Minden. Discussion was held Mr. Walker was not present at this time. Commissioner Witt informed the Commission he had talked with Gary Harding, Zoning Officer and he informed the property in worse condition. Commissioner Witt and Commissioner Lopez suggested that Larry Parson take his crew down and make recommendations as to what needed to be done around the property and have Larry's crew clean-up and send the cost of clean-up to Mr. Walker. Commissioner Witt asked Ms. Holly to send letter to Mr. Walker and tell him of the Commission discussion.

Ms. Holly informed that she had talked with Bobby Shaffer with AT&T he had given an estimate of \$2,000 for the cost of installing the lines to the West Virginia Extension Office. Discussion was held regarding the cost of installation, it was suggested having the maintenance crew do some of the work. Commissioner Witt asked Ms. Holly to check into.

Charles Toombs, Chairman of the Wolf Creek Public Service District appeared before the Commission with an update on Wolf Creek projects. Mr. Toombs informed the Commission they had received letter of interest from 3 engineering firms in response to their legal advertising. Mr. Toombs presented a letter to the Commission requesting their support when the project is presented to the West Virginia Infrastructure Council for approval. Commissioner Witt informed Mr. Toombs the Commission would take

this under advisement and thanked Mr. Toombs for his report.

Mr. Gene Walker appeared before the Commission to discuss cleaning up of his property. The Commission informed Mr. Walker of their decision to send Larry Parson's and his crew down to clean up area. Mr. Walker informed the Commission that he could not afford to pay for the clean-up, and promised the Commission he would tear down one (1) of the houses in 30 days. The Commission informed Mr. Walker they would have Larry and his crew make inspections. Commissioner Lopez asked that a letter be sent to Ms. Thelma Baldry and inform her of the Commission decision.

Commissioner Lopez made motion to adopt resolution for Budget Revision of the 1995-96 General Fund budget. Commissioner Carte seconded. It was unanimous decision that Budget Revision be approved. Order signed.

Ms. Holly informed the Commission that the maintenance crew had check the bell tower can not get louvers out. Ms. Holly informed that Bob Massie said if they were to pull to hard the louvers would break. Commissioner asked Ms. Holly to have Billy Horrocks check and see what he recommend.

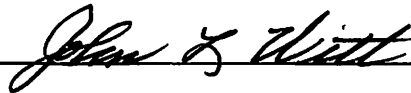
Commissioner Carte presented copy of House Bill 2013 for the Commission to review. Commissioner Carte asked Ms. Holly to forward a copy to Sheriff Bill Laird.

Commissioner Lopez made motion to go into Executive Session regarding personnel matter. Commissioner Carte seconded.

After returning from Executive Session the Commission

informed they had talked with Dave Pollard about benefits package his salary, and employment. The Commissioners signed letter to Kelvin Holliday, County Clerk informing that effective August 7, 1995 Mr. Pollard shall be employed as the Fayette County Resource Coordinator at an Annual salary of \$26,000.00 (\$2,166.67 monthly) plus benefits to be paid from the General Fund.

Meeting adjourned at 1:32 p.m. Next scheduled meeting is August 15, 1995.

  
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7-26-95

Community for Equal & Proper  
Representation

Delores Clay  
Nabb Barry  
Faye Atkins  
Mary Gee  
Bobby Gee  
Martha Light  
Dotty Light  
W.M.A. Spurbak  
Bonny Duffee

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 9, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 9th day of August, 1995.

Commissioner Witt called the meeting to order.

The Commissioners received and reviewed letter from the Fayette County Public Libraries informing that Randall Patterson's term on the Library Board expired on June 30, 1995 and would like the Commission to reappoint him for another five year term. There was no objection. The Commission approved to reappoint Randall Patterson.

The Commissioners received and reviewed statistics reflect the number of responses made each ambulance during the month of July, 1995.

The Commissioners received and reviewed letter from Cleek, Pullin, Knopf and Fowler dismissing the Clint R. Lawson, Sr. v. Gene Carter, Jr., etal case.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent had inspected additional work to the roof at the Fayette County Health Department. Mr. Pauley informed Ms. Holly work has been completed and is okay. The Commissioners approved to release check in the amount of \$150.00 to Uni-Bond Roofing Company for additional repairs.

The Commissioners received and reviewed letters from Division of Highways and Senator Robert C. Byrd regarding the dust problem on Army Camp Road, Delta Route 180. The Commissioners asked Ms. Holly to send copy of letters to Joe Laughery.

The Commissioners received and reviewed check in the amount of \$28,874.21 for the Emergency telephone system for the month of June, 1995. Commissioner Carte asked Ms. Holly if she had received check for amount owed for the month of May. Ms. Holly informed Commissioner Carte only check was mailed was for June.

The Commissioners received and reviewed Fire Levy Protection Agreement from Meadow Bridge Fire Department.

The Commissioners received and reviewed letter from the Governor's Office informing the Commission they have been approved a Drug Control and System Improvement Grant for \$9,635 to provide for overtime for two officers for Project DARE. Ms. Holly informed the Commission they would have to sign resolution authorizing John L. Witt, President of the Commission to act on its behalf to enter into a contractual agreement with the Criminal Justice and Highway Safety Division to receive and administer grant funds. Commissioner Carte made motion to adopt resolution. Commissioner Witt seconded. All approved, contracts signed, copy forwarded to the Sheriff's Office.

The Commissioners signed order reappointing Joe Craffey to serve as a member of the Kanawha Falls Public Service District.

The Commissioners received and reviewed from Bert Horrocks notice informing that he would be taking vacation on August 28th through September 4th, 1995. Ms. Holly informed the Commission that Bert said he would inform the Humane Society of his vacation days. This was approved.

Ms. Holly informed the Commissioners that Earl Pauley has requested vacation from August 11 through August 19, 1995, this was approved.

Ms. Holly informed the Commissioners she had talked with Earl Pauley, Park Superintendent and he informed her that the pool has been filled as of Monday. Commissioners Witt suggested that due to the inconvenience to the public the pool will be opened free to the public this weekend.

The Commissioners received and reviewed reimbursement check in the amount of \$6,437.80 for the Youth Social Service Worker for the Juvenile Justice and Delinquent Program Project.

The Commissioners received and reviewed reimbursement check in the amount of \$16,746.11 for the Fayette County Park handicap bathroom.

The Commissioners received and reviewed franchise fees from Rifkin Communications Partners, L.P., Cable Equities of the Virginias, Ltd., Helicon Group, L.P., Master Telecable, Inc. for the period April 1, 1995 through June 30, 1995.

The Commissioners received and reviewed insurance settlement check in the amount of \$1,604.49 for Deputy Lawrence Washington

cruiser.

The Commissioners received and reviewed letter from West Virginia Development Office informing that their request to extend the project deadline for project S.A.I.N.T. has been granted.

The Commissioners received and reviewed letter from West Virginia Development Office informing that their request to extend deadline for Fayette County Park bathroom has been granted. Grant expires on June 03, 1996.

The Commissioners received and reviewed signed contract from the Fayette County Board of Health employing Mark D. White, M.D. to act as Health Officer of Fayette County.

The Commissioners received and reviewed Financial Report from Upper Kanawha Valley Economic Development Corporation for the month of July, 1995.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone system for the month of June, 1995.

The Commissioners received and reviewed certificate to operate courthouse incinerator for the period July 1, 1995 through June 30, 1996.

Ms. Holly informed the Commissioners she received a follow-up letter from Glenna Fitzwater regarding her request to remove the 911 number from her telephone bill. Ms. Holly informed the Commissioners she had forwarded letter to David Neal; 911

Coordinator and he informed Ms. Fitzwater is eligible for low income exemption and has referred her to the Department of Human Services.

The Commissioners received and reviewed notice from Workers' Compensation Division informing that Harold Wayne Conner has been granted a 10.00% permanent partial disability award.

The Commissioners received and reviewed letter from John H. Shumate, Jr., Attorney for Harold Wayne Conner protesting the 10% permanent partial disability award from the Workers' Compensation Division.

The Commissioners received and reviewed contract of lease approved for one year from the Department of Administration for lease of the Parole Office.

The Commissioners received and reviewed report for the month of July from the Danese Volunteer Rescue Squad, Inc. Commissioner Witt asked Ms. Holly if she had heard anything from the Advisory Board regarding the Danese Volunteer Rescue Squad. Ms. Holly informed she had not heard anything.

The Commissioners received and reviewed copy of letter from Sheriff Bill Laird informing that effective August 1, 1995 Sean D. Snuffer has been employed as Deputy Sheriff at \$1,423.42 a month and effective August 15, 1995 Mark A. Webb has been employed as Deputy Sheriff under the COPS FAST grant at \$1,423.42 a month. Commissioner Carte questioned if the Sheriff had informed Mr. Webb that this position is only for a year.

The Commissioners received and reviewed Annual Water and Sewer Audit Report for the fiscal year June 30, 1995 from Page-Kincaid Public Service District.

The Commissioners received/reviewed and signed maintenance renewal for copier in the County Clerk's Office.

The Commissioners received/reviewed and signed Fax-Laser Printer Maintenance Agreement, amount \$242.00.

The Commissioners approved to pay invoice from Software Systems, Incorporated for the AS400 Computer Equipment for Courthouse, amount \$16,944.99.

The Commissioners received and reviewed binders on insurance through PENCO, amount \$40,813.32.

The Commissioners received/reviewed and approved overtime for Jackie Hickman.

Ms. Holly informed the Commissioner she had received Fire Levy request for payment invoices from Armstrong Creek Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Loup Creek Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, and Nuttall Volunteer Fire Department and asked the Commission to approve for payment informed checks would be written. This was approved.

The Commissioners received/reviewed and approved to pay invoice for annual Elevator inspection, amount \$125.00.

The Commissioners received/reviewed and approved request of payment of contribution from the Humane Society.

The Commissioners received and reviewed request from Fayette Senior Programs for contribution for fiscal year 1995-96, amount \$5,000.00. This was approved.

The Commissioners received and reviewed request from the Town of Gauley Bridge Seniors Nutrition Program for contribution for fiscal year 1995-96, amount \$2,500.00. This was approved.

The Commissioners received and reviewed letter from Clarence G. Fannin informing that the property tax classification on his property was posted in computer improperly. The Commissioners asked Ms. Holly to forward to the Assessor's Office.

The Commissioners also received copy of tax tickets from Ms. Pauline Pate informing that she had overpayment on last years taxes and would like it to credited to this years taxes. The Commissioners asked that this be forwarded to the Assessor's Office.

The Commissioners received and reviewed letter from the Department of Tax and Revenue informing they had reviewed Jeff Carver, with PKV Limited Partnership appraisal for property located in Valley District of Fayette County and attached the recommended appraisal change and the circumstances requiring the change, informed if Mr. Carver feel that this error is a clerical error, he should petition the county commission, under provisions of West Virginia Code §11-3-27, for an exoneration.

The Commissioners received and reviewed certification for state and local governments to purchase diesel fuel and gasoline



from Timothy J. Ball dba Ball's Grocery.

The Commissioners received/reviewed and approved request from Steve Cruikshank requesting that effective August 1, 1995 all part time personnel who have completed their probationary period, including required training will be paid at the rate of \$5.50 per hour.

The Commissioners received and reviewed notice from Steve Cruikshank informing that effective immediately the employment of Becky Avis has terminated.

The Commissioners received and reviewed resignation of Jeffrey Surgeon effective Monday, August 7, 1995 from the 911 emergency Services.

The Sales Tax for the Fayette County Park for the month of July was signed.

Ms. Holly informed the Commissioners she had talked with T. A. Chapman regarding the cable lines to the Extension Office and informed he had ordered the materials will start within a week or so.

Ms. Holly informed the Commission that the additional extension to the 911 Center is connected and working.

Commissioner Witt asked Ms. Holly if she had received any respond or flax regarding the power outage at the 911 Center. Ms. Holly informed Commissioner Witt that after last meeting David Neal had sent out press release to the area newspapers.

Ms. Holly informed the Commission that Stephanie Harrah from

the County Clerk's Office had received this letter from the Law Office of Calwell and McCormick regarding reopening the Estate of Mary Kathleen Christian. The Commissioners reviewed letter and requested Ms. Holly to forward to the Prosecuting Attorney's Office to review and advice on whether the Estate should be reopened.

Ms. Holly reminded the Commission the week of August 14th she would be on vacation.

Ms. Holly informed the Commission that the Financial Statement should be ready by the afternoon, waiting to get clarification regarding whether or not the Elected Officials salaries should be listed.

Randy Maynor, City Manager of Mount Hope appeared before the Commission to inquire about how to apply for money from the Central Appalachian Empowerment Zone. Commissioner Witt informed Mr. Maynor that needed to talke with Jerry Bird, Chairman of the Board of Directors and ask him how to go about applying. Commissioner Witt informed Mr. Maynor that the Board hasn't discussed anything about applying, Mr. Witt suggested to Mr. Maynor that he go to one of the meetings to get the information he wanted. Commissioner Witt informed Mr. Maynor that the Board will meet on the first Tuesday of September at 6:00 at the Clay County Courthouse.

Mr. Maynor also presented a letter from Floyd Bonifacio, Mayor of the City of Mount Hope informing that Michael M. Martin

will replace Charles M. Biggs on the Board of Directors for the Central Appalachian Empowerment Zone.

Randall Ballard appeared before the Commission to inquire about the zoning laws regarding signs for place of business, informed the Commission he had received letter from the State saying that he had to remove his sign. Commissioner Carte and Commissioner Witt informed Mr. Ballard that they needed to meet with the Zoning Officer and come up with some kind of decision regarding the place of business signs and tourist signs. The Commission asked Mr. Ballard to draft a letter to the State and informed them that he had talked with the Commission and the Commission asked that he not change any signs until they had met with the Gary Harding and the Zoning Appeals Board.

Commissioner Witt informed he was told that exonerations should be the first thing on the agenda.

Ms. Holly informed the Commission she had talked with Charlene Hoback with Bell Atlantic want to know if the Commission would reopen drive thru back of their building for 2 to 3 months on temporary basis because the Town of Fayetteville has made Wiseman Avenue a one-way street. The Commission asked Ms. Holly to table.

Sheriff Laird appeared before the Commission to give them an update on the establishment of an electronic home monitoring program for use in the Twelfth Judicial Circuit Court. Sheriff Laird informed he had worked with T. C. Monk, Chief Magistrate

and Judge Charles Vickers. Sheriff Laird informed it is his belief and recommendation that Strategic Technologies, Inc. will best meet the needs of the Twelfth Judicial Circuit Court. Sheriff Laird informed the Commission that he recommend Strategic Technologies because of the cost comparison, per diem expenses and their track record throughout the county, Strategic Technologies has sites installations in several of the surroundings counties. Sheriff informed the Commission they would have to assign a full-time officer, informed the Commission that Deputy Sheriff Bill Hamilton expressed general interest in program. Mr. Laird informed the Commission that he hoped it would be fully operational by the first of September.

Commissioner Witt informed he had no problem with the Sheriff's recommendation. Commissioner Carte made motion that the Sheriff proceed with recommendation to enter into a contractual agreement with Strategic Technologies, Inc. Commissioner Witt seconded. All approved. Ms. Holly asked the Sheriff about the contract. Sheriff Laird informed the Commission he would keep Ms. Holly abreast of everything that's going on.

Commissioner Witt asked Sheriff Laird if Mark Webb would be paid on the COP FAST Grant.

Commissioner Carte made motion that payroll be approved. Commissioner Witt seconded. All approved.

Commissioner Witt asked Kelvin Holliday if he had any ideal as to why Margie Stanley with Fayette County Volunteers Camp

Kismet wanted to see them. Mr. Holliday informed that he wasn't sure but felt that one of the reasons was that the Commission did not waiver fee for camping at the Fayette County Park.

Commissioner Witt informed Mr. Holliday that he would like to hear the whole story.

Commissioner Carte made motion not to meet on August 15, 1995 since payroll has already been approved and no appointments were scheduled. Commissioner Witt seconded. All approved.

Joe Myers asked the Commission if he could give them an update on the recycling program, informed the Commission that several main haulers are going to curbside recycling. Mr. Myers asked the Commission if they would consider recycling at the Courthouse. Ms. Holly informed Mr. Myers she had thought about recycling for the Courthouse but she didn't think the curbside recycling was for business only for residents. Mr. Myers informed he think the Commission should promote program. Mr. Myers informed he would asked the Fayette Tribune also. Mr. Myers to contact haulers to see if they would consider curbside recycling for businesses, will get back with Ms. Holly after her vacation.

Ms. Holly informed the Commissioners that she had talked with the State Department regarding listing Election Officials salary on Financial Statement, Ms. Holly informed the Commission that the Elected Officials have to be listed.

The Commissioners received and reviewed letter from the

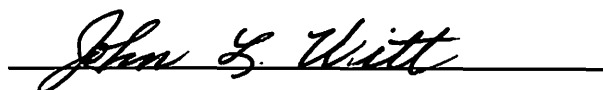
Board of Investments informing that starting September 1, 1995 the Board of Investments will no longer be taking requests to invest or withdraw by phone. All request must be made in writing.

The Commissioners received and reviewed check from the Fayette County Board of Education for West Virginia Extension Office contribution for fiscal year 1995-96.

The Commission signed letter to Andrew T. Boyd, Partnership Coordinator informing the Commission has designated the 4-C Economic Development Authority as the lead economic development organization representing Fayette County.

The Commissioners signed application for eligibility for the Surplus Property Program with the Department of Administration.

The meeting was adjourned at 11:57. Next scheduled meeting is August 30, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 30, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 30th day of August, 1995.

Lee Austin, Triple J & B Contractors, Inc. appeared before the Commission to inform them of the compliant the people had regarding having to pay hook up fee to the meter boxes to the new lines. Discussion was held Ms. Holly informed the Commissioners she had talked with Ms. Geneva Meadows was informed the problem has been resolved.

Exonerations were signed and approved.

Ms. Holly presented to the Commission Annual County Financial Statement for fiscal year ending June 30, 1995. Ms. Holly informed the Commissioners that this had to be in Charleston by September 3, 1995. This was approved and signed.

Herbert Mann, Circuit Clerk appeared before the Commission to discuss security in his office, informed the Commissioners that his office needed some type of buzzer to alert the Sheriff's Office immediately, informed the Commission that sometimes things get out of hand between the parties involved in domestic cases and he would like to have a deputy on hand if things got to bad. Commissioner Carte asked Mr. Mann if he had talked with Sheriff Laird in determining how to protect his office. Discussion was held, the Commission asked Mr. Mann to talk with Sheriff Laird to see if he could suggest some type of buzzer and the Commission would provide the money.

Gary Harding, Zoning Officer appeared before the Commission with the following items for disposition: Mr. Harding informed the Commission

that A. L. Browning Lumber Company had called this morning and officially withdrew Z-410-95-1 that was schedule for a hearing today.

The next item for consideration was the amendment and re-enactment of Article IV, Section 1503, Subsection 5. The Planning Commission did at their meeting on August 28, 1995, recommend unanimously that this be amended to add the sentence "No application for a special exception (Use Permit) shall be considered by the Board of Zoning appeals within one year from its last consideration by the Board." Gene Carte made motion that they take the recommendation of the Planning Commission and approve this change. Motion was seconded by John Lopez and passed by a vote of 3 - 0.

The Zoning Officer also informed the Commission that he had a request from Jim Lively to request the County Commission to advertise for a change of Zoning Classification on the 47.769 acre tract currently zoned I-2, Heavy Industrial, owned by the Fayette County Building Commission to a P-D, Planned Development classification. After a brief discussion a motion was made by Gene Carte that this be advertised for a hearing. Motion was seconded by John Lopez and carried by a vote of 3 - 0.

Ms. Holly presented to the Commissioners a request for reimbursement to the West Virginia Criminal Justice and Highway Safety for the Juvenile Justice and Delinquency Prevention Program Grant. Commissioner Witt signed.

The Commissioners received and reviewed fax from Alexander Ross, Executive Director with the West Virginia Prosecuting Attorney Institute regarding proposing an amendment to Rule 32 of the West Virginia Rules of Criminal Procedure involving the preparation and filing of presentence investigations and reports in criminal cases. Ms. Holly informed the Commissioner she sent copy to the Paul Blake, Prosecuting



Attorney for his information and comments. The Commissioners received letter from Paul Blake informing he feel that 35 days is much too long, would delay sentencing and would cost the county additional jail fees and costs.

Ms. Holly informed the Commissioners she received letter from Paul Blake, Prosecuting Attorney informing he had reviewed the petition regarding the Estate of Mary Kathleen Christian and advised the Commission that there is no statutory authority noted in the petition that requires the estate to be reopened. The Commissioners asked Ms. Holly to inform Ms. Rita Morris of Prosecuting Attorney's decision.

Commissioner Carte informed the Commission that he had received a request from the Probation Office to have offices painted, since they would be out of the office the September 12th through September 15. Commissioner Witt asked that they check to see if they needed painting. The Commissioners took break to check out offices, upon their return it was suggested to get custodians to wash down wall. Commissioner Witt informed he received complaint from Assessor's Office informing that the men and women bathrooms and lounge need cleaning. Kelvin Holliday also informed that he would like for his bathroom to be cleaned.

Commissioner Witt mentioned to the Commissioners that several papers had been taken off his desk in the Commissioners Chambers and suggested that some measures be taken in preventing this from happening.

Gary Harding informed the Commissioners that it was recommended by the Planning and Zoning Commission to change land classification from I-2, heavy Industrial District, to P-D, Planned Development, on 47.769 acres, Fayette County Building Commission property located on Route 19, Glen Jean exit, Plateau District. Commissioner Carte made motion to affirm recommendation of the Planning Commission to change classification of the property located at Glen Jean. Commissioner Lopez

seconded. All approved.

Commissioner Witt informed he would like to confirm with John Hunt. Commissioner Carte made motion to advertise for Public Hearing. Commissioner Lopez seconded. Commissioner Witt informed he would vote to advertise after he confirm with John Hunt.

The Commissioners received and reviewed letter from Sheriff Laird regarding Regional Jail invoices for the Month of July and invoices to the City of Oak Hill and the City of Smithers requesting reimbursement for the month of July.

The Commissioners signed invoice to the Division of Corrections for rent for the Parole Office for the month of August, amount \$300.00.

The Commissioners signed letter to the West Virginia State Agency for Surplus Property informing that the Valley Emergency Medical Services is a non-profit organization and is currently an integral part of the County Emergency Medical Services program.

The Commissioners signed letter to Penelope Crandall, Director with Family Law Masters requesting for reimbursement for rent in the amount of \$550.00 for the month of August.

The Commissioners signed order reappointing Randall Patterson to the Fayette County Library Board.

The Commissioners signed and approved renewal agreement with Casto Technical Services for heating and cooling system at Courthouse Annex, cost would be \$3,540.00 per year payable quarterly in advance at the rate of \$885.00 per quarter, effective date September 1, 1995.

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

The Commissioners received and reviewed letter from David Neal regarding the termination of Rebecca Avis.

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

The Commissioners received and reviewed schedules from Mountain Transit Authority.

The Commissioners received and reviewed checks from Tele-Media Corporation for the period April 1, 1995 through June 30, 1995, amount \$5,794.98.

The Commissioners received and reviewed letter from Tele-Media Company informing that due to the construction of the new Chelyan Bridge, their office facilities at the Chelyan location will be closing the week of the 21st of August.

The Commissioners received/reviewed and approved Sheriff's Tax Commission for taxes collected between July 1, 1994 and July 1, 1995, amount \$15,000.00.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney informing that Judge John Hatcher allowed a deposition to be taken of a key witness (State v. Samuel Anstey), court reporter mailed original and one copy of said transcript COD, Mr. Blake asked that a check be issued for 169.85 to pay for transcript and asked that this amount be deducted from the Investigation and Detection of Crime line item in his budget.

The Commissioners received and reviewed letter from Tom Aiello, Assessor informing that Martha Simmons will be a part-time employee and will be paid \$6.00 per hour.

Discussion was held regarding employees being paid twice a month. Kelvin Holliday, County Clerk informed the Commissioners he had letter from the Division of Labor. Ms. Holly informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney do not recommend changing

payroll is checking into matter, will send letter.

The Commissioners received and reviewed letter from Cleek, Pullin, Knopf and Fowler informing that "Notice of hearing" regarding Horrocks v. City of Fayetteville, et al will be held at 9:30 a.m. on the 1st day of September, 1995.

The Commissioners received and reviewed from Cleek, Pullin, Knopf and Fowler regarding Clint R. Lawson, Sr. v. Gene Carter, Jr., et al informing that Judge Faber had denied plaintiff's request for an extension of time.

The Commissioners received and reviewed letter from United Community Services, Inc. regarding proposed Community and Family Resource Center Upper Kanawha Valley and Fayette County. Discussion was held, the Commissioners asked that this request be referred to later date. No action was taken today.

The Commissioners received and reviewed letter from Page-Kincaid Public Service Commission requesting the Commission apply for a Small City Block Grant of \$570,000 to finance water project. Commissioner Witt informed the Commission that he wasn't ready to take any action on the proposal because of the conflict with the West Virginia American Water Company. Commissioner Witt informed the Commission that the Regional Water Plan is the first opportunity the Commission has ever had, and suggested holding off on decision until later date.

The Commissioners received and reviewed letter from Page-Kincaid Public Service District regarding complaints they had received from the citizens in the area.

The Commissioners received and reviewed Employment Application from Forest Lee Bragg.

Ms. Holly informed the Commission she had received check from Court of Claims for reimbursement of State Prisoners, amount \$53,235.06.

Ms. Holly informed the Commissioners she received request to purchase new copier for Road Office from Sheriff Bill Laird, informed he did get State contract prices. Commissioner Lopez made motion that Sheriff could purchase new copier. Commissioner Carte seconded. Vote passed 3 - 0.

Commissioner Witt informed the Commission that the Fayette Transition Team has added Judy Wells and Susan Hanger as members of the team. Commissioner Witt informed they needed to replace Opal Leggett, Paul Brant, Stephen Wheatley, William Fox Henry Law and Benjamin "Benjy" Simpson.

Mr. Ed McDevitt appeared before the Commission with a resolution authorizing the issuance of \$1,450,000 in aggregate principal amount of Industrial Development Revenue Refunding Bonds (The Kroger Co.), Series 1995. Mr. Devitt informed the Commission that the Kroger Company has agreed to pay fee, and he needed the President signature. Commissioner Carte made motion to receive the Kroger Company Resolution. Commissioner Lopez seconded, by unanimous vote of 3 -0 the resolution was passed and signed.

Attorney Jamie Blankenship introduced Dale Payne with the Fayette Historical Society and Members of the Ruritan. Mr. Payne presented a proposal to the Commission requesting that the Fayette County Jail be used as a museum to display Law Enforcement memorabilia, would be no cost to the Commission, the Fayette Historic Society/Ruritan would be responsible for cost, items displayed would be donated. Commissioner Witt informed Mr. Payne that the Commission did not know what they would do with the jail, informed that every officeholder is looking for storage space, but informed Mr. Payne that the project sound worthwhile. Mr. Payne informed the Commissioners they would be checking into getting grant monies through the ARC if they could have some kind of respond

from the Commissioners. The Commissioners informed Mr. Payne to get back with them on September 15, 1995. Mr. Payne asked the Commission to seriously consider proposal. Ms. Holly informed the roof would have to be repaired. Commissioner Carte questioned about the parking.

Ms. Holly informed the Commissioner she had received and reviewed from Commissioner Witt update of Summers County statute.

Ms. Pat Wendell with the Courthouse Centennial Committee appeared before the Commission informed the Commissioners that the committee had large expenditures and needed their assistance in helping pay for decorating of courthouse. Ms. Wendell informed the Commission the Committee has received a proposal from the Out on a Limb Volunteers to decorate the courthouse. Cost would be \$2,500.00. Commissioner Carte made motion to approve decorating of the Courthouse subject if the Judicial Court not in session. Commissioner Lopez seconded the motion. It was unanimous decision that the Commission underwrite the cost of decorating for courthouse centennial.

Ms. Carol Jones, with the Minden Community Project appeared before the Commission to request funding of \$4,000.00 to help with the clean-up program of the Minden School playground. Discussion was held, the Commissioners asked Ms. Jones if the Minden Community Project had filed a Article of Corporation in the County Clerk's Office. The Commissioners asked her to call an get their Article of Corporation and informed they would take under advisement once they get their chapter. The Commissioners asked that Ms. Jones be rescheduled to appear on September 27, 1995 at 11:30 a.m. The Commissioners suggested having Larry Parsons go down and check the property.

Sheriff Laird gave the Commissioners update of the Home Confinement Monitoring Equipment, informed the Commissioners that he had Service Agreement and has sent over to the Prosecuting Attorney's Office for

their review.

Ms. Holly informed the Commissioners she received a call from Jim Boggess with the Public Service Commission informing that the Fayette County Commission has to file order accepting Clay County Petition to expand boundaries to the Gauley River Public Service District. Ms. Holly informed the Commissioners that Gauley River Public Service District had entered a resolution agreeing to amend boundaries. Ms. Holly informed the Commissioner the boundary lines would have to be revised but that she would check into and take care of.

The Commissioners received and reviewed letter from King and Spalding informing they had filed with the Secretary of State of West Virginia and the Fayette County Clerk's Office UCC-1 Financing Statements regarding the County Commission of Fayette County, West Virginia Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Corporation Project), Series 1995.

The Commissioners received and reviewed Workers' Compensation Notice for Percy Gilliam.

The commissioners received and reviewed acknowledgment from the Workers' Compensation informing that Harold Wayne Conner had hired John Hastings Shumate to represent him in Worker's claim.

The Commissioners received and reviewed update of Workers' Compensation Claim for Harold Wayne Conner, Earnest Keith Lester, Rebecca Pollastrini, and Robert Coy Godsey, Jr.

The Commissioners received and reviewed letter from Workers' Compensation Division informing they have received report of examination with Dr. A. E. Landis, M. D. regarding Earnest Keith Lester.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges acknowledging protest of Harold Wayne Conner.

The Commissioners received and reviewed letter from Sheriff Bill Laird informing that on this date he has accepted service of the summons and complaint filed in the United States District Court regarding Civil Action Number 5:95-0693, Darrel Jackson v. Officer Sizemore and Charles Brown and asked that the Commissioners forward to insurance carrier. Ms. Holly informed the Commissioners that summons and complaint had been forwarded to our insurance carrier.

The Commissioners received and reviewed contract agreement between the Criminal Justice and Highway Safety Division for grant 95-DC-004, Project D.A.R.E.

The Commissioners received and reviewed list of all the overtime for each Department for fiscal year 1994-95.

The Commissioners received and reviewed letter from N. Allen Dyer, MD, MPH, with the Appalachian OH-9, Inc. asking to be placed on the Fayette County Board of Health agenda for the next meeting to discuss improvement of the health of residents in a Fayette County.

The Commissioners received and reviewed check in the amount of \$44,559.90 for the Emergency telephone system for the month of July, 1995 also included is an estimated amount for the TARs not billed the first half of May.

The Commissioners received and reviewed letter from the Department of Tax and Revenue informing they have reviewed the appraisal for property locate in Valley District for the Pocahontas Land Corporation.

The Commissioners received and approved check written for August 25, 1995 for Extradition Expenses for Transportation of Prisoners, amount \$500.00.

The Commissioners received and reviewed copy of letter of apology from Earl Pauley to the Mount Zion Baptist Church regarding problem with lifeguard at the pool.



The Commissioners received/reviewed and approved Mary Lou Schmidt's request to participate in Breast Cancer Awareness Day on Monday, October 2, ceremony would be on the Courthouse porch or lawn, also asked that the Commission sign proclamation if they agree. Commissioner Witt informed he had no problem with that, proclamation signed.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent estimates for painting 1987 GMC Jimmy Blazer for 911 Center, Ms. Holly informed the Commissioners Mr. Pauley informed her that the repairs to paneling was complete.

The Commissioners received and reviewed letter from Senator John Rockefeller informing he support funding for the CDBG and the HOME Investment Partnerships Program .

The Commissioners received and reviewed letter from Senator John Rockefeller informing he had contacted the West Virginia Division of Highways and the New River National Park regarding concern over the Army Camp Road and dust.

The Commissioners received and reviewed letter from Workers' Compensation Division informing the premium tax rate is effective July 1, 1995 and will be reflected on September, 1995 quarterly payroll report.

Ms. Holly informed the Commissioners she received letters from Charles and Delphia L. Shumaker, Pauline Pate, Clarence Gayle and Vicki Lynn Fannin, and Roger D. And Patricia D. Adkins request from the Assessor's Office for tax refund for overpayments. Orders were prepared approved and signed.

The Commissioners received and reviewed letter from 4-C Economic Development Authority requesting the Commission sign letter designating 4-C as the lead economic development organization representing Fayette

County for the fiscal year 1995-96.

Ms. Holly informed the Commissioners she would like to attend A Practical Guide to Estate Administration being held in Charleston on September 6, 1995. This was approved.

Ms. Holly asked permission from the Commission to talk with their employees regarding their sick and vacation leave. This was approved.

The Commissioners received and reviewed Activity Report from Fayette County Solid Waste Authority.

The Commissioners received and reviewed letter from Public Service Commission the Morris Creek Public Service District.

The Commissioners received and reviewed letter from the Criminal Justice and Highway Safety Division regarding Academy Entrance Requirements.

The Commissioners received and reviewed Dog Warden Report for the month of July, 1995.

The Commissioners received and reviewed simplified outline of liability insurance policy with Jim Lively Insurance, Inc.

The Commissioners approved to pay \$500.00 to the Cott Indexing System for acquisition of Magnetic Tapes of Data for Kelvin Holliday, County Clerk's Office.

The meeting was adjourned at 12:17. Next scheduled meeting is September 6, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 6, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 6th day of September, 1995.

Commissioner Carte made motion that meeting come to order.

Carl Payne appeared before the Commission to complaint about neighbor (Ralph Bragg) putting up fence around property located in Garten, informed the Commission that the fenced in area is really an eyesore, Mr. Payne presented pictures and requested to the Commission that they create an Ordinance governing the height of fences that residents may erect in their yard. Commissioner Carte asked Mr. Payne if he had talked with Gary Harding the Zoning Officer regarding the matter. Mr. Payne informed the Commissioners that the only suggestion Mr. Harding had was to suggest to Mr. Bragg to move the fence back 50 feet, but he couldn't ask him to remove. Commissioner Lopez informed Mr. Payne that the Commission do not have that power to ask some one to remove their fence on their property. Commissioner Carte informed Mr. Payne that the only thing the Commission could do is suggest to you to see or talk with your representative to see if they could create some type of Ordinance governing the height of fences. Mr. Payne thanked the Commissioners for listening.

Ms. Holly informed the Commissioners she received proposal

from David Neal to charge 911 fees to cellular telephone. Ms. Holly presented to the Commissioners copy of the proposal for their comments.

Ms. Holly informed the Commissioners that two (2) trucks are parked in the parking lot each eliminating two parking spaces in lot. The Commissioners suggested to Ms. Holly to find out the owners of the trucks and extend a courtesy to them and if trucks not moved to tow away.

Outstanding bills were approved.

Ms. Holly informed the Commissioners that she had forwarded letter she received to Paul Blake, Prosecuting Attorney regarding reopening of the Estate of Mary Kathleen Christian, Ms. Holly informed the Commissioners that Mr. Blake informed he had reviewed the petition in this matter and can advise the Commission that there is no statutory authority noted in the petition that requires the estate to be reopened. Ms. Holly informed the Commission that she had prepared letter to Calwell and McCormick informing them that their petition to reopen the Estate has been denied based on the decision of the Prosecuting Attorney's, letter signed.

Ms. Holly received from Earl Pauley, Park Superintendent letter informing that the Fayette County Park need a Class V Underground Injection Control Permit, Ms. Holly informed the Commission that Mike Sales has prepared application, cost would be \$150.00 check to be made to the West Virginia Division of

Environmental Protection. This was signed and approved.

Ms. Holly informed the Commissioners that the West Virginia Extension Office is having Open House on September 11, 1995, informed the Commissioners that telephones have been connected, Ms. Holly informed that Mary Lou Schmidt had called about modem stored in garage. Discussion was held regarding moving the stuff on third floor in one area. Commissioner Lopez and Commissioner Carte suggested to Kelvin Holliday, County Clerk moving votamatics upstairs on the third floor. Kelvin informed the Commissioners he would think about and get back in touch with them. The Commissioners suggested to Charlotte to have the maintenance crew get stuff out of the garage. Mr. Holliday questioned about needing place to store the vouchers that are in his office.

Ms. Holly informed the Commissioners that she had mentioned to Steve Cruikshank, Fire Coordinator about the Excess Levy Election, informed the Commissioners that they needed to start making decision and start making preliminary plans if Election to be held in February. The Commission suggested talking about on September 15th.

Ms. Holly informed the Commissioners that Earl Pauley has had the metal building from the Landfill moved to the park, Ms. Holly informed that Earl recommend building be put outside from his house.

The Commissioners received and reviewed memo from Dave

Pollard, Resource Coordinator regarding Courthouse maintenance/grant. Discussion was held regarding the type of grants. Mr. Pollard informed the Commission that he does not have a lot of information on the grants but would continue to check into. Commissioner Carte made motion that Dave proceed into looking into grants. Commissioner Lopez seconded. All approved. Commissioner Lopez questioned Mr. Pollard about the Empowerment Zone. Commissioner Carte informed the Commissioners have received a letter from Page-Kincaid Public Service District informing that their water proposal project would not in any way interfere with our Regional Water Plan, nor does with any other community projected plans. Dave Pollard informed the Commissioners that applications would be placed in completion with one another suggested the Commissioners talk with W. D. Smith with Region 4 Planning and Development Council. Commissioner Carte suggested that Dave contact John David regarding project. Mr. Pollard informed he would check into and have recommendation regarding this matter by next meeting. Commissioner Lopez asked Dave Pollard to find out what the City of Montgomery is trying to do.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney informing that effective September 1, 1995 Thomas Steele will be employed Assistant Prosecuting Attorney in his office.

The Commissioners received and reviewed list of "refusals to

pay" associated with the Emergency Telephone system for the month of July, 1995.

The Commissioners received and reviewed letter from the Department of Tax and Revenue to Georgia-Pacific informing that they reviewed appraisal for property located in New Haven and Plateau Districts and recommend change at this time results from a clerical error.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent Vehicle Maintenance Report for Sheriff's Law Enforcement.

The Commissioners received and reviewed report from Chemical Bank for Union Carbide Bond issue covering the period March 1 through April 30, 1995.

The Commissioners received and reviewed letter from Sheriff Bill Laird regarding notification of insurance claim being filed by claimant Patrick J. Adkins. Ms. Holly informed the Commissioners that copy of letter has been sent to the insurance carrier.

Ms. Holly informed the Commissioners she received letter from ITT Hartford regarding acknowledging receipt of suit papers in the lawsuit Jackson v. Officer Sizemore and C. Brown. Ms. Holly informed the Commissioners that copy of letter has been forwarded to the Sheriff.

Ms. Holly informed the Commissioners she talked with Carl Harris, Assistant Prosecuting Attorney regarding letter received

from Kelvin Holliday in regards to employees being paid once in every two weeks, Mr. Harris informed he does not recommend changing pay periods will send follow-up letter.

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

Ms. Holly informed the Commissioners that Kelvin Holliday has mentioned to them about purchasing printer for payroll office, Ms. Holly informed she recommend moving printer from County Clerk's Office front office to payroll, informed the Commissioners she would have to talk with Debbie Aliff, Payroll Clerk since printer has to be placed in work area and Ms. Aliff doesn't have that much working space. Ms. Holly asked Mr. Holliday if this was okay with him, he informed yes. The Commissioners approved to move printer from County Clerk's front office to payroll office.

Ms. Holly asked the Commissioners if they were going to make any decision to the reappoint of G. Lee Massey and Guy Dooley to the Fayette County Planning Commission. Commissioner Lopez made motion to reappoint G. Lee Massey and Guy Dooley to the Fayette County Planning Commission. Commissioner Carte seconded. All approved. Since their was controversy over the third reappoint both Commissioners decided to hold off on reappointment.

Ms. Holly asked the Commissioners if they wanted to schedule auction for the last meeting in September. Commissioner Lopez informed he was in favor of special meeting in October.



Discussion was held it was decided that since Commissioner Witt was absent to wait and check date with him.

Ms. Holly informed the Commissioners that she had received several brochures to attend different types of seminars, if no objection she would like to attend. No objection approved.

Joe Myers informed the Commissioners that the Fayette County Solid Waste Authority Litter Control grant may not get approved, and asked the Commissioners if they would try to lobby for the grant, Mr. Myers informed he would appreciate their help.

Ms. Holly informed the Commissioners that Larry Parsons had check on the Gene Walker property, Mr. Parsons informed that Mr. Walker has promised to do some more work on property this week.

Commissioner Lopez informed that the Commission need to have some one look at the situation in Minden before appropriating any funds, suggested asking Larry Parsons to check on project in Minden and get back with the Commission on his recommendation.

The Commissioners received and reviewed update letter from John David, Commissioner with the Page-Kincaid Public Service District regarding complaints from residents in area.

Ms. Margie Stanley with the Fayette County Volunteer appeared before the Commission to question why Camp Kismet camping date had been changed, informed the Commission that August 5 through August 10 was just an inconvenience date, and if the Commission could have Earl to change this date. The Commissioners informed Ms. Stanley that Earl Pauley, Park

Superintendent handles the scheduling of the camps. Commissioner Carte suggested calling Mr. Pauley. Commissioner Lopez talked with Mr. Pauley, he informed the Commission that the reason for the change for Camp Kismet Camp was because the Fayette County Fair has that week. Mr. Pauley informed Ms. Stanley that the only date open was July 8th through July 12th or the second week in August. Discussion held, it was decided that Camp Kismet be schedule for July 8th through July 12th.

The meeting was adjourned at 12:06. Next scheduled meeting is September 15, 1995.

John B. Mitt

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 27, 1995  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBER Present: John L. Witt, Gene Carte, Jr.,

The Fayette County Commission met in regular session on this 27th day of September, 1995.

Exonerations were approved and signed. Ms. Holly gave Eddie Young letter from Shirley Patrick asking for credit on this years taxes due to incorrect class. Mr. Young informed the Commissioners he would check and get back with the Assessor's decision.

Ms. Holly informed the Commissioners she has an update on Minden Playground; Larry Parsons informed that his cleaning crew has cleared 150'x450' area of playground, informed he's not really sure what all Ms. Jones want them to do, playground area is almost done.

Ms. Holly informed the Commission, Larry has completed work on the Gene Walker property, Mr. Walker has cleaned up area, did not have to use clean-up crew.

The Commissioners received and reviewed check from Danese Volunteer Fire Department and Rescue Squad, Inc. for partial payment of loans, amount \$5,000.00.

Ms. Holly presented to the Commissioner statement of expenditures for the current fiscal year.

The Commissioners received and reviewed audit from Fayette County Board of Health for the fiscal year ended June 30, 1992 and June 30, 1993.

The Commissioners received and reviewed copy of minutes and financial report from the Fayette County Solid Wast Authority for the month of September.

The Commissioners signed client representation letter to Lisa Stanley, Director for audit being conducted for the fiscal year ended June 30, 1994.

The Commissioners signed pending litigation letter to Paul M. Blake, Jr., Prosecuting Attorney for audit being conducted for the fiscal year ended June 30, 1994.

The Commissioners signed invoice to the Division of Corrections for rent for the month of September, 1995, amount \$300.00.

Ms. Holly informed the Commissioners that John Kessler asked about having walls repaired, and also want to know if wall extension could be extended to go to ceiling. Ms. Holly informed the Commissioners she felt the reason for not extending the wall was because of ventilation purposes and the temperature in room. The Commissioner asked Ms. Holly to hold.

The Commissioners signed letter to request for reimbursement for rent in the amount of \$550.00 for the Office of the Family Law Master for the month of September, 1995.

The Commissioners signed Fayette County Fire Levy Pumper Replacement Agreement for the Fayetteville Volunteer Fire Department.

The Commissioners received and reviewed letter from Paul Blake, Jr. regarding employee Ardith McKinney. Commissioner Witt informed they would have to discuss this with Paul. Commissioner Lopez informed we would do all we can to help Ms. McKinney.

Ms. Holly informed the Commissioners she received documents from Peck, Shaffer and Williams regarding \$1,450,000 the County Commission of Fayette County Industrial Development Revenue Refunding Bonds (The Kroger Co.), Series 1995. Ms. Holly informed the Commission that Attorney Edward D. McDevitt will review on Commission's behalf.

Ms. Holly informed the Commissioners she received invoice from

Triple J and B for work done on Bellwood Water Project, Ms. Holly informed the Commission that the additional cost of \$128.98 was included in cost. The Commissioners approved to pay.

The Commissioners received and reviewed audit from Boomer Volunteer Fire Department, inc. for fiscal year ending June 30, 1995.

The Commissioners approved overtime pay for James Perdue, Bob Massie, and Dee Lively for stripping hallway in Courthouse.

The Commissioners received and reviewed letter from West Virginia Prosecuting Attorneys Institute informing the Commission that the Institute is now up and running with a small office located at 1206 Kanawha Boulevard, East, Suite 207, Charleston, West Virginia.

The Commissioners received and reviewed letter from Chemical Bank regarding pollution contract at Union Carbide.

Ms. Holly informed the Commissioners that at last meeting they approved payment of backdrop for Memorial Building informed the Commission that check has been included in bills to be paid, amount of check \$2,428.00.

Ms. Holly informed the Commissioners that Sheriff Department had received \$6,600.00 from forfeiture fund and he would transfer amount of funds to Sheriff Account for purchase of Stress Analyzer, check written for training.

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

Commissioner Carte informed the Commission that he received a call from Pat Wendell informing that she wanted jail for her group (The Fayette County Historic Society), informed Mr. Carte that this was her idea. Ms. Wendell would like that a cell be reserved for her group. Ms. Holly informed the Commissioners she received proposal from Dale Payne and has passed along to the Prosecuting Attorney's Office for

their review. The Commission asked that Pat Wendell's group be included in museum project.

Commissioner Carte questioned about \$35.00 for payment of a citation to the Fayette County Solid Waste Authority. Joe Myers informed the Commission that the Authority has that right.

Joe Myers member of the Fayette County Solid Waste Authority informed the Commissioners that he had talked with Senator Shirley Love regarding getting Fayette County's cleanup grant from the West Virginia Solid Waste Management Board renewed, Senator Love suggested to him to get the endorsement of the Fayette County Commission. Discussion was held the Commission informed Mr. Myers that they had no problem with endorsing letter. It was unanimously approved that letter be sent to Senator Shirley Love.

The Commissioners received and reviewed letter from Governor Gaston Caperton informing they have approved the Juvenile Justice and Delinquency Prevention (JJDP) Project, amount \$20,000.00.

The Commissioners received and reviewed letter from Workers' Compensation Office of Judges informing that the hearing for Percy Gilliam scheduled for October 19, 1995 has been rescheduled. Ms. Holly informed the Commission that copy has been forward to the Prosecuting Attorney's Office.

The Commissioners received and reviewed letter from Kelvin Holliday regarding camp closing requirement of 9:00 p.m. on Fridays for each camp. The Commissioners informed the Mr. Holliday they would talk with Earl Pauley, Park Superintendent regarding this matter.

The Commissioners received and reviewed letter and petition from Page-Kincaid Public Service District asking the Commission to reappoint Kenneth B. Fox as a Commission on the Board. Discussion was held, the Commission decided to hold until after meeting with the Page-Kincaid

Public Service District.

The Commissioners received and reviewed letter from the African - American Heritage Family Tree Museum, Inc. requesting funds from the Hotel Occupancy Tax for non-profit museums. Commissioner Witt suggested to the Commission to wait until budget time to consider.

The Commissioners received and reviewed letter from CableVision informing that the Federal Communication Commission has issued its Sixth Report and Order and Eleventh Order on Reconsideration regarding Rate Regulations. The Commissioners asked Ms. Holly to check into and give them a report.

Attorney Gordon Billheimer appeared before the Commission to give an update on the Centennial Committee plans, informed the Commission that the plans for the festivity is coming along beautifully; Mr. Billheimer informed that Pat Wendell would need additional storage space for piano, asked the Commission to pay half for the cost of decoration, Ms. Holly informed she would need letter from the Committee requesting funds. The Commissioners ask Mr. Billheimer to get in touch with the Judicial Court and inform them of their plans. Ms. Holly informed the Commission that legally she didn't think the Commission can except contributions; informed the Commission she would check with the Ethics Commission regarding the matter.

Ms. Holly informed the Commission that Dee Lively, Maintenance went down to Deepwater Public Service District to check as to where the lines should be installed to be connected to the sewer system, Mr. Lively informed that he waited over an hour and no one showed up. The Commissioner suggested to Ms. Holly to get in touch with someone at the Deepwater Public Service District regarding where the lines suppose to be.

Outstanding bills and payroll were approved.

Attorney Phil Tissue appeared and presented before the Commission the resignation of Mable W. McClung, Executrix of the Estate of Elton K. McClung. Mr. Tissue informed the Commission that Ms. McClung is incapable of handling affairs and would like her son Elton K. "Butch" McClung, Jr. to serve, presented final settlement indicating no receipts and no disbursements from said estate. Commissioner Carte moved to accept resignation of Ms. McClung and moved that Elton K. "Butch" McClung be appointed. Commissioner Witt seconded. Vote unanimously. The Commissioners asked that Mr. Tissue prepare order. Order signed.

Gary Harding appeared before the Commission with the following items for a disposition: Z-411-95-1: Request of Round Eight Corporation and Robert F. Wood, Jr., owners, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development District, on 47 acre tract located on Route 19 near the Glen Jean exit ramp, Plateau District.

Robert and Nancy Wood were present. Mr. Harding informed the Commission that the Planning Commission did on Monday recommend by a vote of 12 - 0 that this request be approved. Mr. Wood stated that he would be glad to answer any questions. After a brief discussion a motion was made by Gene Carte that this be approved as recommended. Motion was seconded by Mr. Witt and passed 2 - 0.

Z-413-95-2: On the County Commission's own Motion, for a change in land classification from I-2, Heavy Industrial District, to P-D, Planned Development, on 47.769 acres, Fayette County Building Commission property located on Route 19, Glen Jean exit, Plateau District.

Mr. Harding informed the Commission that Mr. James Lively had been there Monday representing the Building Commission and that the Planning



Commission did on Monday recommend by a vote of 12 - 0 that this request be approved. Motion was made by Gene Carte that they take the Planning Commission's recommendation. Motion was seconded by Commissioner Witt and passed by a vote of 2 - 0.

Z-412-95-1: Request of Shirley and Dwight Smith, owners, for a change in land classification from R-2, Residence District, to B-1, Neighborhood Business District, on Lot 82, Block 6, Minden Subdivision, located on Route 17, Minden, Plateau District.

Mr. and Mrs. Smith were present. Mr. Harding informed the Commission that the Planning Commission did by a vote of 10 - 2 recommend that this request be approved to allow the operation of a 24' x 30' grocery store adjacent to the Post Office with Jack Wood and Jesse Bibb voting against the motion because they objected to spot zoning. After a brief discussion a motion was made by Mr. Carte that this be approved as recommended. Motion was seconded by Commissioner Witt and passed by a vote of 2 - 0.

The Commission was also informed that the Planning Commission did unanimously recommend that Article XIV, Section 1400, Subsection 2 be amended by adding the word "a" and deleting the words "tourist related" to read "Directional signs requested by a local business not to exceed 12 square in area" and to table until next month the wording with relation to the size and design of the signs. After a discussion a motion was made by Commissioner Carte that this be approved as recommended. Motion was seconded by Commissioner Witt and passed 2 - 0.

Mr. Harding submitted a petition from eleven property owners in Mountain View Estates requesting that area be rezoned to R-1, single family residence and a letter from Jack Clark stating that he owned the 21 remaining vacant lots opposing this request. The Commission took no action on this request.

Raymond Smith, with the Affiliated Construction Trades Foundation (ACT) appeared before the Commission to request that the Commission sign resolution to urge the state legislature to pass legislation encouraging local hiring for jobs created, in any part, by state or local tax dollars. Commissioner Carte moved to adopt resolution. Commissioner Witt seconded. Vote passed 2 - 0.

Floyd McKnight and Reverend William Johnson appeared before the Commission to remind the Commission of their commitment to help with the Beards Fork Community Project. The Commission informed the Reverend Johnson and Mr. McKnight they would stand behind their commitment to the Beards Fork Community Project.

Carol Jones with the Minden Community Project appeared before the Commission to give an update on project in Minden, Ms. Jones informed the Commission they have not received their Charter as of today. The Commissioners informed Ms. Jones they would like to utilize Larry Parsons and his cleaning crew to keep cost down, would like to see some type of plan of what they want done. Ms. Jones informed the Commission that Vaughan Elliott is offering his assistance. Commissioner Witt informed that is what the project need more local support. Ms. Jones informed they will be sending out a letter to the Commission regarding abandoned houses in area. Commissioner Witt informed Ms. Jones the Commission would work with her.

The Commissioner received and reviewed letter from Public Service Commission acknowledging they received order from the Fayette County Commission reducing the boundaries of Gauley River Public Service District.

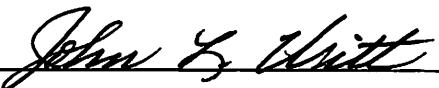
Ms. Holly presented to the Commission plans and suggestion from Forest Bragg regarding the gutter on the front of the West Virginia Extension Office. The Commission asked Ms. Holly to hold until next

spring. Ms. Holly informed the Commissioners she needed to review the bids for the roof, the Commissioners informed Ms. Holly to go ahead with roof. The Commissioners informed Ms. Holly they would consider other work later. Commissioner Witt informed the Commissioners that Billy Horrocks checked the bell tower and informed there would be no problem in taking the louvers out. Commissioner Witt informed the Commission, Mr. Horrocks will do after the first of the year.

Otis Hudson and Roy Williams appeared before the Commission regarding having Snook Street in Powellton abandon. Brief discussion was held, the Commission informed Mr. Hudson and Mr. Williams they would need an Attorney to have this done, Mr. Hudson and Mr. Williams asked if they knew of an Attorney they could hire, the Commission suggested to the gentlemen they should get an attorney from the Valley District who is familiar with the area to prepare the proper papers.

Commissioner Carte made motion that meeting be adjourned.

The meeting was adjourned at 11:39. Next scheduled meeting is October 4, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 4, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 4th day of October, 1995.

Ms. Holly presented to the Commission the final list of things to be sold at the auction today.

Ms. Holly presented to the Commission proposed lease agreement between Rush Creek Land Company, Inc, and the Fayette County Solid Waste Authority, Ms. Holly informed the Commission that they have been included as a party.

Ms. Holly presented to the Commission MVP Plus Two-Point Service Agreement with Bell Atlantic offering LATA wide calling at a discounted rate of \$.09 per minute for all county telephone lines through the auspices of the Extension Service Program. Commissioner Witt asked Ms. Holly if she was satisfied with the agreement. Ms. Holly informed yes. MVP Plus Two-Point Service Agreement was signed. Ms. Holly informed the Commission she talked with the State ISC in charge, will be setting up two accounts.

The Commissioners signed letter to Senator Shirley Love asking him to do anything he could to see that the Fayette County's cleanup grant from West Virginia Solid Waste Management Board is renewed.

The Commissioners signed thank you letter to Dr. John P. Carrier and Ernie Nester for their assistance in reviewing the Fayette County Jail.

Ms. Holly informed the Commission that invoice for Bellwood Project was included in vouchers for payment today, amount \$35,000.00.

The Commissioners signed letter to One Valley Bank and Exhibit IV Requisition for disbursement in the sum of \$1,410.53 as of October 2, 1995 plus earnings to date from the Fayette County Project Account Subaccount established for Raleigh, Fayette, and Nicholas Counties, West Virginia Municipal Collateralized Mortgage Obligation Bonds, Series 1990B.

Dave Pollard informed the Commission he is applying for a Historic Reservation Grant for the County, asked the Commission how much the County would want him to request for, discussion was held the Commission asked that Mr. Pollard request for \$25,000.00.

The Commission signed resolution urging the state legislature to pass legislation encouraging local hiring for jobs created, in any park, by state or local tax dollars.

The Commissioners signed order giving tax relief for tax 1994 in the total amount of \$390.52 in the form of a credit against taxes owing for the following year or years to Woodie A. and Shirley Patrick, the Commissioners denied discount for September 1, 1995.

The Commissioners received and reviewed quarterly report for the period July 1, 1995 through September 30, 1995 for the Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed comment from Marvetta Harris Dakir regarding the Estate of Mary Kathleen Christian.

The Commissioners received and reviewed letter from David Ball requesting relief for overpayment of taxes. Ms. Holly informed the Commissioners that a copy of letter has been forwarded to the Assessor's Office for their review and comments.

Ms. Holly informed the Commissioners she received payment in lieu of taxes from the Bureau of Land Management for the National Park Services. Ms. Holly informed the Commissioners that payment for Section

6902 not for distribution was \$17,043.00 an increase from last year, but informed the Commission that Section 6904 for distribution was \$48,410.00 a decrease of \$11,317.00 from last year, Ms. Holly informed the Commission that there was no explanation of the decrease. Commissioner Carte made motion to write to Senator Robert Byrd and ask why such a big decrease. Commissioner Lopez seconded. Vote passed unanimously.

Ms. Holly informed the Commissioners she received final payment for Governor's Community Partnership Grant Program for handi-cap bathroom for Fayette County Park, amount \$3,253.89.

The Commissioners received and reviewed audit report of Salem-Gatewood Public Service District.

The Commissioners received and reviewed check in the amount of \$28,735.31 for the Emergency telephone system for the month of August, 1995.

Ms. Holly informed the Commissioners she had received a request for reimbursement from Sandra Tucker with the Juvenile Justice and Delinquency Program, Ms. Holly informed she wasn't sure as to what type of raise the state had approved; but once she find out her monthly salary from state she will issue check.

Ms. Holly informed the Commissioners she received from Edward McDevitt UCC-1 to be recorded regarding the \$1,450,000 the County Commission of Fayette County Industrial Development Revenue Refunding Bonds (The Kroger Co.) Series 1995.

Ms. Holly informed the Commissioners she received a call from Bob Lamont with the West Virginia Ethics Commission regarding the Commission receiving donations for the Centennial being held at the Courthouse. Ms. Holly informed that Mr. Lamont told her that as long as it is truly an independent it would not fall under the ethic review. The Commission

questioned about Dave Pollard, Fayette County Resource Coordinator helping with the Centennial Committee.

The Commissioners received and reviewed letter to Mary Collins, Executive Secretary with the WV Cable Television Advisory Board from Rifkin and Associates, Inc. regarding notice of subjugation of cablevision's Mount Hope System, serving the franchise areas of WV0083, WV0491 and WV0750, to the Federal Communication Commission.

Ms. Holly informed the Commissioners she had talked with the Department of Health and Human Resources regarding the Clifftop Community Water Project; Ms. Holly informed the Commissioners that the installation of approximately 700 feet of water line has not been done because of a right-of-way dispute, Ms. Holly recommended not paying until work is done. Ms. Holly informed the Commissioners that the boil water advisory issued in 1990 has been lifted. Commissioner Lopez asked Ms. Holly to hold off on payment until after they hear the decision of the right-of-way hearing.

Ms. Holly informed the Commissioners she only received one bid for 100 foot tower for 911 Center, bid from Two-Way Radio was opened. Discussion was held, Commissioner Lopez made motion to except assemble and erection of a one-hundred foot (100') self-supporting tower including all installation from Two-Way Radio, Inc. Commissioner Carte seconded. Vote passed unanimously. The Commissioners also made a verbal agreement with Two-Way Radio that they take old tower down.

Outstanding bills were approved.

The Commissioners received and reviewed report from Beverly Walkup treasurer for the Fayette County Fair Association, Ms. Walkup thanked the Commission for their donation and informed the Commission that the Fair did make a profit and they have purchased a certificate of deposit of \$4,500.00 to help with expenses for 1996 Fayette County Fair.

The Commissioners adjourned for auction in front of courthouse.

Ms. Holly presented letter from Paul Blake, Prosecuting Attorney regarding granting a leave of absence for Ardith J. McKinney. The Commissioners informed Ms. Holly they would do everything they could to help.

It was by a unanimous decision that Kenneth Fox be reappointed to the Page-Kincaid Public Service District.

Ms. Holly informed the Commissioners that she received a Internal Contractual questionnaire regarding the Audit, informed the Commissioners one of the questions was if the County had a Drug Free Workplace policy. Ms. Holly informed the Commissioners she feel the County should adopt a drug policy. The Commission agreed to adopt a drug policy.

Commissioner Witt asked that a letter of thanks be written to J. Walter Brown thanking him for his assistance with the auction.

The Commissioners received and reviewed letter from Master Telecable, Inc. informing they will be changing the rates it charges it's customers on the Meadow Bridge/Danese Cable TV system on November 1, 1995.

The Commissioners received and reviewed letter from the Department of Tax and Revenue with recommended appraisal change and the circumstances requiring the change for Pocahontas Land Corporation.

Commissioners Witt informed the Commissioners that they are recommending that a fee be charged for cellular phones for 911 calls.

The Commissioners received and reviewed letter from ITT Hartford Insurance regarding auto accident and the injury claims being pursued against the county. Ms. Holly informed the Commission that copy has been sent to Sheriff Laird for his information.

The Commissioners received and reviewed checks from the Division of



Culture and History for security at the Doo Wop and Cypress, amount \$485.29.

The Commissioners received and reviewed letter from United States Department of the Interior enclosing a copy of the Finding of No Significant Impact (FONSI) and document sticker for the Teays Development Concept Plan/Environmental Assessment.

The Commissioners received and reviewed letter from Paul M. Blake, Prosecuting Attorney informing that Ardith McKinney has been granted a family leave of absence and ask that she be removed from the payroll as of September 30, 1995.

Commissioner Witt suggested advertising in the Charleston, Beckley, and Fayette Tribune newspapers for auction on heavy equipment. Mr. Witt asked Ms. Holly to read list of equipment that was not sold at the auction.

The meeting was adjourned at 1:19. Next scheduled meeting is October 13, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 13, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 13th day of October, 1995.

Exonerations were received and approved.

The Commissioners signed order reappointing Kenneth Fox to the Page-Kincaid Public Service District.

Russell Deering, Chairman of the Gauley River Public Service District appeared for the public hearing on the reduction of the Gauley River Public Service District for the purpose of enlarging the boundary lines of the Clay County Public Service District to provide water and sewer service. Mr. Deering informed the Commission he agreed with the Clay County Commission to extend water line through Clay County. Commissioner Witt inquired as to whether or not there was anyone present who opposed the proposed boundary change and there being no one present in opposition to said change Commissioner Lopez moved for the approval of the boundary change pursuant to the previously filed motion of the Clay County Commission and Commissioner Carte seconded said motion and after many questions and much deliberation, Commissioner Witt put the questions on the motion, vote passed unanimously, order signed and adopted.

Mr. Deering appeared before the Commission to request money for Water Extension project for the Gauley River Public Service District. Mr. Deering informed the Commissioners that total cost of project is \$2,357,500; informed the Commissioners that AML has committed to 53% for total construction cost; informed that 80% of the project would be grant

money but informed the Commissioners they would need \$57,500 to complete project, Mr. Deering informed the Commission that the Public Service District would have 3 options, 1) increase water rates, 2) local county contributions and 3) FmHA. Mr. Deering informed the Commission that money wasn't needed until summer, 1996 and they would not need if other money come through, feels FmHA will come through, and asked that the Commission send a letter of commitment. Commissioner Witt informed Mr. Deering that this is a bad time, the problems they have had with the pool at the park, and other projects the county funds are just about depleted. Commissioner Witt informed the Commission would write letter of support for the project but not a letter of commitment. Commissioner Carte informed if Nicholas County come up with half county will match. Commissioner Witt asked Mr. Deering to pursue loan from FmHA.

The Commissioners received and reviewed letter from Multi-Cap, Inc. with recommendation to appoint Pearl Taylor of Kimberly, West Virginia as a board member to represent Fayette County. Commissioner With made motion to appoint Pearl Taylor to the Multi-CAP, Inc. Board of Directors. Commissioner Lopez seconded. All approved. Vote passed 3-0.

The Commissioners received and reviewed memo from the Committee for Employees Parking informing they surveyed the employees at the Fayette County Courthouse and Fayette County Annex about a better system for employee parking; the committee informed the Commissioners that there are a total of 105 parking spaces in the three designated areas surrounding both buildings; informed the Commission they had talked with employees and they all in favor of designated parking spaces. Commissioner With informed the Commission they should implement as soon as possible. Ms. Holly informed the Commission she would have to check with the Prosecuting Attorney's Office on parking regulations. No

decision was made.

Commissioner Witt informed the Commission that the Commission need to order "No Loitering" and "No Pets Allowed" signs and place on the courthouse property. Commissioner Witt informed that the group is interfering with people who have to come to town to pay their bills, Commissioner Witt asked that Ms. Holly order signs immediately. Commissioner Carte opposed to the ordering of the signs.

The Commissioners signed grant and resolution application for the Juvenile Justice and Delinquency Prevention Program.

Commissioner Lopez asked Ms. Holly if she had checked into the purchasing of stove for lounge. Ms. Holly informed the Commission that she had checked on a basic 30" Maytag Stove (\$299-\$369) and a self-cleaning 30" Maytag Stove (\$399-\$525), but informed the Commissioners she would like to check several other places before purchasing.

Commissioner Lopez informed Ms. Holly to go ahead and get self-cleaning stove.

Ms. Holly presented to the Commissioners Drug-Free Workplace policy for their approval and signature, Ms. Holly informed the Commissioners that the Prosecuting Attorney's Office has no problem with policy. Commissioner Carte moved that the Commission adopt Drug Free Workplace policy. Commissioner Lopez seconded. All approved. Vote passed 3-0.

The Commissioner met with the Fire Department, Library, Law Enforcement to discuss the Excess Levy Election. The Commissioners asked what day did they want to have Election, after discussion it was decided to have election on first Saturday, February 3rd, 1996. No objections. Ms. Holly informed she would have to send notices to executive committee within 82 days and the executive committee would have to have list back to the Commission within 56 prior to election. Commissioner Carte moved that they use paper ballots. Commissioner Witt

seconded. All approved.

Commissioner Carte made motion to the Commission that whatever amount they decided to enact a roll back policy for 3 years.

Commissioner Lopez seconded. All approved. Commissioner With asked if there were any questions or comments.

John Vernon informed the Commission that he had no problem with the cap being placed on the levy, but requested that the Fire Department have increase, informed the Commission he call a special meeting with the Firefighters Association to discuss increasing the Fire Department levy. Mr. Vernon asked the Commission to vote on separate ballots.

Judy Gunsaulis asked the Commission that any increase the Fire Department get would the Library and Law Enforcement get same increase. Ms. Gunsaulis also asked for separate ballots. The Commission informed that increase would be equal. Commissioner Carte made motion that levy be run on separate ballots. Commissioner Lopez seconded. All approved. Vote passed 3 - 0, each levy has to pass by 60% of vote. Mr. Vernon informed the Commissioners he would get back within one week.

Commissioner Lopez made motion to go into executive session regarding personal problem, and employee tendering his resignation. Commissioner Carte seconded.

The Commissioners signed thank you letter to Walter Brown thanking him for his volunteer services as an auctioneer at the County auction on October 4, 1995.

The Commissioners signed letter to Senator Robert C. Byrd informing they received payment for land acquired by the United States for addition to the National Park System authorized by Section 6904 PL97-258 31 USC 6904 asking him to investigate the reason for the reduction in the amount.

Ms. Holly informed the Commissioners she did advertise in the

Beckley, Charleston and Facette Tribune newspaper regarding the second auction being held on October 25, 1995 for heavy equipment.

The Commissioners signed request for reimbursement to the West Virginia Criminal Justice and Highway Safety for D.A.R.E. Project.

Ms. Holly informed the Commissioners that Lee Massey had called inquiring about the status of the appointment of Board Member to the Facette County Health Department, discussion was held, Ms. Holly informed the Commissioners they sent a letter to the Rick Powell, Superintendent with a recommendation and we have not heard anything from them. Commissioner Carte asked that second request of the letter be sent to the Board of Education.

Ms. Holly informed the Commissioner she had talked with Norma Isaacs regarding the status of the Clifftop Project, Ms. Isaacs informed that the dispute had been settled and the 700 foot line was being installed. Ms. Holly informed the Commissioners she had asked that Ms. Isaacs send letter in informing of the settlement; have not heard anything as of today, Ms. Holly informed the Commissioners she is holding check until she receive letter. Commissioner Witt informed Ms. Holly upon receipt of the letter release the check.

The Commissioners received and received minutes from the Salem-Gatewood Public Service District for the month of September.

Ms. Holly informed the Commissioners she had received letter from Judge John Hatcher asking the Commission to replace faulty Bunn-o-matic coffee pot with new one. Ms. Holly informed the Commission she purchase new pot on October 11, 1995.

The Commissioners received and reviewed letter from Patricia Wendell asking they correct the name and assign the space in the old Fayette County Jail to the Fayetteville Historical Landmark Commission instead of the Fayette County Landmark Commission.

Ms. Holly informed the Commission that some things have been moved over to the jail for storage.

The Commissioners received and reviewed copy of Audit report from the White Oak Public Service District for the fiscal year ended June 30, 1995.

The Commissioners signed COPS Fast Award for March 1, 1995 ending February 28, 1998.

The Commissioners received and reviewed letter from the Facette Humane Society requesting contributions.

The Commissioners received and reviewed notice of Order to show cause from the Workers' Compensation Office of Judges regarding Harold W. Conner. Ms. Holly informed the Commissioners that copy was sent to the Sheriff's Office and the Prosecuting Attorney's Office.

The Commissioners received and reviewed letter from the Workers' Compensation Division regarding Herman H. Hudnall.

Ms. Holly informed the Commissioners she received a copy of the Beckley County Leash Ordinance. The Commissioners asked Ms. Holly to make it a special order of business at next meeting.

Ms. Holly informed she had talked with Earl Pauley, Park Superintendent about eliminating lights in pool or replacing with light fixture with plexiglass. Mr. Pauley is to check prices. Commissioner Witt suggested disconnecting everything and putting plexiglass over fixtures.

The Commissioners received and reviewed invitation to the Smithers parade being held on December 2, 1995 at 1:00 p.m. They will attend.

The Commissioners received and reviewed response from Paul M. Blake, Jr., Prosecuting Attorney regarding any pending litigation, claims or assessments against Fayette County as of June 30, 1994.

Commissioner With informed the Commissioners he think it should be

up to the Solid Waste Authority to make recommendations to them regarding their decision on

The Commissioners received and reviewed Dog Tax Report for the month of September.

The meeting was adjourned at 11:58. Next scheduled meeting is scheduled for October 25, 1995.

John L. Witt



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 25, 1995  
COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840  
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 25th day of October, 1995.

Exonerations were received and approved.

Ms. Holly informed the Commissioner that Nirmal Kanti Gangopadhyay with Lightning, Inc., came in yesterday regarding the hearing held before the Fayette County Board of Equalization on February 28, 1995, Mr. Gangopadhyay informed Ms. Holly he had received letters from Donald W. Hebb, with the Department of Tax and Revenue dated September 25, 1995 and October 18, 1995 informing the corrected amount of the appraisal for Parcel Numbers 10-02-4-1-0-3001, 10-02-4-1-0-3002, 10-02-619062-2, 10-02-720108-6. Ms. Holly informed Mr. Gangopadhyay that the Commissioners would meet in the morning; would like for him to bring copy of letters received from Mr. Hebb and she would present to the Commissioners. Ms. Holly presented information to the Commission, after discussion, the Commissioners asked Ms. Holly to check and see if it could be handle though exoneration.

Ms. Holly reminded the Commissioners about the auction this afternoon at 1:30 p.m.

The Commissioners received and reviewed letter from the Department of Tax and Revenue with a suggested copy of a sample

exoneration to be used.

The Commissioners signed letter certifying that the Valley Emergency Medical Service, Inc. is either a bona fide volunteer fire department, non-profit ambulance service or emergency rescue service within the County.

The Commissioners signed letter to Dean Lockett, Principal, Fayetteville Middle School informing the Commission has waived rental fee for circus being held at the Memorial Building on Monday, December 4, 1995, for the Fayette County Fair Association.

The Commissioners received and reviewed copy of letter from Lee Massey recommending that John Eades be appointed a member of the Fayette County Board of Health. The Commissioner approved.

Ms. Holly presented to the Commission a invoice from Ben Franklin she received from Bob Arthur for \$267.77 expense from the Fayette County Fair Association to be paid. Ms. Holly informed the Commission that in the budget they allotted only \$200, but she would have to check, asked the Commission if they would want to pay the difference. This was approved.

The Commissioners received and reviewed check from Cable Equities of the Virginias, Ltd. in the amount of \$3,811.12 franchise tax for the period from July 1, 1995 through September 30, 1995.

The Commissioners received and reviewed 1995-96 Legislative Digest Community Partnership Grant for the Fayette County

Park/Memorial Building renovations, Ms. Holly informed the Commissioners grant was mailed on October 24, 1995.

The Commissioners received and reviewed letter from Tom Aiello, Assessor informing that Crystal L. Workman will be a part-time employee and will be paid \$6.00 per beginning November 1, 1995, to be paid from PVC Fund.

The Commissioners received and reviewed letter from Paul Blake, Jr., Prosecuting Attorney informing that effective October 16, 1995 Teresa Gentry will be a receptionist/secretary in his office at a salary of \$1,000 per month.

The Commissioners received and reviewed letter from Clifftop Community Water Association informing that the 700 foot section in the right of way dispute is being paid from their funds and not from the grant and requesting that the remainder of the grant for reimbursement for work that has been completed be paid.

The Commissioners received and reviewed minutes of the Multi-County Community Action Against Poverty, Inc. For the month of June 27, 1995.

The Commissioners received and reviewed from Workers' Compensation Fund report for claims paid for the September 1, 1995 through September 30, 1995.

The Commissioners received and reviewed letter from Department of Health and Human Resources regarding the Fayette County Park, PWSID #9910009, Fayette County Certified Operator requirements informing that persons operating a public water

system be certified by the state in a class consistent with the classification of the plant being operated. Discussion was held the Commission asked Ms. Holly to send notice to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed letter from Keep America Beautiful regarding the State not renewing litter program grant and asking the Commission to create a position within the county to continue Larry Parson's position.

The Commissioners received and reviewed letter from the Army Corps of Engineers informing that the annual inspection of the Paint Creek Flood Protection Project at Pax was completed by a representative on October 3, 1995. Ms. Holly informed the Commission that copy of the letter was sent to Steve Cruikshank and she asked he would check with Larry Parsons and Cypress Coal into helping with project.

The Commission received and reviewed fax from West Virginia Association of Counties regarding the decision in Webster County Circuit Court regarding suit by Deputy Sheriffs for supplemental pay interpretation.

The Commission approved to pay invoice from the Fayette County Board of Education for the electricity at the Memorial Building due to the E-911 Communication Center.

The Commissioners received and reviewed letter from Wolf Creek Public Service District informing the Commission they have selected Woolpert Consultants to prepare an engineering report

and application to submit to the West Virginia Infrastructure and Job Development Council.

The Commissioners received and reviewed letter from Pat R. Hamilton informing the Commission the lease will expire on the United States Department of Agriculture (USDA) building the end of October and would like to know if the Commission was interested or if the Commission knew of any county or other offices interested in building.

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone system for the month of August, 1995.

The Commissioners signed letter to Kelvin Holliday informing that effective October 17, 1995, David "Scott" Light will be employed on a full-time basis as a custodian for the Fayette County Commission to be paid \$935.00 per month plus benefits from the General Fund.

The Commissioners signed letter to Kelvin Holliday informing that effective October 18, 1995, Jackie Danbury has resigned as an employee of the Fayette County Commission, he is to be paid through October 18 but is to have a payroll deduction for reimbursement of one vacation day.

The Commissioners received and reviewed several application for employment for custodian position.

Ms. Holly informed the Commissioners she received invoice from the West Virginia Department of Transportation to cover the

cost of repairs to Division of Highway facilities damaged in accident of November 24, 1994 done by Sterley Flanagan. Ms. Holly informed the Commission she mailed copy of invoice to Jim Lively Insurance.

The Commissioners signed letter to Penelope Crandall, Director Family Law Masters for reimbursement for rent in the amount of \$550.00 for the month of October, 1995.

The Commissioners signed invoice to Division of Correction for rent for parole office space for the month of October, amount \$300.00.

The Commissioners received and reviewed letter from Public Service Commission informing they received the certified copy of the Fayette County Commission order of October 13, 1995 reducing the boundaries of the Gauley River Public Service District.

The Commissioners received and reviewed from Sheriff Laird Regional Jail invoices for the months of August and September, 1995.

Ms. Holly informed the Commissioners she received from Carl Harris, Assistant Prosecuting Attorney his opinion and suggestion regarding designated parking area for employees. Mr. Harris informed that he see no need to incorporate the designated parking as part of the existing rules and regulations, and suggested to the Commission to adopt a resolution designating certain spaces for employee parking only. No decision was made. Commissioner Witt suggested holding until next meeting (November

8, 1995).

Ms. Holly informed the Commission that the Public Employees Insurance is having open enrollment for Managed Health Care Plans and the PEIA Indemnity Plan for October 16-November 17, 1995. Ms. Holly asked the Commission if they were going to change premium or leave as is; Ms. Holly informed the Commission that in November of last year they had made motion to keep an employee's premium contribution the same as employee premium current policy regardless of employee's choice of coverage. The Commission informed Ms. Holly to leave as is, no change.

Ms. Holly informed the Commission she received letter from Kelvin Holliday informing that Ms. Linda Pomeroy of the Bellwood Community Water Project has invited the Commission to attend a reception/celebration on Friday, October 27, 1995 at 2:00 p.m. The Commission asked Ms. Holly if she would attend.

Outstanding bills were approved.

Ms. Holly informed the Commissioners she needed to call and confirm with the Department of Motors Vehicles that \$75.00 is the cost for list of names for jury selection, want the Commission to approve to pay. The Commission approved.

Ms. Holly informed the Commissioners she would like to attend the local government ethics work seminar being held at West Virginia State College on November 1, 1995. Approved.

Ms. Holly informed the Commissioners she received notice from the Juvenile Justice and Delinquency Prevention Program

confirming Ms. Sandra Tucker new salary.

The Commissioners received and reviewed fax from Jim Thompson regarding the Estate of Robert L. Thompson, Sr.

Ms. Holly informed the Commissioners she received letter from Kelvin Holliday, County Clerk regarding storage space in the jail for probate files. Discussion was held, the Commission asked Mr. Holliday to give the other officeholders a chance to store and asked Mr. Holliday to wait a little while.

Gary Harding, Zoning Officer appeared before the Commission informed the Commission that Z-415-95-1--request for Ronald L. Walton, owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-3, Residence District, on Lot 39 and ½ of 37, Justus Collins Estate, located on Route 15, Whipple, Plateau District was tabled.

The following case was presented to the Commission for a disposition: Z-414-95-1: Request of Penny R. Mayfield, owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to I-1, Light Industrial District, on Lot 44, Jodie Subdivision, located on Route 60/3, Jodie, Valley District.

Paul O. Clay was present representing Penny Mayfield. He notified the County Commission that he was withdrawing the request for a rezoning to industrial and was going to pursue the question of non-conforming with the Board of Zoning Appeals. A brief discussion followed. Ken Roop and several others present in opposition to this request were informed of Mr. Mayfield's



intentions.

The Commissioners received and reviewed letter from Michael L. Matheny on behalf of his mother regarding tax and interest back in 1989. Discussion was held, the Commission asked Ms. Holly to send copy over to the Assessor's Office for their review.

Ms. Holly informed the Commission she received proposed legislature bill to change the classification of counties from the present number of seven to fourteen and to further provide salary reform for county officials including prosecuting attorneys whose salaries under this bill will be tied to a percentage of the salaries of the circuit judges of their particular county.

Ms. Holly informed the Commissioners the West Virginia Extension Office had inquired about dental insurance with Moore Insurance and Financial Services, Ms. Holly informed the Commission that she informed the Extension Office that any insurance had to be presented to the Commission first and that the employees have to be contacted on their own time.

Ms. Holly presented letter to the Commission that she received from Moore Insurance and Financial Service. Ms. Holly also informed the Commission that she has a proposal from American Family Life Assurance Company (AFLAC) for dental insurance but she hasn't had a chance to look over yet.

Ms. Holly presented letter to Commissioner Carte from Dave

Pollard informing that he had talked with Rita Floyd regarding the water in the Laurel Creek area.

Ms. Holly informed the Commission that she had talked with David Neal, 911 Coordinator informed her some repair work needed to be done on the low band radios. Commissioner Carte questioned the cost of the repairs. Ms. Holly informed the Commission she would get cost and get back with them. Commissioner Witt recommend that Bert Horrocks, Dog Warden and Earl Pauley, Park Superintendent get radios.

Jack Clark appeared before the Commission to voice his concern as to why Ms. Jackie Protka want to change Mount View Estates on Prudence Road. Discussion was held, Ms. Protka was scheduled to appeared at 11:00 a.m., did not show. The Commission did not take any action on matter today.

Attorney James C. Blankenship appeared before the Commission regarding application of Everett Leslie Ballard and Marian Georgetta Ballard, for an order to close and vacate a portion of an unused road, street or other designated travel way. Commissioner With asked if there was any one her to oppose abandonment, no opposition. The Commission approved abandonment. Mr. Blankenship to type order for the Commission to sign.

The Commissioners received and reviewed letter from L. Anna Crawford, Assistant Prosecuting Attorney informing that the Greenbrier County Commission is presently reviewing its zoning ordinance and would like any advice on practical and legal issues

concerning planning and zoning. Ms. Holly to forwarded letter to Gary Harding, Zoning Officer.

The Commissioners received and reviewed letter from Sheriff Bill Laird regarding National Association of Counties Financial Services Center asset management program and the arbitrage rebate compliance program service that are available.

The Commissioners received and reviewed letter from Tele-Media Company regarding an insert that will be included in the subscribers' November billing statements; insert pertains to the increase in the Federal Communications Commission subscriber fee, and the assessment of the annual .40 cent subscriber fee implemented by the West Virginia Cable Television Advisory Board.

The Commissioners met with Melissa Muckleroy, Dianne Whisman and concerned citizens of Laurel Creek who are opposed to having a compost/recycling/digester in Fayette County. Ms. Muckleroy informed the Commission they believe that a project of nature requires extensive research into the background and success of not only one, but several companies. Ms. Muckleroy informed the Commission they were not opposed to the development of reliable and secure waste treatment, composting, or clean recycling facilities, and asked the Commission to publicly announce that they will not back this facility. Commissioner Witt informed the citizens the property would have to be rezoned and before the Commission would consider during anything at all it would have to go before the Fayette County Solid Waste Authority first and then

to the Commission.

Meeting was adjourned, the Commissioners adjourned for auction at 1:30 p.m. Next scheduled meeting is November 8, 1995.

John B. Witt

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

NOVEMBER 6, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 6th day of November, 1995.

Commissioner Witt informed the Commission he had received fax informing that the Governor had given Friday the day after Thanksgiving holiday for state employees. Commissioner Carte made motion that Friday, November 24 be a holiday for county employees. Commissioner Witt seconded.

The Commissioners met with Thomas Woodrum, Mayor for the Town of Fayetteville, James Blankenship, Attorney for the Town of Fayetteville, and Ben Faulkner with Pentree to discuss the alternatives to the West Virginia Water Regional Water System. Commissioner Witt asked Dave Pollard to give a brief summary of what is going on. Mr. Pollard informed the Commission he had talked with several individuals who are involved with the project, and suggested to the Commission that they come together with a cohesive plan as to where to head with the Infrastructure Council and asked the Commission to explore alternative plan to provide water to Fayette County.

Commissioner Witt asked Mayor Woodrum what is the purpose for this meeting. Mayor Woodrum informed Commissioner Witt that the purpose is to explore other alternative for the Regional

Water Plan, informed he was not against West Virginia-American Water Company plan, informed the Commission that the Town of Fayetteville was not interested in selling to the West Virginia American Water Company and asked the Commission to do a feasibility study and look for other alternatives. Mayor Woodrum feel the Commission should take the lead and look into other alternatives and concentrate efforts on the nothern side.

The Commissioners asked Mr. Faulkner how long would it take to do a feasibility study, Mr. Faulkner informed the Commissioners cannot development nothing in a week it would take two to three months, informed the Commission that the Infrastructure Council want something in writing from the Commission that they are looking for alternative solutions for the water project.

Commissioner Witt informed that the Commission had a plan prior to the West Virginia American Water System, New Haven and Ansted and would not approve of an alternative to the West Virginia American Water System.

Dave Pollard informed that he is confident that West Virginia American Water would get the loan and grant money for the project.

Ms. Holly informed that based on the report of the Northern Regional Water System the water supply would have to go through the New River Gorge.

Mr. Pollard suggested that the Commission go into executive

session to see what Mr. Faulkner has to offer regarding feasibility study.

Upon returning from the Executive Session the Commission decided they would pay Pentree, Inc., \$3,000.00 to do a feasibility study for a water plan . The Commission informed Mr. Faulkner that this is to be understood that this is no commitment to Pentree.

Discussion was held about the upcoming levy election. Commissioner Lopez informed they are not going to raise levy rates, will not roll levy back.

Steve Cruiskshank informed should use same levy rates as last election.

Commissioner Carte informed he was still concerned about the Oak Hill Fire Department.

Commissioner Lopez made motion that levy rates stay same and capping the whole dollar amount for the three years, each will be ran separately and they would be capped. Commissioner Carte seconded. All approved. Vote passed 3 - 0.

Ms. Holly asked the Commission if it was alright to take out the wording in the orders asking to post in the different schools, she informed the Commission she checked with the Secretary of State Office and checked the West Virginia Code and she could find anything that said the advertisement had to be posted in the surrounding schools. The Commission informed Ms. Holly she could leave it out.

The meeting was adjourned at 11:35. Next scheduled meeting is November 8, 1995.

John B. Witt



FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 8, 1995

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 8th day of November, 1995.

Exonerations were received/approved and signed.

Ms. Holly informed the Commissioners that on a special meeting on Monday, November 6, 1995 levy rates were discussed, Ms. Holly informed the Commissioners she prepared notice of Special Election for renewal of existing additional county levy to the voters of Fayette County, prepared order with regard to use of paper ballots in lieu of electronic voting equipment for special election, prepared order regarding the total number and type of election boards for the various precincts and notified county executive committees of the democrat and republican parties in writing that the number of nominations for each party which may be made for poll clerks, election commissioners, alternates, and emergency absentee ballot commissioners for the special election being held on Saturday, February 3, 1995. Ms. Holly informed the Commissioners she received letter from Herbert A. Mann, Circuit Clerk informing he only need one set of Emergency Ballot Commissioners for the excess levy election. Commissioner With asked if any questions or objections to orders,

no objections. All orders were approved and signed.

Ms. Holly informed the Commissioners that Roy Henderson with WOAY-TV called want to talk with one of the Commissioners on TV about the Excess Levy.

The Commissioners signed letter to Marvetta Harris Dakir regarding the Estate of Mary Kathleen Christian.

The Commissioners signed letter to John P. David informing him that Dave Pollard have offered to assist Page-Kincaid Public Service District in working with potential funding agencies or in facilitating at such meetings, such offer was not intended to be inclusive of performing all work associated with funding.

The Commissioners signed letter to One Valley Bank advising that their request to replace lost Bond R-18708 @ \$5,000 due 09/01/2010 Cusip #084112CT6 registered in the name of Nathalie D. Reich and David Reich JTTEEN has been approved.

The Commissioners signed letter to all elected officials and Fayette County Employees informing that the Court House will be closed on Thursday, November 23, 1995 and Friday, November 24, 1995 in observance of Thanksgiving.

The Commissioners received and reviewed letter from David R. Neal, E-911 Coordinator regarding full time employee changes, Mr. Neal informed the Commissioners that due to the full-time vacancy created with the resignation of Jeff Surgeon, he would like to change the employment status of Ms. Debra Ferrell from part-time Communication Specialist to full-time Communications Specialist.

The Commissioners signed letter to Kelvin E. Holliday informing that effective November 1, 1995, Debra Ferrell and Karla Sanford are to be employed on a full-time basis as Facette County Emergency 9-1-1 telecommunicators at a monthly salary of \$953.33 each plus benefits to be paid from the E9-1-1 Fund.

The Commissioners received and reviewed Social Worker at Valley High School Juvenile Justice Delinquent Program (JJDP) Grant Funded Staff Person Contract for Services, effective September 1, 1995 through August 31, 1996.

Ms. Holly received informed the Commissioners she received Petition from Attorney James Blankenship for the Town of Fayetteville regarding annexation by minor boundary adjustment of a 6.1 acre tract, a .933 acre tract, a .045 acre tract and a right-of-way tract situate on Laurel Creek Road near the Town of Fayetteville, the Fayette County Commission being satisfied that the annexation applied for is a minor boundary adjustment, does hereby order that the matters arising upon said Petition be set for final hearing before the Court on the 29th day of November, 1995, at 11:00 a.m., at which time and place all persons interested therein may appear in support of or in opposition of said petition.

Ms. Holly informed the Commission at the meeting held on May 31, 1995 discussion was held regarding the lease of the landfill. Ms. Holly informed the Commission that Carl Harris, Assistant Prosecuting Attorney had prepared agreement and named Fayette

County Commission as party to the lease, the Commission is to pay lease only if the Solid Waste Authority don't have the funds to pay.

The Commission signed lease agreement and sent letter to the Fayette County Solid Waste Authority informing that although they have tendered the contribution of \$4,500.00 for payment of the first year rental to Rush Creek Land Company, it is their agreement and understanding as set forth in provisions 3 and 4 of said lease that the Fayette County Commission shall assure the payment of the rental to the Lessor (Rush Creek) only when the Lessee (Fayette County Solid Waste Authority) does not have sufficient funds available for said payment.

Discussion was held regarding the replacement of the Low Band Radio System. Commissioner Carte questioned about giving one to the Oak Hill High School. Commissioner Witt questioned about giving to REACT. Ms. Holly informed the Commission that she had talked with Steve Cruikshank, Emergency Coordinator and he informed her that Earl Pauley, Park Superintendent was asking for more than one. Commissioner With suggested they talk with other people regarding were to place low band radios, and asked Ms. Holly to put on agenda for November 15 for discussion.

The Commission held public hearing on behalf of the Central Appalachia Empowerment Zone of West Virginia (CAEZ) to discuss the use of 1995 HUD Small Cities Block Grants (SCBG). This hearing is to obtain the views and comments of residents on

housing and community development needs, as well as the needs of low and moderate income persons. W. D. Smith, Director of Region IV Planning and Development Council explained purpose of meeting. Dr. John David requested County Commission to continue housing thrust and explained current housing project and funds received, he also expressed that he felt that Fayette County could double the amount of funds received by utilizing the covering concept of matching funds. David Pollard, County Resource Coordinator stated that some of the activities involve the Transition Team but felt it was too early to offer comment. Commissioner Witt informed if there were no other comments meeting is adjourned.

Commissioner Carte asked Dr. John David to give update on the Beards Fork Community Project. Mr. David informed the Commissioners that repairs on roof and heating system are being repaired, equipment has been donated. Mr. David asked the Commission any assistance they give would be appreciated. Commissioners made motion to contribution \$5,000 to the Beards Fork Community Center for maintenance and repairs to the building. Commissioner Carte seconded. All approved. Vote passed 3 - 0.

Dorothy Wells, Mayor of Thurmond and Sandra Akins appeared before the Commission to discuss annexation of 8 residents into the City limits. Ms. Akins presented order for annexation, but was informed by the Commission that this was the final order she needed to file a petition first before final order could be

signed. The Commissioners suggested to Ms. Akins to ask John Dragon if he knew of an attorney that would help prepare the paper work.

Commissioner Witt asked that former House of Delegate Lucille S. Meadows and Brenda Hopkins be recognized.

David Pollard, County Resource Coordinator appeared before the Commission to give an update of his past three months activities since he became employed by the Fayette County Commission. Mr. Pollard presented to the Commission a written report and a Transition Team project matrix, informed the Commission that the report dealt with the specifics of the Transition Team projects already underway, as well as other projects he is working on as Community Resource Coordinator.

The Commission adjourned to go into executive session with Steve Cruikshank regarding personnel problem.

The Commission returned back from executive session and informed that no decision was made regarding personnel problem.

Delegates John Pino, Dr. Bruce Petersen, Senator Shirley Love, Thomas Woodrum, Mayor, Town of Fayetteville, and former Delegate Lucille S. Meadows was present for presentation of funds from the Legislative Digest. Senator Love presented to Tom Woodrum voucher for \$20,000 for the Town of Fayetteville for the paving of roads, presented to the City of Smithers voucher for \$20,000 for the paving of roads, presented to the Fayette County Commission voucher for \$40,000 for the handi-cap bathrooms and

the Memorial Building, presented to the Smithers Detachment voucher for \$15,000 for renovation, presented voucher for \$1,000 to the Gauley Bridge Visitation Center. Everyone who was present and were presented with vouchers thanked Senator Love and Delegates for their help and their support in getting these funds.

Outstanding bills were approved.

Attorney Gordon Billheimer appeared before the Commission to give final update on Centennial Committee. Ms. Holly explained to Mr. Billheimer her reason concerning the donations to the Centennial Committee and checks made out to the Fayette County Commission.

Commissioner Carte made motion to pay Bright of America for Centennial mugs on display in County Clerk's office.

Commissioner Lope seconded. Mr. Billheimer informed the Commissioners the Centennial Committee is having a plaque made for the front of the Courthouse and asked that the Commission purchase plaque, cost would be \$680.00. This was approved.

Susan Williams with the Charleston Gazette questioned the Commission as to why a special meeting was called on November 6, 1995. The Commission informed Ms. Williams that the reason for the meeting was because Tom Woodrum, Mayor of the Town of Fayetteville had requested they call one so they could tell the Infrastructure Council as to where the Commission stood on getting other alternatives for the water project. Ms. Holly

informed Ms. Williams the reason she felt the special meeting was necessary because of the deadline things have to be done, in order to have the Election Saturday, February 3, 1995 the executive committees have to have their poll list in by a certain time if not the Commission would have had to change the date of the election.

The Commissioners received and reviewed letter from the Department of Tax and Revenue informing that Thomas E. Aiello, has substantially complied with the "assessor's additional duties" as delineated in West Virginia Code §7-7-6a, and entitles Mr. Aiello to the supplemental salary of \$11,000. This was approved to pay.

The Commissioners received and reviewed letter from Department of Agriculture informing that Thomas E. Aiello has completed the Farm Census of 1995 and has satisfactorily complied with the requirements of the Farm Statistics Law, amount \$2,904.00. This was approved to pay.

The Commissioners received and reviewed franchise checks from Tele-Media Corporation--\$5,891.77 and Master Telecable, Inc.--\$1,180.93.

Ms. Holly informed the Commissioners she received a call from Gary Light, Executive Director with Valley Emergency Medical Service informed her that he would be picking up new ambulance. Ms. Holly informed the Commissioners the check has been prepared, amount \$10,000.00, she would hold check until Mr. Light



contact her again.

Ms. Holly informed the Commissioners she received a call from Gary Harding, Zoning Officer wanting to know if the Commission would hear zoning hearing on December 15th, also want to know if the Commission would be meeting December 27th for regular meeting. The Commission informed Ms. Holly they would hear zoning hearings on the 15th but would decide later on December 27th.

Ms. Holly informed the Commission she received a call from Carl Harris, Assistant Prosecuting Attorney asking if the Board of Equalization hearings have been set.

The Commissioners received and reviewed Dog Warden Report for the month of October, 1995.

The Commissioners received and reviewed statistics reflect responses dispatched thru the E-911 center to the respective resource agencies during the months of September and October.

The Commissioners received and reviewed letter from Bell Atlantic confirming that Ms. Mildred Sulesky will now be paying the Enhanced Emergency Telephone System (E-911) fee for Facette County.

The Commissioners received and reviewed letter from the Public Service District informing that Wolf Creek Public Service District had not completed Customer Certification report. Ms. Holly informed the Commissioners she received copy of the report from Charles K. Toombs, Chairman of the Wolf Creek Public Service

District this morning.

The Commissioners received and reviewed Fayette County Solid Waste Authority minutes and reports for the month of September.

Ms. Holly informed the Commissioners she received check from ITT Hartford for property damage at park tree fail on section of bathroom last summer, amount of check \$1,874.96. Ms. Holly informed the Commissioners she received estimates on the cost of material and cost for the pool roof, maintenance crew do repairs would be \$255.87, to repair entire roof cost would be \$1,063.07, Rick Myles submitted a bid of \$3,218.00. The Commissioners asked Ms. Holly to have Earl repair damaged area only at this for winter, wait until spring to complete.

The Commissioners approved to take out lights at the pool and replace with plastic covers, amount \$279.00.

Ms. Holly asked the Commissioners if it was okay to advertise for chair lift at the Memorial Building since this is something that can be done during the winter. This was approved.

The Commissioners received and reviewed check in the amount of \$28,782.63 for the Emergency telephone system for the month of September, 1995.

The Commissioners received and reviewed copy of letter to Workers' Compensation Office of Judges from John H. Shumate, Jr., Attorney for Harold Wayne Conner.

The Commissioners received and reviewed picture from Ann Skaggs regarding Jack Clark's property in Lookout.

Discussion was held regarding the 3600 IBM System. Ms. Holly informed the Commissioners that it is a good system that the only problem is the County cannot sell software. The Commissioners asked Ms. Holly to check to see if the Board of Education want system.

The Commissioners approved to purchase Key Mega Clipart software for windows for the West Virginia Extension Office.

The Commissioners received and reviewed copy of annual report from Regional 4 Planning and Development Council.

The Commissioners received and reviewed letter from Sheriff Bill Laird regarding request for reimbursement, tax sale Sheriff held in November, 1993. Ms. Holly informed the Commission that she would talk with Ann to see if tax payer should be reimbursed from the F & D Land Fund, Excess Bid Fund or if it should be an exoneration.

Commissioner Witt informed Ms. Holly that some of the reporters have asked that minutes be at next meetings.

Commissioner With asked Ms. Holly to write letter to the Attorney General's Office for their opinion on emergency special meetings. Discussion was held Joe Myers reporter for the Facette Tribune informed he did not want an opinion on the special meeting of the Commission, he wanted an opinion regarding the sunshine law.

Ms. Holly informed the reporters that everything was required about posting special meeting for the Commission.

Ms. Holly asked the Commission he she could get cost on a fax machine for the County Commission Office. This was approved.

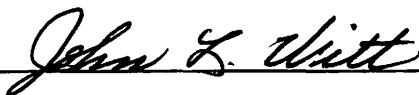
Ms. Holly informed the Commissioners that she have two janitors who want to take vacation the same week. The Commissioners approved. Ms. Holly informed she had talked with them an explained to them to discuss with other maintenance to see if they could handle.

The Commissioners approved for Ms. Holly to attend the Paralegal Update: Labor and Employment Law in Charleston on November 16, 1995.

The Commissioners received and reviewed memorandum from the West Virginia Development Office enclosing a draft proposal to be submitted to the Gas Research Institute on behalf of the West Virginia Clean State Program.

The Commissioners received and reviewed Maintenance Vehicle Report from Earl Pauley, park Superintendent for the month of October, 1995.

The meeting was adjourned at 2:05. Next scheduled meeting is November 15, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 15, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBER Present: John L. Witt, John H. Lopez (10:24), Gene Carte, Jr.

The Fayette County Commission met in regular session on this 15th day of November, 1995.

Exonerations were approved and signed.

The Commissioners signed Sales Report for the Month of October for Fayette County Park.

Minutes of previous meetings were signed.

Commissioner Witt asked Charlotte Holly, Administrator if Earl Pauley, Park Superintendent was getting pool fixed. Ms. Holly informed the Commission they're still doing work on the upper section of the pool and informed the Commission that work had probably stopped temporarily because of the inclement weather.

Ms. Holly presented to the Commission request for reimbursement to the West Virginia Criminal Justice and Highway Safety for Social Worker at Valley High School for project # 94-JJ-3-001, Juvenile Justice and Delinquency Prevention Program for the months of August, September and October. President Witt signed.

Ms. Holly presented to the Commission proposal from Thomas V. Malone for replacing jackets and laminating of books for the County Clerk's Office. Ms. Holly informed the Commission that

the total cost is \$12,524.00 and that the county would have to advertise. The Commissioners agreed to advertise.

The Commissioners received and reviewed lists of "refusals to pay" associated with the Emergency Telephone System for the months of August and September, 1995.

Ms. Holly informed the Commissioners she had checked with Earl Pauley regarding the cruiser the City of Glasgow wanted to purchase and that Mr. Pauley informed her that the cruiser was ready. Ms. Holly informed the Commissioners she called David Kauff in regards to the purchase of the vehicle, and he informed her that the City was not interested and had purchased another vehicle.

The Commissioners received and reviewed franchise fee checks from Rikfin Communications Partners, L.P., and Helicon Group, L.P. for the period July 1, 1995 to September 30, 1995.

Ms. Holly informed the Commissioners she received letter from James E. Brown regarding value of his property for 1994. Ms. Holly informed the Commission she received an appraisal from Ford Realty Company, dated June 18, 1993 valuing the property as \$26,500, but the Assessor's Office had it valued at \$44,000. Ms. Holly informed the Commission she would give request to Eddie Young, Chief Deputy Assessor for his recommendation. The Commission decided to consider recommendation of Mr. Young.

Ms. Holly informed the Commissioners she received letter from Lawrence E. Brown, II regarding his property taxes for the

year 1994. Ms. Holly informed the Commissioners she had given copy of letter to the Assessor's Office for their review and opinion and that they had informed her the assessed value of the property has been reduced previously as agreed by the property owner and further reduction of said values cannot be considered at this time. The Commissioners signed letter to Mr. Brown informing him of the Assessor's decision.

The Commissioners received and reviewed letter from Sheriff Laird informing he received a memorandum from the West Virginia Association of Counties concerning a meeting scheduled with Financial Services Center of the National Association of Counties, the meeting is scheduled for November 16, 1995 at 11:00 a.m. in Clarksburg. Sheriff Laird informed the Commission that he would not be able to attend, and he was not sending anyone at this time.

Ms. Holly informed the Commissioners she would have a list of 1996 holidays prepared for their next meeting, but informed the Commission she received fax from the Department of Administration regarding State holidays; Ms. Holly informed the Commission the State is giving ½ day off for Christmas Eve, 1996 and New Year's Eve, 1996. The Commission agreed to give county employees ½ day off for Christmas Eve, 1996 and New Year's Eve, 1996.

Ms. Holly informed the Commission that Earl Pauley informed her that his crew would help with the plowing and shoveling of

the snow at the courthouse next week if necessary.

Ms. Holly informed the Commission that Earl Pauley informed her that the end loader that was sold at the auction would not start and requested the Commission's permission to help try to get it started; the Commissioners informed Ms. Holly to tell Earl it was okay for employees to help start, but they're not to supply fluids, batteries or anything else.

Ms. Holly informed the Commissioners Earl Pauley, Park Superintendent received information from Ashland regarding the natural gas at the Park; he said that Ashland was supposed to send the Commission a contract next month.

Ms. Holly informed the Commissioners that Earl want to know if the Commission had made any decision on the purchase of the SW-B10 parts washer for park. Ms. Holly informed the Commission they had asked her to hold; Ms. Holly informed the Commission that Earl Pauley said it was okay if they did not approve. Ms. Holly informed the Commission that Earl has a demo at the park, and he needed to know if they wanted to purchase or to have NAPA pick up. The Commissioners asked Ms. Holly to tell Earl to have NAPA pick up demo and would not purchase at this time.

Ms. Holly informed the Commissioners she received a call from Sandra Morris asking if she could operate a private catering business at the Fayette County Park kitchen. Ms. Holly informed the Commission she told Ms. Morris that this was not allowed, but if someone scheduled a reception or whatever at the park and



independently contracted for her to cater the scheduled event that was okay.

Ms. Holly informed the Commission the play for the Centennial will be held Tuesday, November 21 and if they had no objections if she asked James Perdue to work overtime to help Scott Light since he is the new janitor on night shift. This was approved.

Ms. Holly asked the Commission if they wanted to talk about the Leash Law or the Parking lot. Commissioner Witt asked to hold until Commissioner Lopez got here.

Ms. Holly asked the Commissioners if they wanted to make a decision on whether or not to have Commission meeting December 27. The Commission decided to cancel meeting for the end of the month of December.

Payroll and outstanding bills were approved.

Commissioner Lopez arrived at 10:24 a.m. after having stopped at the Office of the Kanawha Falls Public Service District to answer questions regarding the proposed regional water plan of West Virginia Water. Mr. Lopez advised the Commission that rumors had arisen that the Kanawha Falls Public Service District was included in that regional plan and he had stopped by to notify the Public Service District that it was not in that regional plan and that the plan involved the Plateau area of the county.

The Commissioners received and reviewed letters from

CableVision informing of the new channels that will be added January 1, 1996.

The Commissioners received and reviewed letter and pictures from the residents of East Kingston regarding abandoned property Lot 21, Block E, East Kingston, property owner Ray N. Clark. Ms. Holly asked the Commission if they wanted Gary Harding, Zoning Officer to look at property. The Commissioners informed that by looking at the pictures it was not necessary to have Gary go down and look at the property. Commission Witt made motion that letter be sent to the property owner. Commissioner Carte seconded. All approved.

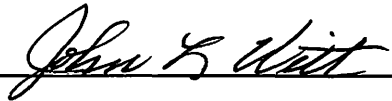
The Commissioners met with Steve Cruikshank, Emergency Coordinator, David Neal, 911 Emergency Coordinator, Sheriff Bill Laird, Earl Pauley, Park Superintendent, Bert Horrocks, Dog Warden, and two (2) Conservation Officers to discuss switching of the low band radios to high band. Mr. Cruikshank informed the Commissioners they have two radio base systems (1 in the Valley, and 1 on Mann Mountain), these two were installed about 25 years ago and in his opinion would cost the county a great deal to keep upgrading and maintaining, so he asked that the Commission switch over to UHF and get rid of low band because the UHF system would have better radio coverage and it would be the same as the 911 Communication System. Commissioner Lopez asked if the 911 Fund have any money to help with getting new system; Commissioner Lopez inquired about the approximate cost of \$8300, and asked

Steve how many radios he was talking about. Mr. Cruikshank informed that the Sheriff's Office would need 4; Commissioner Lopez asked Mr. Pauley how many that the Park would need, and he informed 2; also, Mr. Horrocks needs 1, and the Conservation Officers need 3 for a total of 10 radios. Discussion was held regarding how the Conservation Officers would use radios; it was decided that the Conservation Officer who live in the Fayette County area would carry one, and the two other Officers would check out their radios at the 911 Center when they are in the Fayette County area. The Commission and Commissioner Carte discussed getting a radio for the Gauley Bridge Police Detachment. Commissioner Lopez made motion to purchase 10 radios for the Emergency System and for communication with the Fayette County Park and the Fayette County Dog Warden payable from the Coal Severance Fund; Commissioner Witt seconded motion to purchase the 10 radios; Commissioner Carte opposed 10 radios and made a motion to increase to 11. Vote passed 2 - 1 to purchase 10 radios; Commissioner Carte voted nay.

Mr. Cruikshank recommended the Commission hold off on giving low band radio units out to REACT because of problem they might have with some of the old units. Charlotte Holly and Steve Cruikshank are to see if they would have to advertise for purchase of new radio equipment since the total amount would be over \$5,000. Mr. Cruikshank informed the Commission that since he did obtain the bid from the State purchasing contract, he felt

there was no need to advertise. Ms. Holly informed the Commission she would check to make sure whether or not the Commission would have to advertise or not; if the equipment is purchased on the state contract, advertisement is not required.

The meeting was adjourned at 11:20 a.m. Next scheduled meeting is November 29, 1995.

  
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FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 29, 1995

COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

The Fayette County Commission met in regular session on this 29th day of November, 1995.

Exonerations were approved and signed.

Jerry Lilly appeared before the Commission to inform them of the dog problems in the Salem-Gatewood area. Mr. Lilly asked the Commission if the County had a Leash Law. Commissioner Witt informed Mr. Lilly that the Commission has drafted a Leash Law policy for the county. Commissioner Witt informed Mr. Lilly that the Prosecuting Attorney is reviewing the Leash Law policy and hopefully the Commission will act on the policy in January. Mr. Witt informed Mr. Lilly that the county leash law would have no jurisdiction over the Leash law of municipalities.

Jim Zoeller presented to the Commission a video of the courthouse centennial held November 22, 1995.

Ms. Holly informed the Commission that due to so many workers' compensation claims being filed, she recommended the Commission adopt a Workers' Compensation/Sick Leave policy. Ms. Holly discussed with the Commission what was included in the policy and asked the Commission if they had any objections or corrections they wanted to add or change. Commissioner Carte made motion to adopt Workers' Compensation/Sick Leave Policy effective December 1, 1995 and that the policy would not apply to current claims; Commissioner Lopez seconded. All approved. Vote passed 3 - 0.

Ms. Holly informed the Commissioners that an employee at the E-911 Center has filed workers' compensation claim and informed her that she

would prefer to receive her compensation check instead of county check; Ms. Holly informed the Commission that E911 payroll checks might have to be canceled and reissued. Commission approved.

Commissioner Carte made motion to approve payroll and outstanding bills; Commissioner Lopez seconded. Vote passed 3 - 0.

Ms. Holly informed the Commission that invoice from Sears Monument Company for Limestone cornerstone for Courthouse was included in bills, amount \$680.00. The Commissioners approved to pay.

The Commissioners approved travel voucher for Prosecuting Attorney Paul M. Blake.

The Commissioners approved voucher for Phillips Restaurant for refreshment for Courthouse Centennial, amount \$762.50.

Ms. Holly reminded the Commission that at the last meeting she had informed them of the state holidays for 1996 including ½ days for Christmas Eve and New Years Eve, 1996, and she had prepared letter to each elected official and employee to inform them of their holidays for 1996. Commissioner Lopez made motion to approve holidays for 1996; Commissioner Carte seconded. All approved. Vote passed 3 - 0.

Ms. Holly reminded the Commission that at the last meeting they had canceled the Commission meeting for December 27, 1995.

The Commissioners signed letter to Penelope Crandall, Director for Family Law Master for reimbursement for rent in the amount of \$550.00 for the month of November.

The Commissioners signed invoice to Division of Corrections for parole office rent, amount \$300.00.

The Commissioners signed Blanket federal gasoline tax exemption certificate for Unocal.

The minutes of November 15, 1995 were signed and approved.

Invoices to the Cities of Smithers, Oak Hill and the Town of Ansted

for costs paid by the Commission for the confinement of inmates at the Southern Regional Jail were signed.

The Commissioners signed clean-up letter to Ray Clark.

Ms. Holly informed the Commissioners she had received a call from Thelma Baldry regarding Eugene Walker property in Minden. Ms. Holly informed the Commission that Gary Harding had checked the property and recommended clean-up. The Commissioners signed clean-up letter to Mr. Walker.

The Commissioners received and reviewed monthly Solid Waste Authority Reports.

Joe Myers member of the Solid Waste Authority informed the Commission that the county would be losing state funding for city clean-ups and community clean-ups and informed the Commission the Solid Waste Authority has not received anything in writing regarding this matter, but he did talk with Randy Huffman.

Gary Harding, Zoning Officer presented to the County Commission for disposition: Z-415-95-1: Request of Ronald L. Walton, owner, for a change in land classification from RR-1, Agriculture and Rural Residence District, to R-3, Residence District, on Lot 39 and 37, Justus Colins Estate, located on Route 15, Whipple Plateau District.

Mr. Walton was present and Mr. Harding informed the Commission that this was a request to locate a two story 15 unit apartment building in Whipple and that the Planning Commission did recommend by a vote of 9 -0 that this be approved. After a brief discussion Commissioner Lopez made a motion that this be approved as recommended by the Planning Commission; motion was seconded by Commissioner Carte and passed unanimously.

Mr. Harding informed the Commission that he had talked with Tim Fish, and Mr. Fish had stated that he would come back to the Commission

in January, 1996, with report on the rezoning of Route 19.

Ms. Holly informed the Commissioners that she received the agreement from the West Virginia Development Office for the Community Partnership Grant for the Memorial Building and the Fayette County Park. Ms. Holly informed the Commission that she did send a copy of the contract to the Prosecuting Attorney's office for review. Ms. Holly informed the Commission she also received from Sheriff William Laird a copy of the contract for the Community Partnership Grant for the Valley Sheriff's Detachment. Ms. Holly informed the Commissioners she had prepared the two resolutions for the grants. On a motion duly made by Gene Carte, Jr. and seconded by John H. Lopez the County Commission of Fayette County does hereby approve and authorize the adoption of the resolution authorizing a contract with the state of West Virginia for Governor's Community Partnership Grant Program funds for the Memorial Building and the Fayette County Park. On a motion duly made by John H. Lopez and seconded by Gene Carte, Jr. the County Commission of Fayette County does hereby approve and authorize the adoption of the resolution authorizing a contract with the state of West Virginia for Governor's Community Partnership Grant Program funds for the Fayette County Valley Sheriff's Detachment.

Commissioner Witt announced that he received information from Senator Shirley Love that the Fayette County Solid Waste Authority has been granted a sum of \$29,000 for the Litter Clean-up Program. Commissioner Witt and Commissioner Lopez informed they would like to thank Senator Love for getting this grant approved.

The Commissioners signed letter to Lightning, Inc. informing that a hearing regarding the correction of the 1995 appraised values of the four tracts of land is not necessary and that the corrections have been made through the Office of the Fayette County Assessor and corrected



statements have been issued.

Ms. Holly informed the Commissioners she had received a request from the Valley Emergency Medical Service for contribution payment of the \$10,000.00 previously approved and asked the Commissioners if it was okay to release the check. The Commissioners informed okay to release check.

The Commissioners received and reviewed letter from the Firefighters Association with their recommendation for the Fire Levy appropriations and a letter from the Office of Emergency Services regarding the Fire Levy Funding.

The Commissioners signed letter to Calvin Jones, Mayor and Council Members of the City of Oak Hill informing they have received recommendation for the distribution of the Fire Levy Funds for the proposed new levy from the Fayette County Firefighters Association.

As previously approved, Ms. Holly presented the Commissioners with an order to a adopt Hotel Occupancy Tax; Ms. Holly reported that the order had been reviewed and approved by Assistant Prosecuting Attorney Carl Harris, and Ms. Holly asked the Commission under the definition of hotel if they wanted language to include "bed and breakfast" to make inclusion clear; the Commissioners informed yes. Order was approved and signed, effective date of Hotel Occupancy Tax would be January 1, 1996.

Attorney James Blankenship and Mayor Thomas Woodrum appeared before the Commission with annexation by minor boundary adjustment of a 6.1 acre tract, a .045 acre tract and a right-of-way tract situate on Laurel Creek Road near the Town of Fayetteville. No one appeared in opposition of annexation. Commissioner Lopez made motion to approve annexation; Commissioner Carte seconded. Vote passed 3 - 0.

Ms. Holly asked the Commission that since Mayor Woodrum was present, the Town of Fayetteville would like to know if the Commission

had any objection in having a Christmas tree placed and decorated on the Courthouse lawn. The Commission advised that they had no objection.

The Commission received and reviewed letter from Joyce Gibson, Assessor of Clay County informing that Kenneth J. Cutlip and his wife Hilda are requesting that their property now assessed in Fayette County but located in Clay County be moved from the Fayette taxing system to Clay County where the property is physically located. Discussion was held, and the Commission asked Tom Aiello, Assessor if the request was correct; Mr. Aiello informed the Commission that this was correct but the transfer would not be made until 1997 taxable year. Commissioner Carte made motion that the transfer be made; Commissioner Lopez seconded. All approved. Vote passed 3 - 0.

The Commissioners received and reviewed letter from Eddie Young, Chief Deputy Assessor informing the Commission he reviewed the request of James E. and Sandra A. Brown to review the value of his property for 1993 and 1994. Mr. Young recommended that a credit be given on their 1994 taxes; discussion was held. Commissioner Lopez made motion to give credit on the 1994 taxes but to deny credit on the 1993 taxes; Commissioner Carte seconded. All approved.

Ms. Holly presented to the Commission a letter from Gordon Sutphin protesting the amount of his 1994 taxes. The Commission asked Ms. Holly to forward the letter to the Assessor's office for their comments and review.

The Commissioners received and reviewed letter from Sheriff Bill Laird regarding the renovations to Sheriff's Tax Office. Sheriff Laird informed the Commission the work would be done by Charles H. Jones and the total cost would be \$4,500.00; Mr. Jones is requesting advance payment in the amount of \$2,000.00 to purchase materials. Ms. Holly informed the Commissioners they had included \$5,000.00 in the Sheriff's

budget for renovations. The Commissioners approved to advance payment of \$2,000.00 to Mr. Jones to purchase materials.

The Commissioners received and reviewed letter from Vision Service Plan informing that beginning December 1, 1995 the employees are to contact Vision Service Plan member doctor to schedule their appointments and the doctor's office will then contact Vision Service Plan to verify the employees eligibility and coverage information prior to the appointment.

Ann VanHorn, Coordinator for the Make It Shine Program from the Governor's Office appeared before the Commission to present certificates to the various communities in Fayette County who have worked to help keep the communities in which they live clean. Ms. VanHorn presented certificates to the following individuals: Phyllis Asbury, 501 tons of trash from Oak Hill to Deepwater, Lawrence Kelly, Community of Pax, John Hess, Community of Jodie, Arbutus Pell and Delbert Cole, Community of Whipple, Mike Cobb and Mike Humphrey, Division of Highways-Oak Hill, Delbert Gilliam, Division of Highways-Glen Ferris, Darrell Hypes, Division of Highways-Lookout. Ms. VanHorn also gave recognitions to the Magistrate Court, Sheriff's Office, Larry Parsons and Clyde Bennett for their help in making West Virginia shine.

Commissioner Witt thanked Ms. VanHorn for her presentation and informed on behalf of the Fayette County Commission he congratulated everyone who received certificates. Commissioner Witt said that with recognitions such as this we hope that other communities would get on the band wagon and participate.

Ms. Holly presented to the Commissioners a letter from Earl Pauley, Park Superintendent regarding car maintenance. Mr. Pauley informed the Commissioners that after one year of good record keeping, it is his belief that the service of cars needed to be changed from every 3,000

miles to every 5,000. This was approved by the Commission. Ms. Holly was directed to inform Earl of the Commission's decision.

Ms. Holly informed the Commission she received letter from Sunoco announcing the Sunoco Fleet Club Card for vehicle maintenance and asked the Commission if they were interested in utilizing. The Commissioners informed Ms. Holly no they will not utilize at this time but will continue to maintain county cars at the Fayette County Park.

The Commissioners received and reviewed check in the amount of \$28,880.69 for the Emergency telephone system for the month of October, 1995.

The Commissioners received and reviewed letter from Criminal Justice and Highway Safety Division regarding their on-site visit to law enforcement to review funded Drug Control projects (Grant #95-DC-004).

The Commissioners received/reviewed and approved request from Retired Senior Volunteer Program (RSVP) for funds for the period July 1, 1995 through June 30, 1996, amount \$500.00.

Ms. Holly informed the Commission that she had been advised of some controversy over the public hearing held for the Central Appalachia Empowerment Zone of West Virginia (CAEZ) and presented a copy of the minutes which had been forwarded to CAEZ of the Fayette County Commission hearing on November 8, 1995.

Ms. Holly informed the Commissioners she had received from the Sheriff's Office two accident reports. Ms. Holly informed the Commissioners she had forwarded reports to Jim Lively Insurance.

The Commissioners received and reviewed notice of the liquidation of Integrity Insurance Company on February 9, 1996 at the Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey 07601.

The Commissioners received and reviewed letter from Senator Robert Byrd regarding the Payment in Lieu of Tax (PILT) figures for 1995.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council recommending to the Whipple Community in Action to ask the Commission for money and assistance.

Ms. Holly informed the Commissioners she had received a contribution for the Centennial Committee for \$100.00 from the City of Mount Hope and informed the Commissioners she would deposit check in the general fund and then write a check for \$100.00 to the Centennial Committee. This was approved.

Ms. Holly reminded the Commissioners she would be attending seminar in Charleston on Cobra, FMLA, and Section 125 on Tuesday, December 5 and Wednesday December 6, 1995 as previously approved.

The Commissioners received and reviewed letter from Sheriff William Laird regarding order enter by U. S. District Court Judge dismissing Darrell Jackson v. Officer Sizemore and Charles Brown (Civil Action #5:95-0693).

The Commissioners received and reviewed letter from Cleek, Pullin, Knopf and Fowler regarding order entered by Judge John Hatcher denying motion for summary judgment in Horrocks v. City of Fayetteville, et al.

The Commissioners received and reviewed letters from Workers' Compensation Office of Judges regarding Dovie Christain, Harold Conner and Percy Lee Gilliam; copies were sent to Sheriff Bill Laird and Carl Harris, Prosecuting Attorney.

The Commissioners received and reviewed letter from Workers' Compensation Division regarding Rebecca Pollastrini.

Ms. Holly asked the Commission if they wanted to discuss the County Parking Lot. The Commission informed no.

Ms. Holly informed the Commission that she received a call from the Town of Thurmond advising that they are going to delay the proposed annexation until the spring.

The Commissioners received and reviewed letter from Cable Equities of the Virginias, Ltd. regarding annual notification to subscriber/certification to franchising authorities and the Board.

The Commissioners received and reviewed audit report from Nuttall Volunteer Fire Department for fiscal year ending June 30, 1995.

The Commissioners received and reviewed from the Criminal Justice and Highway Safety Division grant adjustment notice for the Juvenile Justice and Delinquency Prevention Program (JJDPP), Project #94-JJ-3001.

The Commissioners received and reviewed federal income tax Form 1099 to UtiliCorp United Energy One (West Virginia Power).

The Commissioners adjourned to discuss personnel matter.

The Commission reconvened at 1:35.

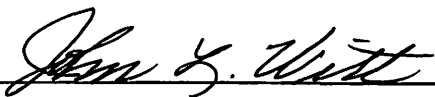
The Commission approved request of David Neal to purchase wide-angle lens for video monitoring camera installed in the E911 Work Center.

Commissioner Witt asked Dave Pollard to fill the Commission in on why this meeting was called. Mr. Pollard informed he invited W. D. Smith with Region 4 Planning and Development to answer questions and concerns and to give background information as to where to go with the Small Cities Community Block Grant. Mr. Smith informed the Commission he had talked with John David, Page-Kincaid Public Service District, who wanted him to recommend and ask the Commission to sponsor and to apply for a Small Cities Block Grant (SCBG) for Page-Kincaid Public Service District to extend water to Mulberry Hollow and Johnson Hollow; Mr. Smith informed that Page-Kincaid Public Service District is short in funding by 30%; W. D. informed the Commission that the deadline to apply for the Small Cities Block Grant (SCBG) is now. Commissioner Lopez requested clarification on the extension of water to Mulberry Hollow to which an extension has been funded previously; a review of the file

indicated that a water line extension of about 2 miles up the right fork of Mulberry Hollow near Robson to approximately 20 - 24 families had been completed in October, 1993 and funded \$16,000 by the Fayette County Commission and \$46,000 by a Partnership Grant. Discussion was held regarding how many projects and/or applications the Commission could apply for and/or submit. W. D. Stated that only one application can be submitted for infrastructure. Commissioner Witt informed that the West Virginia Regional Water Project is the Commission's #1 project. Commissioner Witt asked W. D. what the Commission could do to expedite the process to get water across the river. Commissioner Lopez informed he did not want to jeopardize the Regional project because that is the Commission's main priority right now. Commissioner Witt thanked W. D. and Dave for coming in.

Discussion was held regarding getting together with the Solid Waste Authority, Leon Axle, and James Higgins to discuss plans of landfill. It was suggested December 6, 1995 at 1:30.

The meeting was adjourned at 2:24. Next scheduled meeting is December 6, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 6, 1995  
COURTHOUSE  
FAYETTEVILLE, WEST VIRGINIA 25840

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

The Fayette County Commission met in regular session on this 6th day of December, 1995.

Exonerations were approved and signed.

Floyd McKnight and Reverend William Johnson appeared before the Commission to request contribution of funds for the Beards Fork Community Organization, Inc., amount \$5,000. The Commissioners approved to pay. Mr. McKnight asked the Commission how would they report the expenditures of the funds. Commissioner Witt asked that they submit an annual report and copies of minutes. Mr. McKnight asked if money could be used for travel expense, office supplies and other expenses. Commissioner Witt informed Mr. McKnight that the contribution could only be used for material things.

The Commissioners received and reviewed letter from the Southern West Virginia Convention and Visitors Bureau regarding the room bed tax for the county. Discussion was held as to what percentage the county would get; Commissioner Witt suggested talking with the Chambers and the Southern West Virginia Convention and Visitors Bureau to see who's going to get what.

The Commissioners received and reviewed copy of letter from Delegate Pino confirming that the Solid Waste Authority was approved for grant from the Solid Waste Management Board, amount \$29,893.

The Commissioners signed invoice to the Division of Corrections for parole office space rent for the month of December, amount \$300.00.

The Commissioners signed letter to Penelope Crandall, Director with



the Family Law Masters for reimbursement for rent in the amount of \$550.00 for the month of December.

The Commissioners signed letter to Multi-Cap approving the Board of Directors recommendation of Pearl Taylor as a representative of Fayette County to serve on the board.

The Commissioners signed letter to Steve Campbell requesting him to appear before the Commission on Monday, January 15, 1996 at 10:30 a.m. to discuss his plans as to when his property would be cleaned up.

The Commissioners received and reviewed letter from Lt. Lawrence R. Boley resigning his position as Lieutenant and Deputy Sheriff of Fayette County.

The Commissioners signed order appointing John Eades to the Fayette County Board of Health as recommended by Fayette County Board of Education and approved by the Commission on October 25, 1995.

The Commission held final public hearing on behalf of the Central Appalachia Empowerment Zone of West Virginia (CAEZ) to discuss the use of 1995 HUD Small Cities Block Grants (SCBG). This hearing is to obtain the views and comments of residents on housing and community development needs, as well as the needs of low and moderate income persons.

Commissioner Witt explained the purpose of the meeting, and asked if anyone was present to offer comments. Ms. Kathryn South read letter from the Southern Appalachian Labor School (SALS) (See attached). The Commissioners accepted comments from Ms. South. Commissioner Witt informed since no one was present to oppose the housing proposal, the Commission approved.

Outstanding bills were approved.

The Commission approved the refinishing of two tables in the jury room, but employees are to check with Judge John Hatcher before they begin anything.

Arbutus Pell, Delbert Coles, and Ron Walton with the Whipple Community in Action appeared before the Commission.

Ms. Pell thanked the Commission for all their help and support and asked the Commission where they stand and when they can get ready to start on the playground at Whipple. Ms. Pell also informed the Commission that the Whipple Community in Action wants to start a healthcare program in the building where they're located and asked the Commission where they would apply for assistance for heating the building. Commissioner Witt informed Ms. Pell that she needed to get in touch with W. D. Smith with the Region 4 Planning and Development Council and ask him about the different grants they could apply for. Mr. Walton asked the Commission if they could apply with the Central Appalachia Empowerment Zone (CAEZ). Commissioner Witt informed Mr. Walton that Whipple is ineligible because they are not included in the zone. Commissioner Witt suggested they talk with Sarah Ashley, Director of the Family Resource Network to see if she could help. The group asked for approval by the Commission to start moving dirt from playground and informed the Commission that the person they're planning on getting to remove the dirt asked that the Commission sign a lease or something on record saying that it was okay to remove dirt. Discussion was held; Commissioner Lopez made motion that a lease be drawn up between Whipple Community in Action and the Commission; Commissioner Carte seconded. All approved with vote of 3 - 0.

The Commissioners received and reviewed letter from Gary Harding, Zoning Officer with recommendations of two Board of Zoning Appeals members reappointment and one Board of Zoning Appeals resignation. Discussion was held; the Commission suggested holding letter and making decision on the appointments on December 15, 1995.

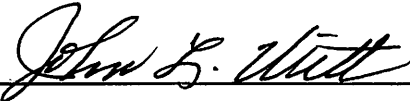
The Commission received and reviewed letter from Danny Angus

regarding closure of a portion of the travel way. Discussion was held; the Commission suggested letting Gary Harding, Zoning Officer and Charlotte Holly take a look into matter.

Commissioner Witt informed the Commission he received a call from Judy Martin with Applered asking if the county had a room they could rent for \$200.00 a month including utilities. Discussion was held; the Commissioners asked Ms. Hickman to call Ms. Martin and inform her that no space is available at this time.

Due to the break in communications with the parties involved, the meeting scheduled for 1:30 p.m. with I.B.T., Fayette County Solid Waste Authority, Jim Higgins, and Fayette County Haulers was postponed; the meeting will be rescheduled at another time.

The meeting was adjourned at 11:40. Next scheduled meeting is December 15, 1995.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 15, 1995  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 15th day of December, 1995.

Exonerations were approved and signed.

The Commissioners signed order giving tax relief for tax year 1994 to James E. and Sandra A. Brown, but tax relief for tax year 1993 was denied.

The Commissioners signed order giving tax relief for tax year 1994 to Gordon Sutphin.

The Commissioners received and reviewed Dog Warden Report for the Month of November.

The Commissioners signed order to Joyce Gibson, Assessor of Clay County informing that the request of Kenneth J. Cutlip and his wife Hilda property now assessed in Fayette County but located in Clay County be moved from the Fayette taxing system to Clay County.

Discussion was held regarding the appointment of a board member to the Kanawha Falls Public Service District.

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

The Commissioners received and reviewed list of "refusals to pay" associated with the Emergency Telephone System for the month of October, 1995.

Ms. Holly informed the Commissioners she had talked with the Assessor's Office regarding preparing a list of the bed and breakfast, motel and hotels in the Fayette County area for the Hotel Occupancy Tax; Ms. Holly asked the Commission if they knew of any other names that

should be added to the list; Ms. Holly informed the Commission she would be checking with Cindy Whitlock for other hotel/motel, bed and breakfast's that might not be on list.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to question the Commission about what information they wanted in lease he is to prepare for the Whipple Community in Action.

Commissioner Witt questioned Mr. Harris about the lease for the Fayette County Historic Society. Mr. Harris informed Commissioner Witt he would check lease.

Commissioner Lopez informed the Commission he was getting pressure from the residents in the Valley regarding the appointment of Zoning Board of Appeals appointment. Discussion was held regarding Roy Young resident being at Bell and having a post office box in Gauley Bridge, Commissioner Lopez asked Mr. Harris what could be done regarding this. Mr. Harris suggestion was that the citizens file petition.

Commissioner Lopez made motion to appoint Percy Mosley member of the Kanawha Falls Public Service District due to the death of Joe J. Craffey, to fill the unexpired term. Commissioner Carte seconded. All approved. Vote passed 3 - 0. Order signed.

Commissioner Carte made motion to reappoint Fred Waugh to the Board of Zoning Appeals. Commissioner Lopez seconded. All approved. Vote passed 3 - 0. Commissioner Witt informed they would consider appointment of other two members in January, 1996.

Attorney Pat Hamilton presented before the Commission a letter from the Department of Veterans Affairs regarding the Estate of Orland L. Nichols informing that the present corporate surety bond in the amount of \$40,000 can be reduced to \$33,000 and still cover the estate on hand plus anticipated income. Commissioner Carte made motion that bond be reduced from \$40,000 to \$33,000 by recommendation of the

Department of Veterans Affairs. Commissioner Lopez seconded. All approved. Vote passed 3 - 0.

Commissioner Lopez informed the Commissioners that Earl Pauley, Park Superintendent had confronted him about the natural gas that is being used in the police cruisers were causing a lot of air filter problems. Commissioner Witt informed the Commissioners he would talk with Mark Lokant at the West Virginia Gas Company and ask that he get with the Company at Morgantown for answers as to what is causing these problems.

Commissioner Carte made motion that the payroll for December 15 and December 30, 1995 be approved. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners that Debbie Aliff, Payroll Clerk have prepared overtime for the 15th payroll, but need the Commission to approve writing part-time checks for the 30th since the Commission would not be meeting again until January 3, 1996. This was approved.

Ms. Holly informed the Commissioners she had advertised for bids for repair, rebuild, lamination and replacement work and materials for record books in the County Clerk Office, informed the Commission she received only one (1) bid from Thomas V. Malone. The Commissioners received and reviewed bid. Commissioner Carte made motion that proposal of Mr. Malone to repair and rebuild books for County Clerk's Office be approved. Commissioner Lopez seconded. All approved. Vote passed 3 - 0.

Ms. Holly informed the Commissioners she received list of poll workers from the Executive Committee for the Special Election being held February 3, 1996. The Commissioners received and reviewed. Commissioner Lopez made motion that the list be approved subject to the

Voter's Registration Office checking to see if each poll worker are qualified to work. Commissioner Carte seconded. All approved order signed.

Minutes of November 29, 1995 and December 6, 1995 were signed and approved.

The Commissioners signed letter authorizing that Sam Parsons sleeping room, meals, room guarantees, parking fees be charged to the Fayette County Commission while he is attending the National Crime Information Center (NCIC) West Virginia Automated Police Network (W.E.A.P.O.N.) Class in Point Pleasant, West Virginia.

The Commissioners received and reviewed letter from State Tax Department regarding the Pocahontas Land Company questions concerning the 1995 tax year appraisal.

The Commissioners received and reviewed from Gary Harding, Zoning Officer results of investigation of complaint of Danny Angus regarding right-of-way of 1.27 acres at Armstong Creek. Mr. Harding informed the Commissioners he had talked with Gary Young regarding not blocking the right-of-way, Mr. Young agreed he would not block right-of-way.

The Commissioners signed order transferring the balance of the Fayette County General School Fund 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 magistrates, amount \$72,801.70.

The Commissioners received and reviewed letter from Sheriff Bill Laird requesting that reimbursement be made to John Doppleman for two tracts of land listed as delinquent (Name: Joyce Bateman-Oil and Gas Royalty, New Haven District, Assessor's Acct. #08160973; Name: Ernest Edgar Wilson-Oil and Gas Royalty, New Haven District, Assessor's Acct. #08160982). The review of this sale now shows that this property was improperly sold due to the fact that it had previously been sold to the

State of West Virginia and was sold again by the Deputy Commissioner of Delinquent and Forfeited Lands Kevin Burgess, the deed was recorded in the name of Vandalia Aviation, Inc. On September 28, 1994, but was not correctly indexed by the Clerk of the Fayette County Commission until February 23, 1995. The Commissioners approved to pay to John Droppleman \$853.54 total refund.

The Commissioners received and reviewed from Vision Service Plan renewal of contract for February 1, 1996 through January 31, 1998. Commissioner Carte made motion to approve and sign two (2) year renewal for Vision Service Plan. Commissioner Lopez seconded. All approved contract signed. Vote passed 3 - 0.

The Commissioners received and reviewed copy of letters from Prosecuting Attorney's Office informing of salary adjustments for Thomas Steele (\$22,000 to \$25,000) and Theresa Gentry (\$12,000 to \$14,000), effective January 1, 1996.

The Commissioners received and reviewed list of 911 calls for the month of November, 1995.

The Commission signed Park Report for the month of November, 1995.

The Commissioners signed request for reimbursement for the month of November for the Juvenile Justice and Delinquency Prevention Program Grant.

The Commissioners received and reviewed copy of accident from Sheriff Bill Laird regarding shooting of firearm at the resident of Deputy Robert Godsey. Ms. Holly informed the Commissioners that copy of accident report had been forwarded to Jim Lively Insurance.

The Commissioners received and reviewed copy of requisition from the Extension Office requesting purchase of National Ag Safety Disc (CDROM), cost \$45.00. This was approved. The Commissioners suggest to hold request for outdoor lights (dusk to dawn) or (motion) for lighting



of the driveway and back entrance to Extension Office. Commissioner Witt suggested looking at the first of the week.

Ms. Holly informed the Commissioners she would be advertising for the interior carrier wheelchair lift at the Memorial Building.

Ms. Holly informed the Commissioners she received leasing information regarding lease purchase program for automobiles from WV Municipal League. Ms. Holly informed the Commission she received this in the mail this morning and has not had a chance to review.

The Commissioners asked Ms. Holly to prepare letter to the Fayette County Board of Education and ask if they could use a 3600 IBM System in any of the schools, the Commissioners asked Ms. Holly to inform them that there would be no charge for equipment.

Ms. Holly informed the Commissioners she had seven (7) days of vacation to use and informed the Commission she would be using some before the new year if that was okay with them or could carry some days over to 1996 if approved. The Commissioners informed Ms. Holly it was okay for her to take vacation days.

Ms. Holly informed the Commissioners that Kelvin Holliday, County Clerk informed her that the ballot room needs to be unlocked, Wednesday, December 20, 1995 (8:00 a.m.) to clean for election, locks will need to be put back when finished. The Commission asked that the time be changed to 9:00 a.m. instead of 8:00 a.m. Commissioner Lopez gave permission for Commissioner Witt to use his key to unlock.

The Commissioners received and reviewed report from the Department of Health and Human Resources regarding Gauley River Public Service District sanitary survey of the water system.

Ms. Holly asked the Commissioner if they wanted to discuss the County Parking Lot and a Leash Law for the county. Ms. Holly presented letter from Pamela Angus informing of her support of a leash law for

Fayette County. The Commission informed will discuss after the first of the year.

Commissioner Witt informed the Commissioners he had been approached by the Upper Kanawha Valley (UKV) asking why the Fayette County Chamber was included in receiving a percentage of the Hotel Occupancy Tax and they weren't included. Discussion was held; the Commission suggested getting together with Upper Kanawha Valley (UKV), the Fayette County Chamber and Charlotte to see if they could work something out. Ms. Holly advised the Commission the Fayette County Chamber was not receiving a portion of the tax but that the tax was going to the Visitors Center housed in the Chamber building.

Ms. Holly informed the Commission she received notice from the Public Service Commission that for Gauley River Public Service District boundary adjustment the county would have to submit a description of the entire district instead of a description of the area affected by the boundary adjustment. Ms. Holly informed the Commission that Bob Blackburn and Cabbie Bennett are working on description.

Ms. Holly informed the Commissioners she received letter from Secretary of State Ken Hechler regarding any precincts changes. Ms. Holly informed the Commission she will be checking with the Board of Education regarding the unused schools.

The Commissioners received and reviewed a copy of a letter to Tom Aiello, Assessor, from Attorney Pat Hamilton requesting tax relief on his personal property assessed as of July 1, 1990. The Commissioners asked that Pat Hamilton come in on January 15, 1996 if available.

The Commissioners received and reviewed Delinquent List from Sheriff Bill Laird.

The Commissioners made motion to go into Executive Session.

Upon return the Commission informed no action required on

Executive meeting.

The Commissioners received and reviewed letter from One Valley Bank regarding the County Commission of Raleigh County, Fayette County and Nicholas County, West Virginia Municipal refunding Collateralized Mortgage Obligations (MR CMO) Series 1990-A, and Series 1990 B.

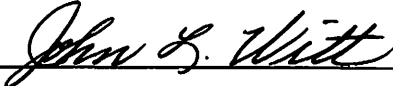
The Commissioners received and reviewed letter from Prosecuting Attorney Paul Blake regarding granting a leave of absence for Ardith McKinney.

The Commissioners received and reviewed fax from Delegate John Pino regarding the letter John Hutchens wrote to the Department of Commerce, Labor, and Environmental Resources.

The Commissioners received and reviewed Audit Report of Fayette County for the fiscal year ended June 30, 1993.

The Commissioners received and reviewed notice from Workers' Compensation Division regarding Harold Wayne Conner.

The meeting was adjourned at 11:40. Next scheduled meeting is January 3, 1996.

  
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