

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 10, 1997
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 10th day of April, 1997.

Commissioner Witt called meeting to order at 9:40.

Exonerations were approved and signed.

Steve Cruikshank and David Neal appeared before the Commission to discuss the refinancing of the 911 lease contract. Commissioner Carte asked Steve if all new pagers would have to be upgraded. Steve informed yes. The Commission informed Steve they are not willing to pay for additional pagers and will only upgrade pagers for volunteer ambulance services not private. The Commission informed the private owners would have to pay to upgrade their own pagers. Steve informed the Commissioners the cost of the pagers would be \$346.20 each and that 10 pagers would be needed. Commissioner Carte moved to sign 911 lease contract refinancing as discussed with the exception of purchasing pagers for privately owned ambulance services. Commissioner Lopez seconded. All approved. Ms. Holly informed the Commission that the Prosecuting Attorney's Office had reviewed and okayed agreement.

The Commissioners signed application to operate pool at the Fayette County Park.

The Commissioners signed letter authorizing Thomas Aiello, Assessor, Harvey Young, Dianna Dyke, Mary Weatherford and Tom Lilly sleeping rooms, meals, room guarantees, and parking fees be charged to the Fayette County Commission while they are attending the 1997 Annual In-Service Training Seminar being held May 18th-21st.

The Commissioners signed letter to the Elected Officials and

Department Heads asking for their input to assist in establishing times which will accommodate their office needs and help to determine reasonable times to establish for unlocking and locking the outside doors of the Courthouse facilities by the janitors due to the recommendation by the Supreme Court regarding security at the courthouse.

The Commissioners signed a letter to the Elected Officials and Department Heads informing that the office supply/postage machine room will remain locked at all times; each officeholder is to designate an employee to open and relock door; they are to see Ms. Holly to be issued a key.

The Commissioners received from Dave Pollard, Community Resource Coordinator, a letter requesting that funding to remove dilapidated structures be included in the Legislative Digest.

The Commissioners signed letter to Senators Shirley Love, Randy Schoonover, Delegates Tom Louisos, John Pino and William Laird with a Legislative Digest funding request in the amount of \$25,000 for the purpose of identification, notification and disposal efforts to remove dilapidated structures in Fayette County.

The Commissioners signed Sales Tax Report for the month of March.

The Commissioners signed Zoning minutes for Zoning hearing held March 26, 1997 before the Commission.

The Commissioners received letter from Judge John Hatcher regarding the S-10 Chevrolet pick-up truck that was ordered forfeited. Ms. Holly informed the Commission that according to the order the truck had to be titled to the Fayette County Sheriff's Department; the Commission signed title transferring the S-10 Chevrolet pick-up truck over to the Fayette County Sheriff's Department.

The Commissioners signed Green Thumb agreement.

David Sneed and several concerned citizens for the Committee for Safety on Route 19 appeared before the Commission. Mr. Sneed presented to the Commission a written statement of their concerns regarding the safety on Route 19. The Commissioners informed Mr. Sneed that they endorsed the efforts of the Committee to improve safety for motorists traveling US Rt. 19. Mr. Sneed asked the Commission to prepare a resolution in support of the overpass. Commissioner Lopez made motion to prepare resolution in support of the overpass. Commission Carte seconded. Motion approved 3-0.

Ms. Holly informed the Commissioners that Greg Isaacs with Crews and Associates had called and would not be able to attend the meeting regarding the 1985 Mortgage Revenue Bond Issue and had asked if the Commission would sign a resolution authorizing Crew and Associates to prepare and present a bond refunding program. Commissioner Lopez moved to adopt resolution; Commissioner Carte seconded. All approved.

Commissioner Witt asked for a motion to go into Executive Session to discuss personnel matter. Commissioner Lopez made motion to go into executive Session to discuss personnel matter. Commission Carte seconded; unanimous.

Commissioner Lopez made motion to go back into Regular Session. Commissioner Witt seconded; unanimous.

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

Ms. Holly informed the Commission that a letter was sent to Alan Hess notifying him that a hearing has been scheduled for 9:30 a.m., April 30th regarding his request for a credit on the overpayment of previous taxes. Ms. Holly informed the Commissioners that a copy of the letter was sent to Donald Hebb, the Assessor, and the Prosecuting Attorney.

John E. Lewis appeared before the Commission to ask to have Herman James removed as Committee over the Estate of John Hubert Lewis. Discussion was held; Commissioner Carte questioned Linda Johnson about the Estate. Ms. Johnson informed that on March 14, 1997 James Blankenship was appointed Fiduciary Commissioner due to bills from the hospital not being paid; Ms. Johnson informed Mr. Lewis that before anyone can be appointed Herman James would have to give a final accounting of the Estate. Commissioner Lopez asked Ms. Holly to call Mr. Blankenship over to discuss matter. Mr. Blankenship appeared and informed the Commission they have nothing to do with Committee Appointments anymore and that everything is handled in the Circuit Court. Mr. Blankenship also informed Mr. Lewis he would be sending a letter to Mr. James asking for an accounting of John Hubert Lewis Estate.

Bernard Hall and Kermit Foster appeared before the Commission with complaints and concerns regarding the operations of the Georgia-Pacific Plant located at Mount Hope. Mr. Foster informed that particles in the air from the plant settles in nearby homes and vehicles; Mr. Hall also complained about the odor. Commissioner Carte asked if they had made a complaint to Carl Beard with the Odor Control Dept. The Commissioners asked Mr. Hall and Mr. Foster if they had made complaints to the City of Mount Hope; Mr. Hall and Mr. Foster informed yes. The Commissioners informed they could not do anything about the problem. Commissioner Witt informed he would have Ms. Holly draft letter to the Georgia-Pacific Plant Manager and inform him of their complaints.

The Commissioners received and reviewed letter from Mountain Transit Authority requesting for a certified letter of the funding amount the Commission has appropriated for Mountain Transit Authority for fiscal year 1997-98.

Ms. Holly informed the Commission that the Central Appalachia Empowerment Zone (CAEZ) will be having a public hearing to elect new Board members; Ms. Holly to advertise for meeting.

Commissioner Carte informed the Commission he would like to make a motion to appoint Dave Perry and Bruce Coleman to the Fayette County Planning and Zoning Commission. Discussion was held; Commissioner Witt suggested deferring until next meeting. Commissioner Lopez made motion to appoint David Perry and Bruce Coleman to the Fayette County Planning and Zoning Commission. Commissioner Carte seconded. Commissioner Witt abstained from voting. Vote passed 2-0.

Ms. Holly informed the Commission that as of today the Dog Tax Fund balance is \$458.76 and that the Commission is behind with the Fayette County Humane Society contributions for the months of February, March, and April. The Commissioners asked Ms. Holly to prepare an order transferring \$5,000 from the General County Fund to the Dog Tax Fund to pay monthly contributions from February thru June to the Fayette County Humane Society for fiscal year 1996-97. The Commissioners signed order.

Ms. Holly informed the Commission that David Neal, 911 Coordinator, informed her of vandalism at the communication tower and station on Mann Mountain. Ms. Holly informed the Commission that a memo had been given to the deputies regarding the vandalism. Ms. Holly informed she sent notice of the vandalism to the insurance.

The Commissioners received and reviewed Operating Expense Report from Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed minutes and Audit Report for June, 1996 from Gauley River Public Service District.

The Commissioners received and reviewed repair cost for the month of March for maintenance on vehicles.

The Commissioners received and reviewed letter from Kelvin

Holliday, County Clerk, regarding purchasing of records books. The Commissioners approved.

The Commissioners approved to purchase seal for the County Clerk's Office.

Commissioner Lopez asked about the term of Roy Young with the Kanawha Falls Public Service District. Ms. Holly informed the Commission she received a letter from Kanawha Falls Public Service District requesting the reappointment of Mr. Young but his term does not expire until September, 1997. The Commissioners asked Ms. Holly to write a letter to Percy Mosley asking him to resubmit recommendation to the Commission in August, 1997 for the September 1, 1997 appointment. Letter signed.

Ms. Holly informed the Commissioners she received application for the Governor's Summer Youth Program, and the application deadline is April 15th. Ms. Holly informed the Commission that Earl Pauley, Park Superintendent informed her he did not want to participate. Discussion was held; Ms. Holly informed the Commission that the program this year is only running for 3 weeks. Commissioner Lopez made motion not to participate. Commissioner Carte seconded. Unanimous.

The Commissioners received and reviewed resume for employment from Courtney Jeffries.

The Commissioners received and reviewed letter from Chief Magistrate Mike Parsons that the heat and air conditioning override switch be moved; Mr. Parsons informed he had checked with Bob Massey in maintenance and was told by Bob it would be easy to do.

Ms. Holly informed the Commissioners she had checked with Bob, and he had asked if he could work the evening shift to move the override switch. The Commissioners approved.

Ms. Holly informed the Commissioners she received a request from

Sheriff Larry Dotson on April 8th for extradition expenses for transportation of prisoners in the amount of \$500.00. Ms. Holly told the Commissioners check was prepared; approved.

The Commissioners received and reviewed check from the Helicon Group LP for franchise fees for the period January 1, 1997 to March 31, 1997, amount \$5,226.05.

Ms. Holly informed the Commissioners she received a call from Jessie Coles, property owner in Meadow Bridge, regarding the sale of her property at Sheriff's Delinquent Sale. Ms. Holly told the Commissioners that this was not a matter for the Commission and suggested that Ms. Coles contact Kevin Burgess, Delinquent Land Commissioner.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that a sanitary survey was initiated on the Winona Water Association Public Water Supply.

Ms. Holly informed the Commissioners she would be meeting in the morning with Roy Coleman, contractor, about the steps on the embankment at the Library and the sidewalk on the Maple Avenue side of the Courthouse.

Ms. Holly presented Memo from Dave Pollard, Community Resource Coordinator, regarding the cost of a Computer System for his office. The Commissioners reviewed the information regarding the Computer System. The Commissioners asked Ms. Holly to talk with Dave about the purchase. Commissioner Lopez and Commissioner Witt approved. Commissioner Carte voted no.

The Commissioners received and reviewed proposal from Building Services, Inc. for the installation of drains on the Fayette County Health Department roof, cost \$1,200. Discussion was held; Commissioner Witt asked that Bob Massey or Earl Pauley review the proposal before

approved.

Commissioner Lopez asked the Commission what they were going to do with the vacant Smithers Sheriff's Detachment Building. It was suggested by Commissioner Lopez to sell for \$500.00. Discussion was held; the Commissioners asked Ms. Holly to advertise for a public auction on April 30th.

Ms. Holly informed the Commission that the Smithers Detachment is complete and she would be submitting a request for reimbursement of \$15,000.39 to the Community Development Office.

The Commissioners received and reviewed memorandum from Judge John Hatcher asking that all requests made to or of the Fayette County Commission or the Fayette County Administrator by the Magistrates, Magistrate Clerk, or Family Law Master be routed through the Chief Judge first.

Ms. Holly asked the Commissioners if they wanted to renew the County's account with Sam's Club. The Commissioners informed yes.

Ms. Holly reminded the Commissioners that the closing date for the Optional Life Insurance open enrollment is tomorrow, April 11.

Ms. Holly informed the Commissioners that the Recycling containers were in, and the program starts May 1st.

The Commissioners received and reviewed a check in the amount of \$29,076.07 for the Emergency Telephone System for the month of February, 1997.

Ms. Holly informed the Commissioners she received budget request from the West Virginia Prosecuting Attorneys Institute for fiscal year 1997-98. Ms. Holly informed the Commissioners the letter was received after the budget was complete.

The Commissioners approved requested of Sheriff Dotson to purchase a portable breath testing machine to be used as a part of the duties of

administering the Home Confinement Program, cost \$295.00.

The Commissioners received and reviewed letter from the Upper Kanawha Valley Economic Development Corporation (UKVEDC) asking the Commission to financially support the program.

Outstanding bills were approved.

The Commissioners approved for Charlotte Holly, Administrator, to attend The Fundamental Issues in Human Resources Law Seminar being held April 24, 1997.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the West Virginia Development Office and the State Fire Marshall's Office are cosponsoring a series of building code training sessions during the week of May 19, 1997.

The Commissioners received and reviewed fax from the West Virginia Association of Counties of a list of moving bills in the Legislature that will have an impact on County Commissioners.

The Commissioners received and reviewed a complaint from General Ambulance Service, Inc. regarding the dispatch of an ambulance on April 1, 1997. The Commissioners received and reviewed response from David Neal, E-911 Coordinator, regarding the complaint.

The Commissioners signed letter to Columbus Airport Authority verifying that John E. Lewis did appear before the Commission at 11:00 a.m.

Ms. Holly informed the Commission that she received a letter from One Valley Bank regarding Raleigh County, Fayette County and Nicholas County, West Virginia Special Obligation Refunding Bonds, Series 1992 informing that a Certificate of Rebate is due to be filed with the trustee by July 1st. Ms. Holly informed the Commission that she had contacted Charlotte Morgan with One Valley Bank and had been advised by Ms. Morgan that the audit firm usually issues the Certificate of rebate

and for the Commission to disregard the letter.

The Commissioners signed letter to Senator Robert Plymale informing that the Commission supports the West Virginia County Commissioners' Association and the West Virginia Association of Counties in opposing the Deputy Sheriffs' Retirement Legislation.

The Commissioners signed memo to Jerry Synder and Scott Light, maintenance, informing that effective immediately, the Commission has established their working hours at the Courthouse based upon the understanding that they do not take a lunch break, to be from 4:00 p.m. until 10:00 p.m., Monday through Friday. Two fifteen (15) minute breaks shall be allowed during these working hours. The Commission informed Mr. Light and Mr. Snyder that the schedule will be subject to change if complaints of work make it necessary to make an adjustment.

The meeting was adjourned at 12:35. Next scheduled meeting is April 15, 1997.



4/10/97

Committee for Safety Rt. 19

Mae Workman

Wamon Workman

Rodney M. Wightman

Bill L. Withers

George Kallai

David Sneed

FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 15, 1997

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 April, 1997.

Ronnie Taylor, concerned citizen, appeared before the Commission to inquire about the Commission's decision to endorse the Committee for Safety on Route 19. Mr. Taylor informed that he was not in favor of David Sneed's Plan. Commissioner Witt informed he thought the Route 19 study would make a big change to Fayette County.

Ms. Holly presented to the Commissioners a letter of approval from the State Tax Department of the Levy Estimate (Budget) for fiscal year 1997-98; Ms. Holly informed the Commission the State Tax Department added several accounts to the new Uniform Chart of Accounts and the Commission needed to revise the proposed budget for Transfers from the Magistrate Court Fund and the General School Fund to these new revenue accounts. The Commissioners signed order approving Levy Rates.

The Commissioners signed certification letter to Mountain Transit Authority informing they were appropriated \$1,500 for fiscal year 1997-98.

The Commissioners signed letter to Georgia-Pacific Corporation informing the Commission had received complaints and concerns from area residents regarding the operations of the Georgia-Pacific Plant.

The Commissioners signed invoices to the City of Fayetteville, City of Oak Hill, City of Mount Hope for the costs paid by the Commission for confinement of prisoners at the Southern Regional Jail for the month of March.

The Commissioners signed request for reimbursement to the West Virginia Criminal Justice and Highway Safety for project D.A.R.E.

The Commissioners signed orders appointing Bruce Coleman and David

Perry to the Fayette County Planning and Zoning Commission.

Ms. Holly informed the Commission that she had prepared legal advertisement for auction of the Smithers Detachment Building.

Outstanding bills and payroll were approved.

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

The Commissioners received and reviewed a copy of the 911 statistics for the month of March.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent referred Perry Spencer with Fire Safety Products, Inc. to talk with her regarding inspection of fire extinguishers for the courthouse; Ms. Holly informed the Commissioners that Mr. Spencer presented proposal. Commissioner Witt asked Ms. Holly to check with Steve Cruikshank, Emergency Coordinator, about having the Fayetteville Fire Department take care of the extinguishers. Commissioner Lopez suggested holding off on Mr. Spencer's proposal.

Ms. Holly informed the Commissioners she had met with the contractor this morning regarding pouring steps at the Library embankment. The contractor told Ms. Holly that one of the parking meters had to be removed; Ms. Holly informed she had talked with Mayor Tom Woodrum regarding the matter. Ms. Holly told the Commission that the contractor will try to do the courthouse sidewalk at the same time and needed to have the maintenance staff break up the existing sidewalk as previously agreed.

Ms. Holly informed the Commissioners she talked with Bob Massey, maintenance, about the roof proposal for the Fayette County Health Department and he approved proposal. Commissioner Witt asked that someone be there when the job is started.

The Commissioners received and reviewed a copy of a letter from Attorney John Shumate to Workers' Compensation Division regarding William Hamilton, claimant protesting closing of his claim.

The Commissioners received and reviewed Audit Reports of the Fayette County Magistrate Court for periods ending December 31, 1991, 1992, 1993, 1994, and 1995.

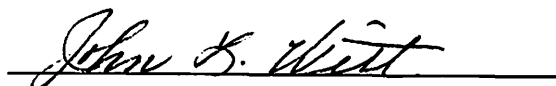
Ms. Holly reminded the Commission that the recycling program is to start May 1st; David Frercks, Recycling Coordinator, is to send letter to each department regarding the arrangements. Ms. Holly informed the Commissioners she gave Mr. Frercks permission to put up bins for aluminum cans.

Ms. Holly informed the Commissioners that they need to enter into an agreement with D.M. Salvage, located at Glen White who will be picking up the recyclable paper once a week at a cost of \$.08 cents a pound for shredding paper.

Ms. Holly informed the Commissioners that \$5,000 had been transferred from the General County Fund to the Dog Tax Fund for the Fayette County Humane Society, Ms. Holly asked the Commission if they wanted to go ahead and pay the entire balance for the fiscal year or if they wanted to just pay February, March, and April. Commissioner Lopez and Commissioner Witt said to pay February, March, and April now and to pay for May and June the first of each month.

The Commissioners reviewed letter that they had directed Ms. Holly to send to Gary Harding, Zoning Officer, reminding him that he is to be present and available in the Zoning Office from 8:00 a.m. until 12:00 noon and all county business requiring travel be scheduled in the afternoon.

The meeting was adjourned at 10:30. Next scheduled meeting is April 30, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 30, 1997
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 April, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Commissioner Witt introduced Tim Adams, Plant Manager, Dick Ramsey and Wayne Bailes of the Georgia-Pacific Corporation. Mr. Bailes invited the Commission to visit the plant.

Alan Hess appeared before the Commission with request for credit on overpayment of previous taxes. Mr. Hess was sworn in. Donald Hebb, State Tax Department and Dianna Dyke and Eddie Young from the Assessor's Office were present. Discussion was held; Mr. Hebb informed Mr. Hess that he needed more information. Commissioner Witt suggested that Mr. Hebb and Mr. Hess go over to the Assessor's Office to discuss the needed information. Commissioner Witt informed Mr. Hess that the Commission always takes the recommendation of the State Tax Department or Assessor. Commissioner Witt asked Mr. Hebb to check the information and come back with a recommendation.

Harold Bragg appeared before the Commission to discuss the use of radar by the City of Mount Hope Police on Route 19. The Commission asked Assistant Prosecuting Attorney Hamilton Skeens to get with Assistant Prosecutor Carl Harris regarding legality and get back with the Commission with a recommendation.

Ms. Holly presented to the Commission the revised copy of the application to the West Virginia Infrastructure and Jobs Development Council for the New Haven water project.

Ms. Holly informed the Commission of receipt of service of two (2) different law suits and of letter from ITT Specialty Risk Services acknowledging receipt of Donald Burford, etal v. Kroger Company law suit. Ms. Holly informed the Commission ITT is reviewing the insurance policy to see if the Kroger law suit falls under the umbrella coverage; Commissioner Witt informed the Commission that they would take the recommendation of Assistant Prosecuting Attorney Carl Harris. Ms. Holly informed the Commissioners that copies of the law suits had been forwarded to Jim Lively Insurance Agency and to the Prosecuting Attorney's Office.

Ms. Holly informed the Commission that an AFLAC representative was in to see her and asked if the Commission would give him permission to set up a table to talk with the employees about upgrading or applying for AFLAC coverage. The Commission approved.

Commissioner Lopez asked that the Commission meeting scheduled for May 15th be moved to May 14th. Approved.

John Shrider appeared before the Commission to oppose the shooting range. Commissioner Lopez informed Mr. Shrider that Senator Love had suggested the range but that the Commission has abandoned any ideas for a shooting range at Camp Abbot and has asked the Sheriff to curtail shooting on Sunday at the Law Enforcement range. Commissioner Carte suggested getting some ideas on trout fishing to dam Laurel Creek for trout ponds. Dave Pollard is working on a grant application.

Ms. Holly informed the Commission that she received an application from John David for Southern Appalachian Labor of School (SALS) to sponsor a worksite for the Governor's Summer Youth Program (GSYP). Ms. Holly informed the Commissioners that the application was filed after the deadline; the Commissioners asked Ms. Holly to write a letter to the Governor requesting that the application be approved.

The Commissioners signed letters approving budgets for fiscal year 1997-98 to Thelma Kincaid, Circuit Clerk, Paul Blake, Jr., Prosecuting Attorney, Thomas Aiello, Assessor, Larry G. Dotson, Sheriff, Mary Lou Schmidt, Extension Agent, Kelvin Holliday, County Clerk and G. Lee Massey, Chairman, Planning and Zoning Commission.

The Commission approved \$225 for Camp Supplies for Fiscal Year 1997-98 for the Extension Office.

Gary Harding, Zoning Officer presented the following cases to the Commission for a disposition: Z-433-97-1: Request of Ronald Swyers, owner, for a change in land classification from LC, Land Conservation District, to B-1, Neighborhood Business District, on lots 63 thru 70, Fairview Addition, located on Kanawha Falls Road, Valley District.

The applicant was not present. Gary Harding, Zoning Officer, notified the Commission that the applicant had called on Monday and requested that his request be continued because of illness but that the Planning Commission did decide to go on with the hearing since 18 people were present in opposition. Several of those did attend the Commission meeting. Gary Harding informed the Commission that the Planning Commission did by a vote of 12 to 0 recommend that this request be denied; after a brief discussion a motion was made by Commissioner Carte that this request be denied as recommended. Commissioner Lopez seconded. All approved, vote passed 3-0.

Z-434-97-1: Request of Cherokee Limited Liability Company, owners, by Morgan Bracken, for a change in land classification from RR-1, Agricultural and Rural Residence, to B-2, General Business, on 5.413 acres, Whitlock farm, located at Maple Lane and Route 19, New Haven District.

Attorney James Blankenship and Morgan Bracken were present for the proposed complex. Gary Harding informed the Commission that the

Planning Commission did by a vote of 13 to 0 recommend that this request be approved; after a brief discussion a motion was made by Commissioner Carte that this be approved as recommended. Commissioner Lopez seconded. All approved, vote passed 3-0.

David Neal, 911 Coordinator and Steve Cruikshank, Director of Emergency Services appeared before the Commission to discuss a personnel wage increase for 911 employees. Commissioner Witt informed he had been approached by a 911 employee questioning him about an increase that was promised after his probation period was completed. Discussion was held; Commissioner Witt informed he had no problem implementing the raise when funds became available. The Commission approved the wage increase dependent upon availability of funds after the refinancing. The Commissioners approved retroactive \$.15 an hour for 3 employees under the old system.

Commissioner Witt informed it was suggested by the Fayette Transition Team that Mike Martin, Scott Legg and Debbie Laird be approved as members of the Transition Team. The Commission approved.

Dave Pollard, Sandy Tucker, Guy Dooley and Ann Skaggs with the Fayette Transition Team appeared before the Commission regarding dilapidated buildings in Fayette County. The Transition Team is requesting authorization from the Commission to move to the next level to get things back up and running regarding cleaning up of old dilapidated buildings. They requested that the Commission send notices to property owners and to have Tim Richardson inspect property to see if cleaned up and report the status. Assistant Prosecuting Attorney Carl Harris said he would review the West Virginia Code on the matter. Commissioner Witt questioned about the liability insurance as to using volunteers to assist with the cleaning.

Sandy Tucker presented a plan to the Commission asking them to

consider applying for a grant in September; Ms. Tucker informed the Commission that she would be willing to work. No decision was made.

Ms. Holly informed the Commission that Jackson and Kelly had requested a copy of the loan agreement for the Kroger Company Bond issue. Carl Harris advised the Commission to charge \$1.25 for the first two pages and \$1.00 for each additional page.

The Commission adjourned for advertised auction at 11:30 a.m. to sell the old Smithers Detachment building. Commissioner Witt returned and informed the Commission that there were no bids on the building and suggested talking with Earl Pauley, Park Superintendent, about moving the building to the Fayette County Park. Approved.

Discussion was held regarding a complaint received about a sign along Route 19.

Payroll and outstanding bills were approved.

The Commissioners signed contract agreement for the Fayette County Health Department for fiscal year 1997-98, amount \$5,000.00.

The Commission signed a letter to the West Virginia Department of Health and Human Resources informing that for the fiscal year 1997-98, \$5,000.00 has been budgeted for mental health services for Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc.

The Commissioners received and reviewed Workers Compensation claims and reports.

The Commissioners received and reviewed from the Fayette Transition Team a copy of the West Virginia Stream Partners Program grant application.

The Commissioners received and reviewed Application for Employment from Arthur M. Gonzales.

Ms. Holly informed the Commissioners of the amended certificate of valuations she received from Tom Aiello, Assessor. Ms. Holly informed

the Commission she would have to submit a budget revision to the Department of Tax and Revenue.

The Commissioners received and reviewed minutes from the Deepwater Public Service District for the month of April.

The Commissioners signed a copier maintenance agreement with Appalachian Office Products.

The Commissioners signed a letter to the Supreme Court requesting reimbursement for rent in the amount of \$990.00 for the month of April for the Family Law Master offices.

Ms. Holly informed the Commissioners that Sam's Club had contacted her about renewing the County's membership; Ms. Holly informed the Commission that the cost would be \$25.00 plus tax for first member and \$10.00 each for additional members. The Commissioners approved and asked that credit cards be issued to John Lopez, Commissioner, Charlotte Holly, Administrator, Earl Pauley, Park Superintendent and Steve Cruikshank, Office of Emergency Services Director.

The Commissioners received and reviewed from Jackson and Kelly and the Public Service Commission filings for the West Virginia-American Water Company, New Haven Public Service District and County Commission of Fayette County (Case #96-1477-W-PWD-PC-CN) on the regional water project.

Ms. Holly reminded the Commission that Know Your Government Day is May 2nd.

The Commissioners approved payment of any and all invoices for services received from Software System, Inc. for work related to the Annual Financial Statement program or the operations of that program.

The Commissioners approved and signed letter of intent to upgrade the IBM AS/400 with PSAS 2000 applications from SCT.

The Commissioners received and reviewed letter from Armstrong

Public Service District requesting that Charles Walker be reappointed to serve as a Commissioner. The Commission approved; order signed.

The Commissioners received and reviewed information regarding the airbags and recalls of County vehicles. Ms. Holly informed the Commission that the originals had been forwarded to Earl Pauley, Park Superintendent.

The Commissioners received request for reimbursement of Fire Levy funds from Danese Volunteer Fire Department. The Commission approved.

The Commissioners received and reviewed the Election Costs Survey from the Secretary of State's Office.

Ms. Holly advised the Commissioners that she had forwarded to Chuck Steele the resolution adopted by the Commission on April 10 which authorizes Crews and Associates to determine the feasibility and benefits of refunding the 1985 Multi-County Mortgage Bond Issue and had included a letter advising Mr. Steele that the County does impose a 1/2% administrative fee for all bond issues and that this fee will apply to this issue and is to be included in all documents.

The Commissioners signed resolution relating to the safety of motorists traveling U. S. Route 19 in support of the Committee for Safety on U.S. Route 19.

Ms. Holly gave the Commissioners an update of the Coal Severance Revenues and fund balance.

Ms. Holly informed the Commission that the Sheriff's part-time employees line item is depleted for this fiscal year; \$6,000.00 has been spent. Ms. Holly informed the Commission that Larry Dotson, Sheriff, has requested that \$4,000.00 be added to the part-time employees line item. Commissioner Lopez made motion to add \$4,000.00 for part time help; Commissioner Carte seconded. All approved.

Ms. Holly informed the Commission that the official day to start

recycling at the Courthouse is May 1st.

Commissioner Witt asked the Commissioners to explore the idea of moving the trash dumpster from the rear of the Courthouse Annex parking lot to the stone building by the parking lot.

Ms. Holly informed the Commissioners she received a telephone call from David Neal, 911 Coordinator, informing her that the items that were stolen from the Mann Tower had been replaced.

Ms. Holly informed the Commissioners she had received a few responses from the Elected Officials regarding the opening and closing of the Courthouse. The Commissioners asked Ms. Holly to hold the information until the next meeting.

The Commissioners received and reviewed the response from Georgia Pacific Corporation regarding the complaint by local residents of dust particles originating from the plant in Mount Hope.

Ms. Holly informed the Commission that a check had been written to the New River Convention and Visitors Bureau for \$3,010.94 for third quarter hotel occupancy tax.

Larry Dotson informed the Commission that he would purchase a fax machine for the Smithers Detachment from the Sheriff's Concealed Weapons Fund. Approved.

The Commission approved the purchase of a fax machine for the Fayette County Park.

The Commission approved the request of John Witt to have the Register Herald delivered Monday-Friday to the County Commission.

The Commissioners received and reviewed a list of participating doctors for the Vision Service Plan.

Commissioner Carte suggested that the sidewalk from the Courthouse to Maple Avenue be replaced with flag stone; after a discussion, the Commission agreed to replace the sidewalk with concrete as it is now.

The Commissioners approved request of David Neal, 911 Coordinator, to hire Christopher Tabit and Janet Honey to fill the two part-time Communications Specialist positions; Mr. Neal also informed the Commission that Christopher Campbell, full-time Communications Specialist is resigning and asked for the Commission's approval to fill the position in the near future. Approved.

The Commissioners received and reviewed a copy of a letter from David Neal to the Division of Highways regarding a petition and map submitted by the residents of Oak Ridge Addition to change street names.

The Commissioners received and reviewed a letter from the City of Oak Hill regarding Harry Martin's unpermitted salvage yard adjacent to the City of Oak Hill. The Commissioners asked Ms. Holly to have Gary Harding, Zoning Officer check the property.

The meeting was adjourned at 12:50. Next scheduled meeting is May 7, 1997.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 6, 1997
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 6th day of August, 1997.

Commissioner Witt called meeting to order.

Ms. Holly informed the Commissioners she have prepared letter to the Women's Resource Center with copies of paid invoices and check requesting reimbursement in the amount of \$11,379.00; Ms Holly informed the Commission they had set up a grant to purchase PC for the Women's Resource Center under the condition that the Commission would be reimbursed for fiscal year 1996-97 under the federal grant STOP Violence Against Women Program. Letter signed.

The Commissioners signed order appointing James L. Blankenship, III Special Fiduciary Commissioner due to the resignation of Thomas E. Myles.

Ron Wriston appeared before the Commission to thank the Commission for their help during the mud slide in the Armstrong Creek area.

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

The Commissioners signed request for reimbursement to the West Virginia Criminal Justice and Highway Safety for Project D.A.R.E.

The Commissioners received/reviewed and signed Order regarding the Estate of Bensil Junior Long.

The Commissioners signed orders reappointing James Painter, Shirley Love, Jesse Bibb, Sam Dorado, and Dianna Smallwood to the Fayette County Planning and Zoning Commission.

The Commissioners signed order appointing the current President of

said Firefighters Association, Inc. to the Fayette County Enhanced Emergency telephone System Advisory Board effective August 1, 1997; term expires July 1, 2000.

The Commissioners signed order reappointing Roy Young to serve as a member of the Kanawha Falls Public Service District.

The Commissioners signed renewal of HVAC Service Agreement with Casto Technical Services, effective September 1, 1997.

The Commissioners received and reviewed letter from Lee Massey, Director, Fayette County Health Department to Southern West Virginia Health Council requesting that lease contract with Fayette County Health Department be terminated. The Commissioners asked Ms. Holly to give to the Prosecuting Attorney to review.

Ms. Holly informed the Commissioners she talked with Bob Massey, Maintenance Supervisor about getting stripes in front of steps going to the Fayetteville Library. Ms. Holly informed the Commissioners that Bob will be talking with the Town of Fayetteville regarding this matter.

The Commissioners received/reviewed and signed Fire Levy Fire Protection Agreements for Danese Volunteer Fire Department, City of Oak Hill, Armstrong Creek Fire Department and signed Fire Levy Pumper Replacement Agreement for the City of Oak Hill.

The Commissioners approved to pay contribution for lease payment to Rush Creek Land Company for the Fayette County Solid Waste Authority.

The Commissioners signed letter to the Town of Gauley Bridge informing that due to the latest of their request for funds for fiscal year 1997-98 the Commission did not include funding for the Community Center; however the Commission approved an appropriation for their request of \$1,250 (¼ of last fiscal year appropriation). The Commissioners approved to pay the West Virginia State Bar dues for the Prosecuting Attorney only.

The Commissioners received and reviewed franchise tax fee for Rifkin Communications Partners, L.P. and TWFanch-One Company for the period from April 1, 1997 through June 30, 1997.

The Commissioners signed order approving the Democratic Executive Committee and the Republican Executive Committee lists of Election Officials for holding the Statewide Special Election being held September 25, 1997.

The Commisisoners approved Paul McGraw and John W. (Bill) Hill to act as Emergency Ballot Commissioners for the Statewide Special Election.

The Commissioners received and reviewed Polling Places for Statewide Special Election. Discussion was held regarding the closed Falls View Elementary and Glen Jean Elementary Schools. Commissioner Lopez suggested checking with Bill Arthur regarding the Falls View Elementary School and asked Ms. Holly to check with the Board of Education.

Commissioner Witt called for a motion to designate Polling Places with the exception of Glen Jean and Falls View Elementary Schools. Commissioenr Witt informed he would like to keep the same Polling Places. Commissioner Lopez made motion to approve Polling Places with the exception of the two closed schools. Commission Carte seconded. All approved.

Sheriff Larry Dotson and Thomas Aiello, Assessor appeared before the Commission to discuss lack of storage space at the Courhtouse Annex on the ground floor and asked the Commission if they had an alternate choice for storage. Commissioner Lopez suggested checking lease of the Jail Museum. The Commissioners informed Larry and Tom they would take under advisement.

Attorney John Shumate appeared before the Commission with final

petition for annexation by minor boundary adjustment of part of Lot Numbers 34, 35 and 36 and all of lots 37 through 86 of the Tubwiler Addition, in Plateau District, Fayette County, West Virginia and a 49.29 acre tract situate northeasterly from and adjacent to the Community of Kilsyth, Plateau District, Fayette County. No opposition. Terrell Ellis, Executive Director with Central Appalachia Empowerment Zone (CAEZ) and Mike Martin were present. Commissioner Carte moved that final petition for annexation be approved. Commissioner Lopez seconded. All approved. Mike Martin thanked the Commission.

Commissioner Witt informed the Commission he received a letter from Governor Cecil Underwood asking for help in convening a delegation of five active citizens from Fayette County to a Statewide Summit on West Virginia's Future being held October 5 and 6 in Charleston. Commissioner Witt asked Mike Martin to give brief explanation of the meeting. Commissioner Witt asked the Commission to approve Nancy Tissue, Eddie Young, Sam Calloway, Sally Hurst and Yvonne Snyder. Commissioner Lopez made motion to approve the five citizens to participate in the Summit on West Virginia's Future. Commissioner Carte seconded.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed check in the amount of \$29,387.67 for the Emergency Telephone System for the month of June, 1997.

Outstanding bills were approved.

The Commissioners received and reviewed letter from Thelma Kincaid, Circuit Clerk informing the Commissioners of Rose Morrison's resignation and that effective August 1, 1997 Cathy Jarrett would be employed as a full time employee at \$1,300.00 a month plus benefits.

Ms. Holly informed the Commissioners that micro-wave in employees

lounge has been replaced.

The Commissioners received and reviewed letter from the Criminal Justice and Highway Safety Division informing they have not received Financial Progress Report and Request for Reimbursement for the month of June for Project D.A.R.E.

The Commissioners received and reviewed letter from the Criminal Justice and Highway Safety Division informing they have not received Annual Progress Report for the month of June for Project D.A.R.E.

Ms. Holly informed the Commission that the new sign at the Danese Magistrate Office has been put up. Ms. Holly informed the Commission that Bob Massey reported to her that the boards on front steps and landings at the Danese Magistrate Office need to be replaced. The Commission approved to have steps replaced.

The Commissioners signed letters to Paul Roetsch, Chief Planning and Technical Assistance Division from Region 4 Planning and Development Council indicating that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council; the Commission feels that the Regional Development Plan/Overall Economic Development Plan Update adequately serves the requirements of the Overall Economic Development Program guidelines and that a separate document of the County is unnecessary.

The Commissioners received and reviewed letter from Judge John Hatcher requesting that the secretaries in the Probation Department have the capability at their desk to answer all incoming calls for all probation officers. Ms. Holly informed the Commission she would check into.

The Commissioners received and reviewed letter from Judge Hatcher inquiring about the panic buttons for the Circuit Clerk's Office. Ms. Holly informed the Commission she would advertise.

Commissioner Witt asked to get started on changing the telephone system. Commissioner Lopeze made motion to move rapidly to have the telephone system changed by September 1. Commissioner Witt seconded.

Attorney Fred Jesser appeared before the Commission and informed the Commission he had not requested a hearing on the Estate of Earl F. Winebrenner case; Mr. Jesser informed the Commission the request came from Harold Chambers, Assistant Attorney General and not him. Commissioner Carte made motion to hold hearing on the Earl F. Winebrenner Estate on October 15, 1997 at 10:00 a.m. with Harold Chambers. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed letter from Webster County Commission asking for assistance in the deputies incremental pay lawsuit. The Commission asked Ms. Holly to hold until August 15th meeting.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding the Frederick Shawnee Carter lawsuit.

Ms. Holly informed the Commission she received from Kelvin Holliday, County Clerk tourism information. The Commission asked Ms. Holly to hold.

Ms. Holly informed the Commissioners she would check with the Prosecuting Attorney's Office and Attorney Toad Conrad Office to see if they have any additional information regarding Elkem Metal.

The Commissioners received and reviewed property clean-up letter; the Commissioners suggested to Ms. Holly to refer the letter to Larry Parsons, Litter Control Coordinator with the Fayette County Solid Waste Authority.

The Commissioners approved for Charlotte Holly and Gene Carte to attend the Advanced Workers' Compensation seminar being held September 16, 1997 and the West Virginia Employment and Labor Law being held September 24, 1997.

The Commissioners signed letter to Roma Lively, Chairman Mossy Public Service District informing them that the Commission interest in recouping funds put into that district through the Governor's office, the Commisison asked that the monies be applied to construction of the Fayette Plateau Regional Water Project.

The Commissioners signed letter to Steve Eades inquiring about his availability to serve on the Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners received and reviewed letter from David Neal, E-911 Coordinator with quote from Means Lumber Company for materials and estimated labor to repair the Valley Tower site building.

The Commissioners received and reviewed letter from the Department of Tax and Revenue informing the Commissioners of the in-service training program for all County Commissioners will be held on August 17-19, 1997.

The Commissioners received and reviewed appreciation letter from Cellular One.

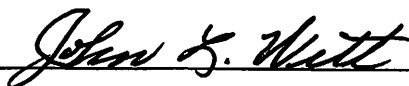
The Commissioners received/reviewed and approved invoices from Coleman's Construction.

The Commissioners received/reviewed and approved invoice from D&M Recycling.

The Commissioners received from Kelvin Holliday, County Clerk a copy of a fax from Casto and Harris informing they received the bid for the precinct kits and the ballots for the Statewide Election.

The Commissioners signed order accepting the depository bonds and/or the securities and agreements from the United National Bank, Fayetteville.

The meeting was adjourned at 11:46. Next scheduled meeting is August 15, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 15, 1997
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 August, 1997.

Commissioner Witt called meeting to order.

Exonerations approved and signed.

Discussion was held regarding using the Falls View Elementary School and the Glen Jean Elementary School for the election being held September 27, 1997. Commissioner Lopez informed he feel the County should be able to use the schools being as they just closed this year. Commissioner Witt informed the Commission that he had a meeting at the Board of Education today and he would check with Ray Carson.

Susan Williams with the Charleston Gazette questioned the Commission regarding the switchboard. Commissioner Lopez informed Ms. Williams the Commission would be eliminating the switchboard, calls would go directly into each individual office.

Outstanding bills and payroll were approved.

The Commissioners signed letter to Mine Management, Inc. asking that they cut overgrown weeds on their property located at Summerlee, West Virginia.

The Commissioners reviewed several complaints for cleanup of property. The Commissioner decided to hold off on any decisions.

The Commissioners received and reviewed copy of a letter to Maxine Blagg from Kelvin Holliday, County Clerk informing that he would be hiring Ms. Blagg part time for the Statewide Election.

The Commissioners received and reviewed letter from the West Virginia Development Office giving official notification that Fiscal

Year 1990 Small Cities Block Grant for White Oak Public Service District Sewer System Improvements Project is considered closed out.

The Commissioners received and reviewed letter from Webster County Commission regarding the deputies incremental pay lawsuit. The Commission asked to hold until next meeting.

The Commissioners signed the closing documents for the refunding bond issue for the Forty-four West Virginia Municipalities Single Family Mortgage Revenue Bonds, 1985 Series A and the Twenty-one Municipalities Single Family Mortgage Revenue Bonds, 1984 Series A.

The meeting was adjourned at 10:15. Next scheduled meeting is August 27, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 27, 1997
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 27th day of August, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners signed the Annual County Financial Statement for fiscal year ending June 30, 1997.

The Commissioners signed invoices to the City of Mount Hope, City of Oak Hill and the Town of Fayetteville for the confinement of inmates at the Southern Regional Jail for the month of July.

The Commissioners signed letter to Penelope Crandall, Director Family Law Masters requesting reimbursement for rent in the amount of \$990.00 for the month of August.

The Commissioners signed Fayette County Fire Protection Agreement for Loup Creek Volunteer Fire Department for July 1, 1997 to June 30, 1998.

The Commissioners signed letter to Dean Lockett, Principal, Fayetteville Middle School informing the Commissioners have decided that the Fayette Fine Arts Council did meet the public, non-profit guidelines and the \$500.00 rental fee will be waived.

The Commissioners signed letter to Robert Ware, District Manager, with Division of Highways requesting that the name of the road currently called County Route 19/57 be changed to "Cove Drive". The Commissioners received and reviewed copy of a letter approving said change from the Fayette County E-911 Coordinator.

The Commissioners signed letter to Robert Ware, District Manager,

with Division of Highways informing that the Fayette County Commission unanimously approve the proposed road name designation of "Missionary Church Road".

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed Certificate of Coverage from Workers' Compensation Division.

The Commissioners received and reviewed letter from Vision Service Plan informing the Commission they are addressing the problem concerning the inability of many computer systems to recognize dates into the year 2000.

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

The Commissioner received and reviewed letter from One Valley Bank informing the Commission they have entered into an agreement to transfer its bond administration businesses to The Bank of New York.

The Commissioners received and reviewed letter from West Virginia Association of Counties informing the Commission that the 1997 West Virginia Association of Counties (WVACo) Fall Board of Directors meeting is scheduled for October 5 - 7, 1997.

The Commissioners received and reviewed letter from Magistrate Mike parsons for repairs done to the Magistrate Court sign at Danese.

The Commissioners received and reviewed 911 Statistics Report for the month of July.

The Commissioners received and reviewed amended budget statement from Thelma Kincaid, Circuit Clerk informing the Commission she has hired Becky Neal for a full time part time employer with no benefits beginning August 18, 1997 through October 31, 1997, salary \$1,100.00 a month.

The Commissioners received and reviewed letter from the Bank of New York confirming they have acquired the Corporation Trust business portfolio of accounts from One Valley Bank in Charleston.

The Commissioners received and reviewed Notice of Full Redemption of the Multi-County Single Family Mortgage Revenue Bonds, 1984 Series A.

Ms. Holly informed the Commission she had received several calls regarding the no smoking signs on the doors; Ms. Holly informed the Commission she had talked with Lee Massey he informed her that it was discussed in their Board of Health meeting. Ms. Holly presented to the Commissioners a copy of the minutes from that meeting.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone System for the month of June, 1997.

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

Earl Pauley, Park Superintendent appeared before the Commission with several projects that he want the Commission to consider: 1) to fix bathhouse at the Park, estimated cost would be \$10,000.00. No decision made, the Commissioners asked ms. Holly to add in Legislative Digest; 2) Earl informed the Commission that cabin #3 need new roof, after discussion Commissioner Carte voted to approve new roof for cabin #3. Commissioner Lopez seconded. All approved; 3) Earl asked that the pool stay open until September 20th, approved.

Discussion was held regarding the amount of money made from the Haunted House, Earl informed the Commission of the extra overtime and extra his employees have to put in; Earl told the Commission he feel the Commission should charge rent. Discussion was held, Commissioner Lopez made motion to charge \$1,500.00 for rental of the Recreation Hall for haunted house. Commissioner Carte seconded. All approved.

Discussion was held regarding the size of the water line at the Park. Earl informed the Commissioners that West Virginia -American Water Company should replace water line and the park would need a bigger meter. Commissioner Witt informed he would try to find out more information regarding he meter and water lines.

Earl informed the Commissioners that the hourly wage will increase September 1 to \$5.15 an hour, Earl told the Commission that some his part time workers would be making more than Tammy Gill and asked the Commission if they would consider giving Tammy a \$.20 (\$5.35) wage increase effective September 1.

The Commissioners informed Earl that the cans that are being collected at the park any employee who want to take cans can have them. Earl informed the Commission he still have 14 recycling bins.

Gary Harding, Zoning Officer presented zoning cases to the County Commission for a disposition: Z-438-97-1: Request of Charles Kent and Becky Bandy, owners, by James R. Sheatsley, attorney, for a change in land classification from R-R, Agricultural and Rural Residence, to I-2, Heavy Industrial, on 58.515 acres, Turnpike, located on Route 60 between Lookout and Route 11, New Haven District.

Mr. and Mrs. Bandy were present. Gary Harding, Zoning Officer informed the Commission that the Planning Commission did by a unanimous vote recommend that an area 300' x 500' located 300 feet from the Caldwell's property be rezoned to I-2 to contain a bulk plant facility and that the approximate 5 acre site on the south side of Route 60 be zoned B-2 to allow the construction of a service station and store with a 50 foot buffer along the east property line remaining rural residential. The applicant also agreed to plant a double row of white pines 8 to 10 feet in height in a 15 foot strip in front of the bulk plant. Mr. Massey, Chairman of the Planing Commission, approached the

Commission requesting that the entire site be zoned planned development. After a brief discussion with Mr. Massey and Mr. Bandy a motion was made by Commissioner Lopez that this be approved to P-D. Motion was seconded by Commissioner Witt. After another discussion Mr. Lopez withdrew his first motion and made a motion that this request be approved as recommended by the Planning Commission. Motion was seconded by Commissioner Carte and passed by a vote of 3 - 0.

Z-439-97-1: Request of Roy L. Grose, owner, for a change in land classification from RR-1, Agricultural and Rural Residence, to P-D, Planned Development, on part of Lots 6 and 7, Minden Heights A Subdivision, located on Gatewood Road near Austin Street, Plateau District.

Mr. Grose was present. Gary Harding, Zoning Officer informed the Commission that the Planning Commission did by a vote of 6 to 4 recommend that this request be approved to allow the construction of 45 storage units. Mr. Grose showed the Commission the buildings which he intended to place on the site. Approximately 15 people were present in opposition to this request. Sue Gray presented a petition with 28 signatures of residents of the area opposing this request. After a general discussion a motion was made by Commissioner Carte that this request be denied. Commissioner Lopez seconded, motion passed by a vote of 3 - 0.

Z-440-97-1: Request of Barbara J. Neal, owner, by Sheila Ashley, for a change in land classification from LC-1, Land Conservation, to I-1, Light Industrial District, on Lot 1, Village of Mahan, located on Route 15 at West Virginia Turnpike, Valley District.

Gary Harding, Zoning Officer informed the Commission that the Planning Commission did by a unanimous vote recommend that this request be denied as presented. Sheila Ashley presented a request to the

Commission asking that this be sent back for consideration as B-2. Commissioner Lopez made motion that this be tabled and sent back to the Planning Commission for consideration as B-2. Commissioner Carte seconded the motion, vote passed 3 - 0.

Z-441-97-1: Request of Vicki Auxier, Daniel Parker and H. Burton Auxier, owners, for a change in land classification from L-C Land Conservation to RR-1, Agricultural and Rural Residence District, on 5 acres, Cannelton Coal old #8 mine located on Route 2, Cannelton Hollow, Valley District.

Gary Harding, Zoning Officer informed the Commission that this was actually 6.4 acres and that the Planning Commission did unanimously recommend this be approved to allow the applicant to use for a mobile home park. Commissioner Lopez made a motion that this be approved as recommended by the Planning Commission. Commissioner Carte seconded the motion, vote passed 3 - 0.

Z-432-97-1: Request of Frederick W. Young, owner, for a change in land classification from R-R, Agricultural and Rural Residence to R-3, Residence District, on 3 acres, Arbuckle, located between Terry Avenue and South Loop near Oak Hill city limits, Plateau District.

The applicant nor any opposition was present at the Commission meeting. Gary Harding, Zoning Office informed the Commission that the Planning Commission did by a vote of 10 to 1 recommend that this request be denied and suggested that Mr. Young contact the City for annexation. Commissioner Lopez made motion that this request be denied as recommended by the Planning Commission. Commissioner Carte seconded, vote passed 3 - 0 .

Payroll and outstanding bills were approved.

Discussion was held regarding the Boomer Ballfield. Commissioner Lopez informed the Commission he would like the Commission to take over

ownership. Commissioner Witt informed the Commission is only taking over ownership to provide insurance, any scheduling cutting grass or and repairs should be the responsibility of the community and Upper Kanawha Valley Little League Baseball Field. Commissioner Witt asked Eddie Young to have the Board prepare a letter informing the Commission who would be responsible for the scheduling and upkeep of the field. Commissioner Carte suggested asking the Board of Education for assistance since Gauley High School use the facility. Eddie informed the Commissioners he would pass this information on to the UKV Board members.

Ms. Holly informed the Commissioners of the roof leaking in the Circuit Clerk's Office and suggested preceding with replacement as soon as possible. Ms .Holly told the Commission hat she had already advertised; Tri-State Roofing had lower bid (13,816.00); the Commission approved, Tri-State Roofing sent revised estimate for material and labor of \$14,470. The Commissioner approved repair of roof from money left from the Legislative Digest, county to pay difference from the Building and Improvement Fund. The Commissioners approved replacing the low section of the roof only.

Pat Bradford, Commissioner for West Virginia Bureau of senior Services informed the Commissioners that she was here to ask the Commission if they were interested in taking ownership of the senior Citizen Building in Oak Hill. Ms. Bradford told the Commissioners that the Executive Director of Putnam County made a bid to pay off the loan of the senior Citizens Building in Oak Hill and title the business to the Putnam County Committee on Aging. Ms. Bradford informed the Commission she feel the building is in Fayette County and Fayette County should be the title holder and not Putnam County. Commissioner Carte informed the Commission that David Brash and Annalou Holt are on the

Putnam County Committee on Aging Board and they voted for Putnam County to take over ownership. Commissioner Witt thanked Ms. Bradford for bring this to the Commission attention.

Ms. Holly asked the Commission if they had made any decision on the letter from Webster County Commission regarding the deputies incremental pay lawsuit by Webster County. After brief discussion, Commissioner Lopez made motion to send \$1,000.00 to the Webster County Commission to offset the cost of their legal fees. Commissioner Carte seconded. All approved. Vote passed 3-0.

Commissioner Witt asked the Commission if they had any objections to naming the Harlem Heights Park in honor of Russell Matthew. Commissioner Carte made motion that the Fayette County Commission name Harlem Heights Park in honor of Russell Matthew. Commissioner Lopez seconded. All approved.

Commissioner Witt suggested to the Commission to postpone Commission meeting for September 3 since the Commission have a Public Service Commission hearing in Charleston on this day. Commissioner Carte suggested changing. The Commissioners decided to discuss after lunch.

The Commissioner voted to recess until 1:15.

Upon reconvening the Commission informed the September 3 meeting will be held at 9:30 a.m.

The Commissioner met with Carl R. Kryzs, Account Executive, Steve Farley with Lucent Technologies, the Elected Officials and Department Heads to discuss the proposal to add Direct Inward Dial (DID). Discuss was held, questioned were asked and answered. The Commissioners informed everyone they would have to set down and discuss the different options they want for the Courthouse.

The meeting was adjourned at 2:10. Next scheduled meeting is September 3, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 3, 1997
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 3rd day of December, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners approved purchase of Electronic Embossing Seal for the Circuit Clerk's Office.

The Commissioners received and reviewed Delinquent List from Larry Dotson, Sheriff of Fayette County for the non-payment of taxes for the year 1996.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail to the City of Mount Hope, Town of Fayetteville, and the City of Oak Hill.

The Commissioners recessed at 9:55 a.m.

The Commissioners reconvened at 10:30 a.m., Gary Harding, Zoning Officer presented to the Commission the following case for a disposition: Z-443-97-2: Request of New River Junction-Partners, contract owners, by William John Almond, for a change in land classification from RR-1, Agricultural and Rural Residence, to P-D, Planned Development, on 59.84 acres, Davis Land Wolf Creek, located between Nickelville Road and Route 19 across from the Pancake House, near Fayetteville, New Haven District.

Gary Harding, Zoning Officer informed the Commission that the Planning Commission did on Monday recommend that this proposal be approved to Planned Development with the condition that the road to Nickelville Road be closed to commercial usage by a vote of 11 to 1.

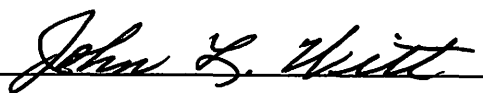
Attorney Paul Clay represented the developer and went over seven points outlined in his letter dated December 1, 1997, relating to the use of this property and the concerns of the area residents. (See attached).

Barry Bruce, representing several property owners, spoke to the Commission and addressed several points he felt were in conflict with the ordinance, opposing this request.

A letter of opposition from Pete Conner was read. David King spoke to the Commission along with Kim Casto and Agnes Casto for Mark Lokant. Kirk Wallace addressed the Commission with reference to the land use plan. Myrtle Ayersman also spoke on the proposal.

After much discussion a motion was made by Commissioner Carte that the Planning Commission's recommendation be rejected citing that specific plans, elevations and specifications were not submitted as required by the zoning ordinance and there were no specific plans for moving traffic in and out of the facility, no plans for sewage disposal, no approval of access to Route 19 and does not conform with the surrounding residential nature and zoning of the area. Motion was seconded by Commissioner Witt and carried by a vote of 2 to 1 with Commissioner Lopez voting against the motion. (For petitions and other information check with the Zoning Office)

The meeting was adjourned. Next scheduled meeting is December 15, 1997.



NEW RIVER JUNCTION, INC.
P. O. Box 119
Fayetteville, West Virginia 25840

December 1, 1997

Fayette County Planning Commission
Fayette County Courthouse
Fayetteville, West Virginia 25840

Re: Application Number A-437-97-2

Ladies and Gentlemen:

The request by Luther Toney on behalf of New River Junction, Inc. for granting of planned development zoning of a surface tract on U. S. Rt. 19 in New Haven District came before the Planning Commission on September 22, 1997, and was tabled until this date.

In accordance with the Planning Commission's comments at the September 22, 1997 meeting, the applicant responds as follows:

1. Enclosed herewith is a copy of a letter from Samuel H. Beverage, P.E., Acting Commissioner of the West Virginia Department of Transportation, dated October 7, 1997 concerning approval of direct access to U.S. Route 19. Upon approval of direct access to U.S. Route 19 and construction of access in accordance with plans approved by the West Virginia Department of Transportation, New River Junction will close its access to Delta Route 41, thereby terminating any traffic from the property to Nickelville Road.
2. Our attorney contacted Dale Payne of the Historical Society concerning the proposed development and was referred to Mr. Timothy McKinney, author of The Civil War in Fayette County, and Mrs. Geraldine Workman, who has been primarily responsible for the location of the Confederate graves and the accumulation of historical information concerning the soldiers buried in the cemetery. We propose to construct a large circular walkway around the cemetery with various historical markers to include the information gathered by Mrs. Workman and Mr. McKinney concerning the Battle of Fayetteville and the soldiers buried in the cemetery. Mrs. Workman and Mr. McKinney made various suggestions which are entirely acceptable to New River Junction, Inc. Our proposal to set aside the enclosed area with adjoining parking and other area between the cemetery and the rear property line was acceptable to Mrs. Workman and Mr. McKinney. We propose the formation of an Advisory Committee to include both Mr. McKinney and Mrs. Workman to assist in the tasteful and appropriate recognition of this significant historical site.
3. New River Junction, Inc. agrees that no rafting company offices or repair shops will be located on the property.

4. New River Junction agrees that no amphitheater shall be constructed, nor outdoor concerts held on the property.
5. New River Junction agrees that no camping will take place on the subject property, except that which may occur as part of any historical re-enactment or exhibit conducted with the approval of the Historical Advisory Committee.
6. No new residential development will be incorporated within this plan. The area formerly shown as new residential will be partially devoted to the creation of a buffer zone on the New River Junction, Inc. property, as shown on the map attached hereto.
7. The map attached hereto is proposed to furnish such preliminary plans, drawings and specifications as may be required for understanding the proposed development. Of course, without approved zoning, New River Junction, Inc. has not been able to obtain commitments from developers who have expressed an interest in the subject real estate. Final engineering will be dependent upon a number of factors, including the particular development, site conditions, core drilling information, and the final location of utilities not yet installed. For these reasons, it is not possible to present at this stage of the development a final certified engineering map.

New River Junction, Inc. has attempted to respond to each and every concern expressed by the Concerned Citizens of Nickelville Road, the members of the Planning and Zoning Commission, the historical advisors, and County officials. We hope these representations will assure the Planning and Zoning Commission of our good faith in attempting to meet those concerns, and of the manner in which we intend to proceed with this development.

Sincerely,



Luther E. Toney, II
New River Junction, Inc.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0430 • 304/558-3505

Cecil H. Underwood
Governor

Richard W. Jemiola
Secretary

Samuel H. Beverage, P.E.
Acting Commissioner of Highways

October 7, 1997

Mr. Wm. D. John Almond
Director, Project Development
New River Junction
Post Office Box 119
Fayetteville, West Virginia 25840

Dear Mr. Almond:

Permit Application
New River Junction
Route 19, Fayette County

In regard to your recent inquiry regarding the above noted subject, please be advised that we believe an access permit can be granted based on the information provided to us. Several details will need to be worked out prior to the granting of the permit. Federal Highway Administration approval will be required.

Our staff at the District office in Lewisburg, as well as the central office in Charleston, are available to work with you in regard to what will be needed prior to granting the permit.

If you have any questions, please contact the Division.

Very truly yours,

A handwritten signature in cursive script that reads "Samuel H. Beverage".

Samuel H. Beverage, P.E.
Acting Commissioner

SHB:Em

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 15, 1997
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, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners received and reviewed reimbursement check from the West Virginia Supreme Court of appeals for sequestering of jurors in the James M. Flipppo trial.

The Commissioners received and reviewed check in the amount of \$29,530.99 for the Emergency Telephone System for the month of October.

The Commissioners received and reviewed resume of Judith A. Tennant. Commissioner Witt asked that a copy be sent to the 911 Center.

The Commissioners received and reviewed correspondence from Ripkins Communications Partners, L.P d/b/a CableVision regarding basic service tier rate increase.

The Commissioners received and reviewed Workers' Compensation Reports.

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

The Commissioners received and reviewed letter from the Criminal Justice and Highway Safety Division acknowledging receipt of application for Court Security Grant Funds.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone System for the months of September and October, 1997.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Frederick Shawnee Carter v. Fayette County Civil Action #5:96-0436.

The Commissioners received and reviewed correspondence from the Secretary of State Office regarding the 1998 Election schedule.

Ms. Holly presented to the Commissioners correspondence regarding the Mountain Laurel Resources Company bankruptcy. Ms. Holly informed the Commission that the hearing was scheduled for December 11th but she haven't heard results as to what took place.

Ms. Holly informed the Commission she received Solicitation of Application for Recreational trails Funds, forward copy to Dave Pollard, Community Resource Coordinator.

Outstanding bills and payroll were approved.

The Commissioners approved purchase of 5-5-drawer filing cabinets for the Circuit Clerk's Office.

The Commissioners received and reviewed letter from Judge John Hatcher requesting that the Commission consider investing in the possibility of leasing a new copier machine for the Circuit Clerk's Office.

Ms. Holly informed the Commission she received call from a representative at Mount Olive Prison requesting a waiver of the monthly franchise fee at the prison. Ms. Holly told the Commission that she informed the representative that he would have to get in touch with the Cable Company. Ms. Holly informed the Commission that it wasn't in the cable franchise agreement to waive franchise fee for prison.

Commissioner Witt asked Ms. Holly to tell the representative that they would have to get in touch with the Cable Company.

Attorney Tom Fast appeared before the Commission with application regarding abandonment of a portion of Young Street, situate in Plateau

District, Fayette County, not in municipality, incorporated town or city. Several concerned citizens were also present (See attached). Mr. Fast presented to the Commission copies of notices served to the surrounding property owners, ten minute video tape of are to be abandoned. Several citizens were questioned. Discussion was held, Commissioner Carte made motion that application to abandon of portion of Young Street, situate in Plateau District be denied. Commissioner Lopez seconded. Unanimous decision.

An Attorney from Steptoe and Johnson presented resolution to the Commissioners for the sale of Plateau Medical Center and the bond issue outstanding in the name of the County Commission. Commissioner Lopez made motion to approve resolution. Commissioner Carte seconded. Unanimous, 3 - 0.

Jack Wood, Shad Dummitt, Dianna Smallwood, Sam Bobbitt, Guy Dooley appeared before the Commission to inform the they were upset that the Commission decline to follow their recommendation to approve a zoning change for New Rive Junction.

Jack Wood informed the Commission that the Planning Commission had invested a lot of time and energy on the case. Mr. Wood Told the Commission if they're not going to listen to the Planning Commission then he feel they don't need one.

Commissioner Witt informed the members that the Commission don't have to rubber stamp everything that's brought before them.

Commissioner Lopez agreed with the Planning Commission members and informed the Commission they were wrong. He informed the Commission of a situation that happen five years ago and the Commission agreed to pay more attention to the recommendation of the Planning Commission.

Guy Dooley presented the Zoning Ordinance, informed the Commission that the explanation they gave for turning down the project was

incorrect. Mr. Dooley informed the Commission that the Planning and Zoning Board have no authority in the public eye.

No decision made nor nothing resolved. Commissioner Witt informed that having a Commissioner sit on the Planning Commission may help improve communication.

The Commission will be attending the groundbreaking ceremonies at Midland Trail High School.

The Commission received letter from the Office of the Adjutant General acknowledging the approval of the property at Glen Jean. The letter informed the Commission the Armory Board approved the transfer of the 35 acres located at Glen Jean for a new Fayette County Armory.

Commissioner Witt informed the Commission they need to sit down and discuss before the deed is prepared.

Ms. Holly informed the Commission that Thelma Kincaid, Circuit Clerk had been contacted by the Board of Education about holding a Special Election. Commissioner Witt asked Ms. Holly to get more details.

The Commissioners signed Sales Tax Report for the months of October and November for the Fayette County Park.

Ms. Holly informed the Commission she contacted Dale Watkins about the radiators.

The Commissioners received/reviewed and signed Vision Service Plan renewal contract. Commissioner Carte informed he would like to do away with the contract. Commissioner Lopez and Commissioner Witt agreed to continue coverage. Commissioner Carte voted no.

The Commissioners signed memorandum to the Elected Officials and Employees informing that Thursday, December 25 and Friday December 26 the Courthouse will be closed for the Christmas Holiday and Thursday, January 1, 1998 and Friday, January 2, 1998 the Courthouse will be

closed for the New Year's Day holiday.

Ms. Holly informed the Commission she received letter from the Circuit Court informing that Christmas Eve and New Year's Eve the Circuit Court will be open all day. Ms. Holly informed the Commissioners she asked Bob Massey, Maintenance Supervisor to check with Judge John Hatcher regarding maintenance for those days.

The Commissioners signed Legal Holiday List for 1998 to all Elected Officials and Employees.

Ms. Holly gave status report of Court Security Grant. Ms. Holly informed the Commissioners that duress button has been installed, training would be on Wednesday, metal detectors should be here this week.

The Commissioners received and reviewed refund check from P. J. LaMann, Inc.

Ms. Holly informed the Commission that Tri-State Roofing and Sheet Metal Company have completed work on the Fayette County Courthouse "Low Section" roof. Check has been prepared.

The Commissioners signed warranty/guarantee receipt acknowledgment for Tri-State Roofing and Sheet Metal Company. Ms. Holly informed the Commission that "roof maintenance" signs have been given to Bob Massey to place on the roof.

The Commissioners signed order, ordering the balance of the Fayette County General School Fund in the amount of \$123,707.16 for the calender year 1997, be transferred to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates.

The Commissioner signed order, ordering a sum in the amount of \$8,066.50 be transferred from the Fayette County General Fund to the Enhanced 911 Fund for reimbursement of previous expenditures for Denver

Corley--\$3,340.20 and TESSO-\$4,726.30.

The Commissioners approved to pay quarterly premium to the West Virginia State Board of Risk and Insurance management for the Fayette County Solid Waste Authority, amount \$2,244.00.

Ms. Holly informed the Commissioners she received estimates on Jack Feltner wrecked cruiser.

The Commissioners signed title for vehicle, Earl Pauley, Park Superintendent purchased at the State Surplus.

Commissioner Witt asked Charlotte to have Earl Pauley get a list of all the old cars and equipment at the park to have county auction.

Ms. Holly informed the Commissioners that John Potter stopped by to inquire about getting assistance along Clay Street (off Gatewood) to have road upgraded with gravel. The Commissioners asked Charlotte to prepare a letter to Mike Cobb with the Division of Highways.

Ms. Holly informed the Commissioners that Steve Cruikshank, Emergency Coordinator want to know if its okay with the Commission to replace copier at the Emergency Service Center, would be paid from the Fire Levy Fund. The Commission approved as long as its paid from the Fire Levy Fund. The Commission asked Ms. Holly to ask Steve if they want the Commission to match anything.

The Commission approved 2nd half December county employees and part-time payroll for 2nd half December, approved for Debbie Aliff, Payroll Clerk to issue part-time checks.

Ms. Holly asked the Commission if they had any objections to Lucent Technology switching the switchboard over today. The Commission informed no objections.

The Commission approved for Ms. Holly to make arrangements with Market Basket to print new telephone numbers.

Ms. Holly informed the Commission that she would not be attending

the Seminar in Charleston being had at 2:00 p.m.

Ms. Holly informed the Commission she would be taking vacation beginning Friday, December 19th.

Ms. Holly asked the Commission if they want to discuss the Insurance increase. The Commission asked Ms. Holly to wait until they hear from Public Employees Insurance Agency.

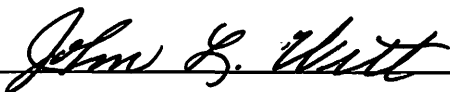
The Commission asked Ms. Holly to contact the Association of Counties regarding Public Employees Insurance Agency premium.

The Commissioners received and reviewed correspondence from CableVision informing of the new programming that will be available for customers viewing for January 1, 1998 and rate changes.

The Commissioners received and reviewed letter from the Division of Highways regarding Booth Street, East of Oak Hill into the State Highway System.

Ms. Holly informed the Commission that per Dave Pollard, Community Resource Coordinator joint Kanawha-Fayette County Commission meeting was canceled.

The meeting was adjourned at 1:10. Next scheduled meeting is January 7, 1998.



12/15/97

Young Street Hearing
Lute Arrington
Wanda Ball

Zella Stanley
Alafair Gains

~~John~~ Ferris

Linda Fitzwater

Harry Martin

W. J. Shockey

W. David Smith

Daniel Cannon

Cynthia L. Cannon
on only Ball

Mel Hayes
Jay Lewis

FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 5, 1997
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 February, 1997.

Commissioner Witt called meeting to order at 9:40 a.m.

Exonerations were approved and signed.

The Commissioners received and reviewed Administrative Order from Chief Judge John Hatcher and Official Oath appointing Thelma M. Kincaid, Circuit Clerk of Fayette County effective January 31, 1997.

Ms. Holly gave the Commission an update of the Fayette County Health Department roof; Ms. Holly informed the Commission that she had talked with Uni-Bond this morning regarding the roof and they informed her that someone from Uni-Bond would be here today to check the roof. Ms. Holly told the Commission she had asked them to ask for her or Bob Massey.

The Commissioners signed order transferring \$2,000 from the Fayette County General Fund to the Dog Tax Fund to pay the Fayette County Humane Society allotments for the months of December and January.

The Commissioners signed letter to Southern Appalachian Labor School in support of SALS efforts to continue the housing rehab/weatherization program for another year through AmeriCorps.

The Commissioners signed letter to Burns and McDonnell regarding the proposed increase in rail traffic by Norfolk Southern Railroad informing that the Commission offers no objections to an increase in rail traffic in Fayette County.

The Commissioners signed response letter to Senator Shirley Love

with a list of comments to his letter requesting legislation of interest to the Fayette County Commission.

Ms. Holly informed the Commission that the request of Christie Workman to add an additional electrical outlet has been taken care of.

The Commissioners received and reviewed a copy of an audit from Central Appalachia Empowerment Zone (CAEZ) for fiscal year end June 30, 1996.

The Commissioners received and reviewed minutes for the months of December, 1996 and January, 1997 from the Deepwater Public Service District.

The Commissioners received and reviewed letter from Paul Blake, Jr., Prosecuting Attorney informing that there are no cellular telephones in use at the Prosecuting Attorney's Office that are owned or leased by the Commission.

The Commissioner received and reviewed letter from Steve Cruikshank, Director of the Office of Emergency Services informing that the Office of Emergency Services and E-911 has one cellular phone.

The Commissioners received and reviewed check in the amount of \$145.00 which represents money collected from the sale of mugs and booklets from the Fayette County Courthouse Centennial Celebration. Ms. Holly informed the Commission this would be deposited in the General County Fund as reimbursement.

Commissioner Witt asked Laura Beverly if she was present to talk with the Commission. Ms. Beverly informed the Commission she was here to inquire about the cleanup of property in Glen Jean belonging to the Lewis Bibb Estate. Ms. Holly informed the Commission that Jackie Hickman told her that the property had been sold to the State in 1988 for delinquent property taxes. The Commission informed Ms. Beverly that since the property had been sold to the State there wasn't anything they

could do and they suggested to Ms. Beverly to call Kevin Burgess, Deputy Land Commissioner of Fayette County.

The Commissioners received and reviewed franchise tax payments for the period October 1, 1996 through December 31, 1996 from Rifkin Communication Partners, Cable Equities of the Virginias, Ltd, and TWFanch-one Company.

The Commissioners received and reviewed request from Mountain Transit Authority (MTA) for local funding from the Fayette County Commission in the amount of \$2,500.00 for fiscal year 1997-98.

The Commissioners received and reviewed Audit Report from Armstrong Creek Volunteer Fire Department.

The Commissioners received and reviewed letter from the West Virginia Housing Development Fund informing of an Infrastructure and Jobs Development Council Consolidation Committee meeting being held February 24, 1997 regarding Armstrong Public Service District, Kanawha Falls Public Service District, Gauley River Public Service District, Deepwater Public Service District, West Virginia-American Water Company and Fayette County Commission Preliminary application #96W-282.

The Commissioners received and reviewed letter from One Valley Bank regarding the filing of a Certificate of Rebate as of May 1, 1997 for the prior 5 years for Raleigh County, Fayette County, and Nicholas County, West Virginia Special Obligation Refunding Bonds, Series 1992; Ms. Holly informed the Commission that the Fayette County account has been closed, and she would check on the matter.

Ms. Holly informed the Commission she received letter from the Corps of Engineers informing that the annual inspection of the Paint Creek Flood Protection Project in Pax was completed on October 24, 1996 and that no maintenance of any kind has been performed this year; Ms. Holly informed the Commission that she has forwarded a copy of the

letter to Steve Cruikshank, Emergency Coordinator, and asked him to send an update of the status of the clean-up as soon as possible.

The Commissioners received and reviewed Workers Compensation Fund Reports.

The Commissioners received and reviewed check in the amount of \$29,138.87 for the Emergency Telephone System for the month of December, 1996.

Ms. Holly informed the Commission she have prepared the Sales Tax Report for the Fayette County Park for the month of January, 1997, but that she is waiting to receive the reporting forms from the State Tax Department. The Commission authorized Mr. Witt to sign monthly return for January when the form is received.

Ms. Holly informed the Commissioners she received letter from the West Virginia Legislature informing of a meeting with the United States Census Bureau and various members of the Legislature regarding the 2000 Census Redistricting Data Program being held Monday, February 10, 1997 from 1:00 p.m. to 3:00 p.m. Ms. Holly informed the Commission she would like to attend to represent Fayette County in an effort to ensure that the correct precinct boundary information for Fayette County will be utilized by the redistricting office for the year 2000. The Commission approved.

The Commissioners received and reviewed letter from Thomas Aiello, Assessor, informing of the arrival of 2 new Jeep Cherokees purchased through the PVC account; Mr. Aiello informed the Commissioners that this purchase makes it possible for him to make available to the Commission one of his other jeeps to be used as the Commission deems fit. The Commission approved for the vehicle to be used by Law Enforcement.

Ms. Holly informed the Commission she talked with Donald Hebb, State Tax Department, regarding Mountain Laurel Resources appointment

scheduled for February 26, 1997, Mr. Hebb informed Ms. Holly he would talk with Mountain Laurel Resources and asked Ms. Holly to ask the Commission to give them permission to make any necessary corrections. The Commissioners informed Ms. Holly they give Donald Hebb, permission to make necessary correction. Ms. Holly told the Commission that Mr. Hebb would send letter.

Ms. Holly informed the Commission she had checked on the request from Yvonne Synder, 4-H Agent, regarding the 4-H camping fees; Ms. Holly informed that last year the camping fees were \$300.00 and that on March 11, 1996, the Commission gave Earl Pauley, Park Superintendent, authorization to raise 1997 camping fees up to \$750.00. Copies of the March 11th minutes and rate schedule were given to the Commission for review. Discussion was held; Commissioner Witt asked that this request be deferred to another meeting because he wanted to check on a few things. The Commissioners informed Ms. Holly they would let Yvonne know something by February 10, 1997.

Ms. Holly informed the Commissioners she sent letters to each Elected Official regarding their budget proposal and expenditures. Ms. Holly asked the Commission if they wanted her to send a letter to Earl Pauley, Steve Cruikshank, or David Neal; The Commission informed no.

The Commissioners approved and signed minutes from Board of Equalization and Review hearings held January 31, 1997.

Ms. Holly presented the Commissioners a copy of the Fayette County Housing Survey and Need Assessment Executive Overview and Analysis from Dave Pollard prepared for the Fayette County Transition Team.

Attorney Erwin Conrad appeared before the Commission with an order to probate the Last Will and Testament of Manford G. Stone, died September 3, 1996. Pauline E. Stone, widower and William O. Stone, only child were sworn in and questioned. The Commission finds no opposition

and orders that Pauline E. Stone be appointed Executrix of the Last Will and Testament of Manford G. Stone.

The Commissioners asked that a regular meeting be held on February 10, 1997 at 9:30 before the Board of Equalization and Review meet.

Approved.

Commissioner Lopez offered motion to approve outstanding bills. Commissioner Carte seconded. Unanimous.

The Commissioners received and reviewed 911 calls for the month of January, 1997.

Ms. Holly informed Commissioner Lopez and Commissioner Carte she needed new signature stamps for each.

Commissioner Lopez made motion that meeting be adjourned. The meeting was adjourned at 11:05 and will reconvene as Board of Equalization and Review at 1:15 p.m.

The Commissioners reconvening as Board of Equalization and Review were scheduled to hear 3 hearings.

Ms. Holly informed the Commission that Robert C. Wood called and canceled his appointment; he informed he would call if he decided to reschedule.

Sheriff Larry Dotson appeared before the Commission to introduce George F. Dutrow and David Suh new residents of Fayette County with the Forestland Group, LLC.

The Commission met with James Wickline with application for Review of Property Assessment. Mr. Wickline was sworn in. Present from the Assessor's Office was Eddie Young and Carl Harris from the Prosecuting Attorney's Office. Mr. Wickline informed the Commission the reason he requested hearing. Mr. Young presented to the Commission comparisons of taxes from Greenbrier County and informed the Commission that Fayette County tax rate is higher than Greenbrier County. Discussion was held;

the Commission informed they would study further and would take matter under advisement and a decision would be made by the end of the month.

Gordon Sutphin did not appear for his scheduled Board of Equalization and Review hearing.

The Board of Equalization and Review was adjourned at 1:55.

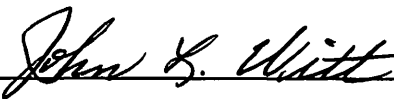
The Commission reconvened as regular Commission meeting.

The Commissioners approved minutes of January 29, 1997.

Bob Massey appeared before the Commission to give update of what Uni-Bond would do with roof at the Fayette County Health Department. Bob Massey informed that Uni-Bond suggested adding 2 or 3 more roof drains to the roof at a cost of approximately \$200 to \$400 each. Uni-Bond would install the drains and asked if the maintenance staff would do the plumbing into the existing drain lines.

Ms. Holly informed the Commission that Uni-Bond is suppose to be preparing a written proposal. Decision deferred until corrections made by Uni-Bond to previously built up section of roof with water runoff and receipt of written proposal from Uni-Bond.

The meeting was adjourned. Next scheduled meeting is February 10, 1997.



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

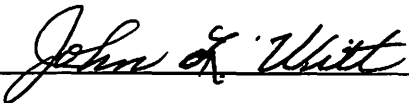
The Fayette County Commission met in Special Session on this 31st day of January, 1997 as Board of Equalization and Review of Property Assessment.

There were no scheduled hearings for the Board of Equalization and Review of Property Assessment.

Ms. Holly presented order to the Commission 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 the State be corrected before the 28th day of February. Order signed.

Since there were no Board of Equalization and Review of Property Assessment hearings scheduled, Commissioner Witt asked that meeting be adjourned.

Meeting adjourned at 10:20. Next scheduled meeting is February 5, 1997.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 10, 1997
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 10th day of February, 1997.

The Commissioners received and opened bids for outside building materials for the Valley Detachment of the Fayette County Sheriff Department.

Ms. Holly informed the Commission she received only one (1) bid which was from Means Lumber Company and in the amount of \$7,084.20.

Commissioner Carte made motion to accept bid from Means Lumber Company except for material donated or previously purchased; Commissioner Lopez seconded. All approved.

The regular meeting was adjourned. The Commissioners reconvened as Board of Equalization and Review; six hearings were scheduled.

Kelley E. Reed, III for Charles W. Midelburg, etal appeared for the Commission. Commissioner Witt asked that Mr. Reed, Mr. Midelburg and everyone from the State Tax Department be sworn in. Mr. Reed informed that there has been no mining activity since 1984 and he felt the value of the property is incorrect. Rebecca Shepherd, attorney for the State Tax Department, submitted into record to the Commissioners and the taxpayer copies of appraisals received from taxpayer. Discussion was held; Ed Fox and Betty Evans with the State Tax Department informed the Commission that pending receipt of maps of mined out tracts, the State Tax Department would recommend relief, but asked the Commission for a continuance until they meet with the taxpayer to review and determine corrections; they will present their recommendation to the

Commission in writing on February 20th.

Bill Keeney for Imperial Colliery was sworn in. Mr. Keeney informed the Commission that he thinks everything has been taken care of and he withdrew his application pending that the State Tax Department makes corrections. Rebecca Shepherd, attorney for the State Tax Department, submitted into record to the Commissioners and the taxpayer copies of appraisals received from the taxpayer.

Doug Noel for Meadow Creek Corporation appeared before the Commission. Mr. Noel was sworn in. Mr. Noel informed the Commission he had met with Don Hebb and Chuck Barlow from the State Tax Department. Mr. Noel informed he has not received tax tickets on transfer from Mountain Laurel Resources. Rebecca Shepherd, attorney for the State Tax Department, submitted into record to the Commissioners and the taxpayer copies of appraisals received from the taxpayer. Betty Evans with the State Tax Department informed Mr. Noel he needed to call Pat White to get appraisal sheet. Mr. Noel informed this application would be withdrawn if appraisal is okay with taxpayer.

Doug Noel for White Oak Group informed the Commission that the tax return for White Oak Group has not been filed. Rebecca Shepherd informed the Commission and Mr. Noel that according to West Virginia Code §11-3-10 if taxpayer does not file a return that the taxpayer is denied relief. Betty Evans asked Mr. Noel to meet with her and Ed Lee on February 12th to discuss. Ms. Evans informed the Commission that the State Tax Department will present written recommendations for White Oak Group on February 20th.

Jamie Blankenship, attorney for John Nuttall Estate appeared before the Commission. Mr. Blankenship and Rick Persinger were sworn in. Mr. Blankenship stated that the 1½ acres Nuttallburg property is totally surrounded by the National Park Service and is unmineable and

requested to the Commission to reduce to unmineable value. Ed Lee with the State Tax Department informed they had no objection to making the 1¼ acres unmineable.

Mr. Blankenship requested to the Commission that Manns Creek 2 property also be reduced to unmineable value. Ed Lee recommended to the Commission that the 12 acres be considered unmineable. Rebecca Shepherd submitted into record to the Commissioners and the taxpayer copies of appraisals received from taxpayer.

Gordon Sutphin appeared before the Commission to discuss assessment of property. Mr. Sutphin was sworn in. Eddie Young was present from the Assessor's Office. Mr. Young informed the Commission that all lots in that area are assessed the same. The Commission informed Mr. Sutphin they will review and take under advisement and will make a decision prior to the end of the month.

Outstanding bills were approved.

Ms. Holly informed the Commission that Matt Edwards dropped off literature regarding the Deferred Compensation Plan 457. Discussion was held; Ms. Holly informed the Commission that a Plan 457 is offered by the National Association of Counties.

Commissioner Carte suggested having Matt Edwards and someone from the National Association of Counties to appear and make presentations or proposals of the plan.

The Commissioners discussed the camping fees at the Fayette County Park; all camping fees were approved at \$650.00 except for the 4-H campers (\$500.00), and Camp Kismet (\$300.00) both of which provide camping to numerous underprivileged children.

Commissioner Witt informed the Commission that Judge Hatcher is requesting two (2) smaller, more efficient gas heaters for the Circuit Clerk's Office; Commissioner Witt asked Ms. Holly to explore.

Commissioner Witt will check with Mark Lokant for a recommendation.

Commissioner Witt asked Ms. Holly to notify Chief Magistrate Mike Parsons that storage space is available in the jail for Magistrate Court records. Commissioner Witt also directed Ms. Holly to have all the old records removed from the outside basement room to the 3rd floor of the Courthouse or to the jail for storage

The Commissioners received and reviewed letter from the Fayette County Volunteers requesting a waiver of the rental fee for the Gospel Sing at the Memorial Building being held March 15th. Request was approved.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding the Construction Permit Application for the proposed Water Facilities from Ansted to Hawks Nest Country Club and Beckwith area of Fayette County. Ms. Holly informed the Commission that a copy of the letter has been forwarded to Dave Pollard.

The Commissioners received and reviewed checks from The Helicon Group, L.P., and Master Telecable, Inc. for the Oct.-Dec., 1996 quarterly franchise fees.

The Commissioners received and reviewed a copy of the Local Law Enforcement Block Grant.

The Commissioners received and reviewed a letter from One Valley Bank regarding Notice of Redemption on single family home mortgage revenue bonds, 1984 Series A.

The Commissioners received and reviewed a letter from the Citizens Advisory Board informing that the next scheduled meeting will be February 18, 1997 at the Southern Regional Juvenile Detention Center at 4:00 p.m.

The Commissioners received and reviewed a letter from Leonard and

Lucy Evans opposing the City of Mount Hope annexation.

The Commissioners received and reviewed a letter from Matt and Denise Scalph expressing their opinion regarding the increase in taxes. The Commissioners asked Ms. Holly to call the Scalph's to see if they wanted to be scheduled for a Board of Equalization and Review hearing.

Commissioner Lopez asked about raising the cable franchise fees; discussion deferred.

The Commissioners asked Ms. Holly to send a copy of Senator Shirley Love's letter to the delegates and to Senator Randy Schoonover.

Commissioner Witt signed excerpt from the minutes of September 4, 1996 to the Leasing Section of the Department of Administration regarding leasing of office space for Jonathan Kesler, Parole Officer.

Ms. Holly asked the Commission if they were going to take any action on the Central Appalachian Empowerment Zone (CAEZ) board member. Commissioners informed no.

The meeting was adjourned at 12:55. Next scheduled meeting is February 14, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 14, 1997
COURTHOUSE, 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 February, 1997.

Commissioner Witt called meeting to order at 9:40 a.m.

Exonerations were approved and signed.

The Commissioners signed letter to Penelope Crandall, Director of the Family Law Masters with request for reimbursement for rent in the amount of \$990.00 for the month of February, 1997.

The Commissioners signed letters sent to Senator Randy Schoonover, Delegates John Pino, William Laird, and Tom Louisos regarding Senator's Love request for legislation of interest to the Fayette County Commission.

The Commissioners received and reviewed letter from Mossy Public Service District informing they sent letters to Senators Robert C. Byrd and John D. Rockefeller, and representative Nick Joe Rahall asking for their assistance in obtaining approval from Farmers Home Administration (FHA) to sell their system to the West Virginia-American Water Company.

The Commissioners received and reviewed from the West Virginia Development Office a copy of the executed grant award and state/local contract for the Courthouse/ Valley Detachment Improvements Governor's Community Partnership Grant.

The Commissioners received and reviewed Workers' Compensation Reports for Earnest K. Lester.

The Commissioners received and reviewed a letter from the Fayette County Transition Team regarding dilapidated structures. Commissioner Witt informed the Commission needed some directions on what to do with

the dilapidated houses according to the State law would have to get definition.

The Commissioners received reimbursement check in the amount of \$20,000.00 for the Valley/Lick Towers Governor's Partnership Grant project.

The Commissioners received and reviewed from Tucker County Commission a proposal regarding recreation and amusement tax for Emergency Services. Ms. Holly asked the Commission if they had any comments. Commissioners informed no.

The Commissioners received and reviewed minutes from Salem-Gatewood Public Service District for the month of January, 1997.

Ms. Holly informed the Commission that a Department of Justice Crime Prevention Program for juvenile delinquency is available. Program information was forwarded to the Commission from Central Appalachia Empowerment Zone (CAEZ).

The commissioners received and reviewed a copy of a letter sent from Paul Blake to Larry Coleman, Superintendent of the Fayette County School Board, regarding the Upper Kanawha Valley Ministers and Deacons Fellowship. Commissioner Witt informed he would talk with the Prosecuting Attorney and Larry Coleman concerning this matter with the Kimberly School property.

The Commissioners received and reviewed a letter from George Secrist voicing his dissenting opinion regarding the \$2.00 per person tax that was discussed by the Commission to charge the Whitewater Rafters.

Ms. Holly informed the Commissioners she received minutes of a special meeting of the Deepwater Public Service District informing that due to the death of Jimmy Edwards, Deepwater Public Service District has recommended Donald White to replace Mr. Edwards.

Commissioner Lopez made motion to appoint Donald White to the Deepwater Public Service District; Commissioner Witt seconded. All approved. Unanimous. Ms. Holly informed the Commission she has prepared two (2) orders, 1) to appoint Donald White for the unexpired term of Jimmy Edwards which ends March 1, 1997 and 2) an order appointing Donald White to serve for six year term, term to expire March 1, 2003. Orders signed.

Ms. Holly presented to the Commissioners a bid from Camco for a heating/cooling system for the Smithers Detachment. Commissioner Lopez informed the Commissioners that Bruce Coleman's bid had increased from his verbal estimate. Discussion was held; Ms. Holly informed the Commission that Mr. Coleman would have to meet the state prevailing wage rates. The Commissioners asked Ms. Holly to give Mr. Coleman a call and find out if his bid covers prevailing wage rates.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent, prepared a list of the materials needed to complete the interior of the Smithers Detachment.

John Shumate, attorney for the City of Mount Hope, appeared before the Commission with a petition for a minor boundary adjustment annexation. Mr. Shumate informed the Commission he had amended the area to be annexed and several residents have been included in the annexation. Mr. Shumate informed the Commission that maps would be attached later. Bruce James a citizen in opposition to the annexation informed the Commissioners that according to the West Virginia Code the Commission cannot accept the petition without maps. Discussion was held; Commissioner Witt informed that due to the lack of maps, the petition could not be accepted today. Mr. Shumate will present the petition for minor boundary adjustment on March 5th at 11:00 a.m. and the public hearing would be March 26th at 11:00 a.m. Carl Harris,

Assistant Prosecuting Attorney was present.

Payroll was approved.

The Commissioners reviewed, approved and signed the minutes of February 5, 1997 meeting.

The Commissioners received and reviewed letter from the West Virginia Infrastructure and Jobs Development Council regarding Armstrong Public Service District. Commissioner Lopez made a motion to write a letter to Susan Riggs, Executive Secretary to the West Virginia Infrastructure and Jobs Development Council, stating that the Commission does not support the consolidation of the Armstrong Public Service District with the Kanawha Falls Public Service District but would support the connection of the Armstrong Public Service District with the Deepwater Public Service District; Commissioner Carte seconded. All approved.

Commissioner Lopez made a motion that the budget revisions for the General County Fund and the Coal Severance Fund for fiscal year 1996-97 be approved; Commissioner Carte seconded. All approved.

Ms. Holly informed the Commission that she was checking with Tammy Gill at the Fayette County Park on the invoice from Means Lumber for the Smithers Detachment. Invoice prices did not match bid prices.

Carl Harris, Assistant Prosecuting Attorney, informed the Commission that he had gone over the West Virginia Code again regarding the clean-up ordinance, and in his opinion each time you have a piece of property to be cleaned up you do an ordinance (by letter). Mr. Harris informed the Commission he saw no changes whatsoever in the procedure to be followed and that the Commission is following the Code.

Outstanding bills were approved.

Ms. Holly informed the Commission that she had gone back and checked on the anniversary dates of the franchise agreements. Ms. Holly

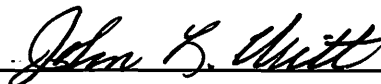
explained to the Commission that they should probably enter an order effective July 1, 1997 for all companies due to the various anniversary dates. Discussion was held; Commissioner Witt suggested tabling. The Commission decided not to change the franchise rates at this time.

The Commissioners received and reviewed a letter from Gene and Nancy Evans opposing the annexation of the City of Mount Hope.

The Commissioners received and reviewed a letter from the African American Heritage Family Tree Museum, Inc. requesting assistance of \$5,000.00 for fiscal year budget 1997-98.

Ms. Holly informed the Commission that there were no Board of Equalization hearings scheduled today.

The meeting was adjourned at 11:10. Next scheduled meeting is February 20, 1997.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 20, 1997
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBER Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in special session on this 20th day of February, 1997.

Commissioner Witt called Board of Equalization and Review hearings to order.

Don Hebb from the State Tax Department informed the Commission that he had checked Mountain Laurel Resources and they have never filed tax forms. Mr. Hebb presented to the Commission a booklet of all the property owned by Mountain Laurel Resources. Mr. Hebb informed the Commission that Mountain Laurel Resources would be filing bankruptcy and their returns will be adjusted for the next year.

Commissioner Carte asked Mr. Hebb how much the county is going to lose in tax dollars. Mr. Hebb recommendation to the Commission is that the proper returns were not filed in a timely manner the valuation of the property will not be changed. Mr. Hebb informed the Commission that a representation from Mountain Laurel is to appear today.

Mr. Hebb presented to the Commission the State Tax Department recommendations for the Charles W. Midelburg, etal, White Oak Group and John Nuttall Estate. The Commission accepted the States recommendation. Commissioner Carte made motion to adopt the recommendation to change valuation of the Charles Midelburg, etal, the White Oak Group, and the John Nuttall Estate properties. Commissioner Lopez seconded. Unanimous. All approved.

Don Hebb informed the Commission as for Mountain Laurel Resources since they did not file a tax return with the State Tax Department in a

timely manner they recommended to the Commission to deny relief. Commissioner Carte made motion to deny relief to Mountain Laurel Resources. Commissioner Lopez seconded. Unanimous. Thomas Howard presented a copy of the 1996 Real Estate Tax for Mountain Laurel Resources.

Don Hebb informed the Commission the State Tax Department will make changes for next year (1998).

Tom Grafton of Honeysuckle Glades Land Company appeared before the Commission to request relief of taxes. Mr. Grafton was sworn in. Mr. Grafton presented to the Commissioners documentation letter from Meadow River Coal regarding the 183½ acres. Don Hebb informed the Commission that this shouldn't be heard as a Board of Equalization, this property for 1997 is an active farm. The Commissioners informed the valuation of the property will not be changed.

Diane Canfield representing the Rivermont Presbyterian Homes and the Oak Hill Citizens for Better Housing appeared before the Commission. Ms. Canfield was sworn in, Ms. Canfield informed the Commission that this is in Circuit Court from 1995 Board of Equalization and Review, Ms. Canfield asked the Commission to consider relief on the 1997 taxes. Commissioner Carte made motion to deny relief. Commissioner Lopez seconded. Unanimous.

The Commissioners signed budget revisions forms for Coal Severance Fund and the General County Fund for fiscal year 1996-97.

Ernest Kincaid of Gauley Outdoor Center appeared before the Commission with request for tax relief of property taxes. Mr. Kincaid was sworn in. Don Hebb with the State Tax Department informed the Commission that he do not have any data on this property and he will check on tax returns and get back with them; Mr. Hebb informed the Commission if no returns have been filed the Gauley Outdoor Center may

not get relief. Mr. Hebb informed the Commission he would get back with them in one or two days with more information.

Kelvin Holliday, County Clerk appeared before the Commission with request for part-time help in Voters Registration due to the absence of Sherry Davis on sick leave. Mr. Holliday asked that this be paid out of Election Expense. The Commissioners asked Mr. Holliday how long is he asking for part time help. Ms. Holly informed the Commission of the amount of money in Election Expense. Mr. Holliday informed the Commission this would only be on Tuesday's until Ms. Davis return from sick leave. The Commissioners approved for Kelvin to hire part time help to be paid out of Election Expense, the amount to be paid up to \$300.00.

Ms. Holly informed the Commissioners she had talked with Bruce Coleman, Camco Heating and Cooling; Mr. Coleman revised proposal for heating and cooling system at the Smithers Detachment, revised proposal is \$4,100.00 includes prevailing wage rates. The Commissioners approved revised cost.

The Commissioners asked to schedule hearing on the 27th if an emergency.

The Commissioners received and reviewed law suit of Michael O. Campbell v. John Kauf, Deputy Sheriff, Civil Action #97-C-0050.

The Commissioners received and reviewed thank you letter from Chief Magistrate Michael Parsons for their cooperation regarding added storage space for magistrate records and files.

The Commissioners received and reviewed Workers Compensation letters.

The Commissioners signed letters to Dean Lockett, Principal, Fayetteville Middle School informing that the request of the Ruritan Club rental fee of \$500.00 for the use of the Memorial Building for

Saturday, March 22, 1997 for the St. Patrick's Day Dance be waived and the request of the Fayette County Volunteers rental fee of \$500.00 for Saturday, March 15, 1997 for the Gospel Sing Benefit be waived.

The Commissioners received and reviewed a copy of the security report of the judicial facilities.

The Commissioners received and reviewed letter from the Town of Ansted soliciting the Commissioners help in initiating a hiking, biking, and nature trail for Ansted. The Commissioners asked Ms. Holly to hold for budget.

Ms. Holly informed the Commissioners she received public utility tax yesterday.

The Commissioners received and reviewed letter from Kelvin Holliday, County Clerk requesting that \$120.00 registration for Sherry Davis and Treatha Sexton be approved to attend the 1997 Election Conference in Charleston. This was approved.

The Commissioners received and reviewed letter from Chief Magistrate Mike Parsons asking the Commission to have the maintenance department repaint the lettering and place a protective covering over the sign at the Danese satellite office. The Commissioners approved but asked Ms. Holly to schedule after other work is completed.

The Commissioners received and reviewed a copy of a letter sent to Judson Wallace with the Upper Kanawha Valley Ministers and Deacons Association from the Board of Education asking for certain information be secured in writing from the association prior to final approval of the sale of the former Kimberly Elementary School property.

Ms. Holly informed the Commissioners they are to receive bids until 10:00 a.m., Tuesday, March 3, 1997 for specified building, plumbing and electrical materials for the Valley Detachment.

The Commissioners received and reviewed resolution of the Fayette

County Chamber of Commerce opposing annexation for the City of Mount Hope.

The Commissioners received and reviewed from Ms. Holly a copy of the statement of actual and estimated revenues for the Hotel Occupancy Tax.

The meeting was adjourned at 11:48. Next scheduled meeting is February 26, 1997.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 26, 1997
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBER Present: John L. Witt, John H. Lopez

The Fayette County Commission met in regular session on this 26th day of February, 1997.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners she received from Larry Dotson, Sheriff, an application for the DUI Program Grant. Ms. Holly asked Commissioner Witt to sign and she would review the obligation of the county; program to start on April 1, 1997.

The Commissioners received and reviewed letter from Steve Cruikshank, Director of Emergency Services, requesting that the Commission include in the 1997-98 budget the amount of \$1,000.00 appropriation for the Paint Creek Flood Protection Project at Pax.

The Commissioners signed invoices to the Town of Fayette, City of Oak Hill, City of Smithers, City of Mount Hope for the confinement of inmates at the Southern Regional Jail.

The Commissioners approved and signed minutes of February 10, 1997.

Ms. Holly informed the Commissioners that Ben Todaro called asking about the cable franchise rates.

The Commissioners signed letter for Ansted Certified Fire Department informing the West Virginia State Agency for Surplus that the Ansted Certified Fire Department 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 letter pursuant to Section 147(f) of the

Internal Revenue Code of 1986, as amended, hereby approve the entering into by Ansted Certified Fire Department, Inc. of a lease/purchase agreement.

Ms. Holly informed the Commissioners she received letter from Ann Berry, former Chief Office Deputy asking that a check for \$31.73 be written from the Election Expense account payable to the General County Fund. This was approved.

Commissioner Witt informed he had talked with Mark Lokant and he doesn't have information regarding the 2 new heaters for the Circuit Clerk's Office. Mr. Witt informed the Commissioners this is not a priority project and other projects are in process.

The Commissioners received and reviewed petition from residence wanting a right-a-way removed from the Fayette County Tax Maps. Discussion was held, Commissioner Lopez asked Ms. Holly to call Mr. Harold Kowalsky and tell him the Commission need more details and information and get a copy of the map.

Ms. Holly informed the Commissioners she received a letter from John Parrish, Chief Probation Officer asking that Ronald T. Greer perform community services hours at the Courthouse. Discussion was held, the Commissioners asked Ms. Holly to have Mr. Parrish submit copy of letter to the Chief Judge for his approval and asked Ms. Holly to find out the daily, weekly, and total hours of community services Mr. Parrish is requesting.

Ms. Holly informed the Commissioners she received a letter from the Supreme Court of Appeals informing the Commission the Court Security Fund Grant has been approved for \$34,325 for the purpose of enhancing the county's court security.

Ms. Holly informed the Commissioners that bids for specified building, plumbing and electrical materials for the Valley Detachment

are due by Tuesday, March 4, 1997.

Ms. Holly informed the Commissioners she received letter from Ford Motor Company regarding the air bags. Ms. Holly informed the Commissioners that original has been forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed from the Workers' Compensation a Certificate of Coverage effective January 1, 1997 to May 31, 1997.

The Commissioners received and reviewed minutes for the months of February, 1997 from Deepwater Public Service District.

The Commissioners received and reviewed Workers' Compensation update reports on Joetta J. Maples.

Ms. Holly informed the Commissioners that Dee Lively and Billy Horrocks needed air conditioner for room that's being renovated; Ms. Holly informed she had called and checked with several distributors, purchased one at National TV and Appliance with 10,000 BTU Whirlpool for \$389.95. The Commissioners approved.

The Commissioners received and reviewed from the Fayette County Chambers of Commerce schedule of monthly Board meetings.

Ms. Holly informed the Commissioners she received a copy of a letter from the Public Employees Insurance Agency informing that an open enrollment has been scheduled for March 10 to April 11, 1997 to increase optional and dependent Life Insurance Coverage.

Ms. Holly reminded the Commissioners they still have to appoint a member to the Central Appalachia Board.

Ms. Holly informed the Commissioners that she had sent out letters to each Elected Official asking them to submit their budget request in this office prior to March 2, 1997; Ms. Holly asked the Commission if they wanted each Elected Official to come in and discuss funding. The

Commissioners informed they will talk about scheduling at the Commission meeting tomorrow.

Commissioners Lopez suggested calling Gene Larrick to reschedule his hearing to March 14.

Ms. Holly informed the Commissioners she received Budget Packet from the State Tax Department, Ms. Holly informed the Commissioners that the State is changing accounts numbers and will be reprogramming accounts effective July 1, 1997.

Gary Harding, Zoning Officer presented to the County Commission the following cases for a disposition: Z-428-97-1: Request of David Browning, owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on .444 acres, Manns Grocery, Scarbro, located on Route 21/20 across from the Scarbro Post office, Plateau District.

Mr. Harding informed the County Commission that this was a request to locate a pub (beer joint) in Scarbro and that the Planning Commission did by a vote of 8-0 recommend that this request be denied. Mr. Harding informed the Commission that Mr. Browning had spoke to him about withdrawing his request and explained to the applicant that his could be withdrawn and refiled within 30 days or it could be tabled and referred back to the Planning Commission. After a brief discussion;, Mr. Browning requested the County Commission to let him withdraw his request.

Z-429-97-1: Request of Gabrielle Debold and Garry Bateman, owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-2, Residence District, on part of 5 acres, surface Wolf Creek, located on Gatewood Road at County route 9, New Haven District.

Mr. Harding informed the Commissioners that this was a request to

convert two existing buildings to apartments for rental and that the Planning Commission did by a vote of 8-0 recommend that this request be approved. After a brief discussion a motion was made by John Lopez that this be approved as recommended. The motion was seconded by John Witt and carried by a vote of 2-0.

After a short time Mr. Browning the applicant for Z-428 and Ms. Arbutus Pell approached the County Commission and made a request that the applicant be allowed to withdraw his request to withdraw the application and request the County Commission to refer the application back to the Planning Commission with an amendment to B-1 to allow him to operate a packette and arcade. After a brief discussion with the applicant and opposition the County Commission allowed the applicant to withdraw his previous request and referred the request back to the Planning Commission for a B-1 amendment to the request.

Susan Williams introduced to the Commissioners her brother Gary Williams.

Gary Williams appeared before the Commission to express his concerns regarding the City of Oak Hill Plans to build Fire Station on Summerlee Avenue. Mr. Williams informed the Commission of flooding problem near his home. Discussion was held, the Commission informed Mr. Williams that the Commissioners has no jurisdiction regarding the municipalities and suggested to Mr. Williams to meet and talk with Steve Cruikshank, Director of Emergency Services. Commissioner Witt asked Mr. Williams if he had talked with the City of Oak Hill concerning this matter, Mr. Williams informed yes.

Ms. Holly informed the Commissioners that Mountain Laurel Resources, White Oak Group, and Gauley Outdoor Center will have formal recommendation from the State Tax Department and decision would be made on February 27, 1997 at 10:30 a.m.

The Commissioners signed letters to Oak Hill Citizens for Better Housing, Rivermont Presbyterian Homes, Gordon Sutphin, James Wickline, Honeysuckle Glades Land Corporation informing of their decision as Board of Equalization and Review that the 1997 assessed valuation of the properties in question will not be changed.

The Commissioners signed letters to Charles W. Middelburg, etal, and to the John Nuttall Estate informing of their decision as Board of Equalization and Review that the 1997 assessed valuation of the properties in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue.

Imperial Colliery, Meadow Creek Coal Corporation was withdrawn.

Robert C. Woods did not reschedule hearing.

Outstanding bills and payroll were approved.

The Commissioners received and reviewed Annual Statement of Cash Receipts and Disbursements and Cash and Investment Balances for the year ending December 31, 1996 for the counties of Berkeley, Boone, Fayette, Hancock, Harrison, Jackson, Jefferson, Lincoln, Logan, McDowell, Marion, Marshall, Mason, Mingo, Monongalia, Morgan, Ohio, Pleasants, Summers, Tyler, Upshur, Wetzel, Wood Wyoming and City of Wheeling West Virginia Single Family Mortgage Renewal Bonds 1983 Series A.

The Commissioners received and reviewed the newsletter of the West Virginia Legislature.

The Commissioners received and reviewed a letter from the Criminal Justice and Highway Safety Division regarding the mandatory in-service training.

The Commissioners received and reviewed a letter from the West Virginia Development Office with a survey form asking the Commission for their input regarding a Retiree Attraction and Retention Program.

The meeting was adjourned at 11:10. The next scheduled meeting is
February 27, 1997.

John B. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 27, 1997
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session as the Board of Equalization and Review on this 27th day of February, 1997.

Larry Akers, Liquidating Agent with Mountain Laurel Resources appeared before the Commission to discuss tax relief. Chuck Barlowe and Wayne Williams, attorney from the State Tax Department were present, Carl Harris, Assistant Prosecuting Attorney, Thomas Aiello, Assessor and Eddie Young were present. Mr. Akers informed the Commission that no one has filed tax return since 1993, that Mountain Laurel Resources filed Chapter 7 in the late 1995 (Liquidation). Mr. Akers informed the Commission that Roy Wolfe is the Bankruptcy Trustee. Mr. Akers informed the Commission that Mountain Laurel owes \$50 million mostly due to the Rockefeller bill.

Discussion was held, Mr. Williams informed the Commission that tax returns have not been filed for a number of years and that by 1998 the State Tax Department and the Assessor will have accurate working information. Commissioner Carte moved to deny tax relief for 1997 due to the fact that the proper returns were not filed in a timely manner with the State Tax Department. Commissioner Lopez seconded. Unanimous. Letter signed.

Doug Noel, Meadow Creek Corporation appeared before the Commission. Mr. Noel informed the Commissioners he had attempted to file return but was never issued a tax ticket. Discussion was held,, Commissioner Carte made motion that since we have heard the petitioners explain that he was unable to file proper returns because he did not

have account number or ticket that the grantor Mountain Laurel Resources in bankruptcy tried to resolve with the Assessor's and the State Tax Department feel this is unavoidable and that Meadow Creek is entitled to relief. Commissioner Lopez seconded. Unanimous. Letter signed.

White Oak Group, Ed Lee with the State Tax Department informed the Commission that return has been filed and presented a copy to the Commission. Commissioner Carte made motion to go back to original findings and accept recommendation of the State Tax Department. Commissioner Lopez seconded. Unanimous. Letter signed.

Commissioner Carte made motion to deny relief to Gauley Outdoor Center. Commissioner Lopez seconded. Unanimous. Letter signed.

The Commissioners signed order certifying the Board of Equalization and Review hearings.

Ms. Holly asked the Commission what day they wanted to meet to discuss the budget. Discussion was held, the Commission informed that Friday, March 7 beginning at 9:45 schedule first elected official to come in at 10:00 to discuss their budget request.

Commissioner Lopez asked Ms. Holly to attend meeting at the Gauley Bridge Elementary School.

The Commissioners signed letters to each elected official asking them to call and schedule an appointment to discuss their budget request for Fiscal Year 1997-98.

The Commissioners received and reviewed copy of a letter sent to Mike Holstein, Commission on Drunk Driving Prevention from Sheriff Larry Dotson regarding grant application for overtime funds to be used to pay Fayette County Deputy Sheriffs to work on DUI Enforcement Program.

The meeting was adjourned at 12:02. Next scheduled meeting is March 5, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 8, 1997
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 January, 1997.

Commissioner Gene Carte, Jr. made motion to elect Commission John L. Witt as President and Commissioner John H. Lopez as Purchasing Agent and Deborah Berry designated Assistant Purchasing Agent for the year 1997; John Lopez seconded; unanimous. The Commissioners signed organization order.

Exonerations were approved and signed.

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

January 31, 1997	Friday	10:00 A.M.
February 5, 1997	Wednesday	1:15 P.M.
February 10, 1997	Monday	10:00 A.M.
February 14, 1997	Friday	10:00 A.M.
February 20, 1997	Thursday	10:00 A.M.
February 26, 1997	Wednesday	1:15 P.M.

The Commissioners signed legal notice setting days and hours the Commission will be in session for the Review and Equalization of Assessments. Letters were signed and forwarded to the Assessor and Prosecuting Attorney advising them of the schedule of Board of Equalization and Review hearing.

Ms. Holly informed the Commissioners she received in the mail today letter from James Keenan requesting minutes of the Fayette County Commission meetings for the preceding six (6) months of 1996 (July 1, 1996 through December 31, 1996). Ms. Holly asked the Commissioners whether or not to forward a copy of the request to Paul Clay, attorney;

the Commission said yes. The Commissioners informed Ms. Holly it was okay to give him copies of minutes, but he would have to be charged for the copies. The Commissioners asked Kelvin Holliday, County Clerk, the cost of copies. Mr. Holliday informed \$1.50 for first 2 pages and \$1.00 for each additional page.

The Commissioners signed letter to Paul M. Blake, Prosecuting Attorney informing of the decision of the West Virginia Supreme Court of Appeals in the matter of the interpretation of 7-14-17c of the West Virginia Code involving the incremental pay of deputies. The Commissioners asked Mr. Blake to take whatever appropriate action is necessary to petition the Circuit Court to dismiss Civil Action 95-C-0194 (R. C. Godsey, Jr., et al, vs. William R. Laird, IV, Sheriff et al). Ms. Holly informed the Commissioners that a copy of the letter was sent to Sheriff Larry G. Dotson and Chief Judge John W. Hatcher.

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

The Commissioners signed letter to the Board of Investments asking that Howard E. Janney be removed as the authorized person to sign necessary withdrawal and confirmation forms for the Fayette County Commission and replaced with Sheriff Larry G. Dotson effective January 1, 1997.

The Commission asked Ms. Holly to send thank you letter to Howard E. Janney thanking him for his services during his interim term as Sheriff of Fayette County from November 16, 1996 through December 31, 1996.

Ms. Holly informed the Commissioners she received message from James Perdue, maintenance, that Jonathan Kessler, Parole Officer, has vacated office and keys have been returned.

Commissioner Witt asked Ms. Holly to write a letter to the Elected

Officials and the Department Heads informing that any person purchasing gas using the county issued credit cards put the vehicle license number on the charge slip, and that future invoices without the license number would not be approved.

Ms. Holly informed the Commissioners that the term of office for John McComas, Eddie Long, Steve Eades, and Sheriff Larry Dotson, members on the 911 Advisory Board, have expired and she has prepared orders to be signed for reappointment. Commissioner Witt informed that all appointed on the 911 Advisory Board have to live in county; Mr. Witt questioned residency of John McComas; Ms. Holly informed she would check with Steve Cruikshanks, Emergency Service Director. Orders signed except John McComas.

Ms. Holly informed the Commissioners she received call from Ron Walton regarding the status of the funding request for the fire hydrants at Whipple. Commissioner Witt asked Ms. Holly to have Ron check with West Virginia American Water Company; the Commission informed they have no new information.

The Commissioners received and reviewed a check in the amount of \$29,198.36 for the Emergency Telephone System for the month of November, 1996.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone System for the month of October, 1996.

The Commissioners received and reviewed notice from Costain Mining, Inc. as required by the Workers and Retraining Notification Act (WARN) informing the Commission of the pending closing of Costain Mining, Inc. Pax Mine located at Pax and the Carlisle Loadout located at Scarbro.

The Commissioners received and reviewed letters from the Workers'

Compensation regarding the status of claims.

The Commissioners received and reviewed request from Mountain Transit Authority (MTA) for local funding in the amount of \$2,500.00 for fiscal year 1998.

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

The Commissioners received and reviewed copies of 911 ambulance responses for the months of November and December and for the 1996 calendar year.

The Commissioners received and reviewed order from the Public Service Commission regarding motion to consolidate the proceedings of the WV-American Water Company, County Commission of Fayette County and New Haven Public Service District with a decision to be rendered on or before July 28, 1997.

The Commissioners received and reviewed letters from Sheriff Larry G. Dotson informing that effective January 2, 1997 Nora Bostic will be employed as a full time secretary; salary will be \$1,300.00 per month to be paid out of the Law Enforcement line item budget and effective January 3, 1997, Thomas E. Woodrum is appointed Chief Tax Deputy for the Sheriff's Department.

The Commissioners received and reviewed letters from CableVision and Rifkin and Associates, Inc.; rates will increase effective February 1, 1997.

The Commissioners signed letter to Penelope Crandall, Director of the Family Law Masters requesting reimbursement for rent in the amount of \$990.00 for the month of January, 1997.

The Commissioners received and reviewed quarterly report from One Valley Bank regarding the County Commission of Raleigh County, Fayette County and Nicholas County Municipal Refunding Collateralized Mortgage

Obligations (MR CMO) for the Debt Services Payment December 15, 1996.

The Commissioners received and reviewed notice from the Workers' Compensation Office of Judges regarding Percy Lee Gilliam.

The Commissioners received and reviewed quarterly report from Boomer Volunteer Fire Department, Inc. (Oct Nov Dec).

The Commissioners received and reviewed Audit Report from the West Virginia Municipality Single Family Mortgage Revenue Bonds, 1994 Series A.

The Commissioners received and reviewed letter from the Criminal Justice and Highway Safety Division acknowledging receipt of application for Court Security Grant Funds.

The Commissioners received and reviewed letter from West Virginia Department of Transportation, State Rail Authority informing that CSXT plans to abandon 15.27 miles of railroad between Milepost CAF-43.7 at Russ Junction and Milepost CAF-48.97 at Peters Junction in Fayette and Nicholas Counties. The Commission had no comments to forward.

The Commissioners received and reviewed letter from Otis Elevator Company recommending to cover the sump pump in the elevator pit at the Courthouse Annex. Ms. Holly informed the Commissioners she had talked with Bob Massey, janitor he will check into the problem and get back with the Commission.

Ms. Holly informed the Commissioners she had called Uni-Bond Roofing, contractor regarding water sheeting from the roof at the Fayette County Health Department; Ms. Holly informed the Commissioners that her calls have not been returned.

John David and Bart Jackson with the Page-Kincaid Public Service District appeared before the Commission with a second request for funding to replace telemetering equipment. The Commission informed Mr. David again that the Commission is not able to approve their request for

funding to replace telemetering equipment due to recent revenue shortfalls, especially Coal Severance.

Betty Lilly and Phillis E. Putnam with the Main Street Action Committee, Inc. appeared before the Commission with request for funding of \$5,000.00 for start up fee. Ms. Lilly asked Ms. Putnam to give short summary of what the group is all about. The Commissioners informed Ms. Lilly that due to the recent revenue shortfalls, especially Coal Severance, they are not able at this time approve their request. Ms. Lilly asked the Commission to consider their group in future contributions. Commissioner Lopez informed Ms. Lilly the Commission would be in budget session in March.

Ms. Holly informed the Commissioners she received letter from Chief Judge John Hatcher regarding Courthouse security; Ms. Holly informed the Commissioners that a few administrative changes need to be addressed from the Supreme Court courthouse security audit; Judge Hatcher is recommending that the outside access doors to the Fayette County Courthouse and the Fayette County Annex Building not be unlocked until 7:55 a.m. and locked at 4:05 p.m. by the maintenance staff; discussion was held, the Commission suggested to Ms. Holly to send a memo to the Elected Officials and let them know what the Commission is faced with regarding opening and closing of the building and to solicit their input. Ms. Holly informed the Commission that the report recommended to change the designated parking signs of the Magistrates to read "Reserved" without the Elected Officials name; approved.

Jim Sheatsley appeared before the Commission regarding the Estate of Joseph P. Cashion; Mr. Sheatsley informed the Commission that he has a report, motion and proposed order prepared regarding his short term tenure as Administrator of the Estate; Mrs. Sheatsley informed the Commission he is resigning as Administrator of the Estate and is in

favor of appointing Mr. Cashion's niece, Betty Miller to qualify as successor Administratrix. The Commission approved.

The Commission informed that Kelvin Holliday, County Clerk asked them to go into Executive Session. Commissioner Witt asked for motion for Executive Session to discuss personnel matter. Commissioner Lopez offered motion to go into Executive Session; Commissioner Carte seconded; unanimous.

Reconvening from Executive Session Commissioner Witt asked for motion to return to Regular Session; Commissioner Lopez made motion to come out Executive Session and go back into Regular Session; Commissioner Carte seconded; unanimous. Commissioner Witt informed the Executive Session with Kelvin Holliday was to discuss personnel matter.

Kevin Burgess, President of the Fayette County Chamber of Commerce appeared before the Commission to discuss the renewal contract for the New River Convention and Visitors Bureau, Inc. Mr. Burgess asked the Commission if they would consider changing the agreement and give the New River Convention and Visitors Bureau 50% instead of the 25%. Mr. Burgess said that the New River Convention and Visitors Bureau plans to split their 50% share of the hotel tax with the Southern West Virginia Convention and Visitors Bureau. Commissioner Witt informed he saw no problem with change. Commissioner Carte moved that the Commission renew agreement and give 50% of the Hotel/Motel Occupancy Tax to the New River Convention Bureau; Commissioner Lopez seconded. All approved. Ms. Holly asked about the term of the agreement whether they wanted it on a year-to-year basis or for a longer term. The Commission asked Mr. Burgess to make agreement on a 3 to 5 year term.

John Shumate, attorney for the City of Mount Hope appeared before the Commission with petition for annexation of minor boundary adjustment for the City of Mount Hope. Commissioner Witt informed he was against

annexation of roadways; the Commission scheduled final hearing for March 5th at 11:00 a.m. Discussion was held regarding the time frame for the legal advertisement for the public; Mr. Shumate asked to present the petition to the Commission for the minor boundary adjustment on February 14th at 10:00 a.m. to schedule the final hearing; approved. Tom Oxley, City Manager of Oak Hill was present to oppose annexation.

Ms. Holly asked the Commission whether or not to release the \$3,000.00 contribution for SALS. The Commission said to continue to hold the check and asked Ms. Holly to call and schedule meeting if necessary with Floyd McKnight and the Reverend William Johnson regarding status of dispute with SALS.

Commissioner Witt asked Ms. Holly to get a physical count of the cellular phones and the persons who operate them.

The Commissioners received and reviewed from Herbert Mann, Circuit Clerk, a list of employees vacation/sick days for the period January 1, 1996 through December 31, 1996.

Ms. Holly informed the Commissioners she had received complaints about the Fayette County listings in the telephone book; Ms. Holly told Commissioners she had reviewed the way several counties had their counties listed. Ms. Holly showed the Commission various listings and stated that if they approved she would prepare a new listing for Fayette County and submit the changes to the telephone company; Ms. Holly informed the Commission that the deadline to submit changes is January 10th. The Commission approved.

Ms. Holly informed the Commissioners that James Perdue, janitor has requested permission to take two hours vacation on each Tuesday and Thursday starting January 9, 1997 through April 29, 1997 to attend Marketing class at WVU-Tech. The Commissioners approved with the understanding that work requirements may dictate periodic cancellation.

The Commissioners signed letter to Kelvin Holliday, County Clerk, informing that effective January 1, 1997, Charlotte Holly shall be paid at an annual salary of \$41,400.00 plus benefits from the General County Fund.

The Commissioners received and reviewed law suit filed against Kelvin Holliday (Linda Lou Tury-Civil Action 97-C-006).

The Commissioners received and reviewed maintenance of vehicles for the month of December.

The Commissioners received and reviewed from King, Allen and Guthrie a copy of a letter sent to Lisa Stanley, Director with the Department of Tax and Revenue, regarding auditor's request for pending litigation on Fayette county for audit being done for fiscal year ended June 30, 1996.

The Commissioners received and reviewed information from the County Commissioners' Association regarding the Coal Severance Tax Legislation.

The Commissioners received and reviewed a copy of a letter to Workers' Compensation Office of Judges from H. John Taylor for Dovie Christian, claimant.

The Commissioner received and reviewed a copy of a letter sent to Workers' Compensation Office of Judges from Belinda Morton, attorney for Percy Gilliam, claimant.

Outstanding bills were approved.

The meeting was adjourned at 12:35. Next scheduled meeting is January 15, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 15, 1997
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez (9:50), Gene Carte, Jr.

The Fayette County Commission met in regular session on this 15th day of January, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners recessed to open vault for Kelvin Holliday, County Clerk.

Ms. Holly informed the Commission the certified clean-up letter mailed to Smith Young was returned unclaimed.

The Commissioners signed letter to Chief Magistrate Mike Parson and Magistrates John C. Lopez, Tom Monk and Allen Workman informing that during a recent security audit of the Fayette County Court facilities performed by the Supreme Court, the Supreme Court cited a problem with the magistrates' parking spaces being designated by name, the Commission informed the Magistrates that based upon the Supreme Court's recommendation, the names would be removed and replaced with "reserved" parking signs.

The Commission signed invoices to the City of Oak Hill, City of Mount Hope, Town of Fayetteville and the City of Smithers for confinement of prisoners at the Southern Regional Jail.

The Commissioners signed thank you letter to Howard E. Janney for his services as Sheriff during the interim term from November 16, 1996 through December 31, 1996.

The Commissioners signed memo to all Elected Officials and Department Heads informing that effective immediately the Commission

will not approve for payment any charges to the County for auto supplies (gasoline, oil, etc) that does not have the vehicle license number, date and proper signature of purchaser written clearly on the face of the charge ticket.

The Commissioners signed memo to All Elected Officials and Department Heads informing that on or before January 24, 1997 each Elected Official and Department Head are to provide the Commission with a written report of the physical count of all cellular telephones that are County owned or leased and the corresponding cell number and person the phone is assigned to.

The Commissioners received telephone deposition from John Shumate, attorney for Donald Williams in the Workers' Compensation case. The Commissioners signed letter to the Workers' Compensation Office of Judges informing that the claim of Donald W. Williams, II can be submitted for decision; claimant was notified by copy to John Shumate.

The Commissioners signed letter to the Marriott Hotel authorizing them to charge to the Fayette County Commission sleeping rooms, meals, room guarantees, guarantee for late arrival and parking fees for Paul M. Blake, Carl L. Harris, Teresa D. Daniel and Thomas Steele, Jr. while they are attending the 1997 Prosecuting Attorney's Winter Training Seminar.

The Commissioners approved and signed formal notification letter to Paul Raetsch, Chief, Planning and Technical Assistance Division informing the 1996 Annual Overall Economic Development Program Progress Report adequately serves the requirements of the Overall Economic Development Program guidelines and that a separate document of the Commission is unnecessary.

Ms. Holly informed the Commission that Kevin Burgess called and informed her that when he appeared at the last meeting he forgot to

notify the Commission of the Chambers' guidelines allowing the Commission to appoint some one to the Fayette County Chamber of Commerce Board. Commissioner Witt suggested appointing Dave Pollard. Approved.

Commissioner Witt presented letter to the Commissioners with a complaint from Laura Beverly regarding property of David A. Bowles that is located next door to her. Mr. Witt presented pictures he received and directed that a letter be sent to Mr. Bowles requesting permission to have the Solid Waste Authority tear down the building and burn the trash.

Discussion was held regarding the Kimberly School. The Commissioners signed letter to the Fayette County Board of Education, L. A. Coleman, Superintendent, requesting and urging the members of the Board of Education to convey Kimberly Elementary School to the local community organization for a maximum consideration of \$30,000.00.

Ms. Holly informed the Commission that Debbie Berry received a call from John David regarding the Southern Appalachian Labor School (SALS) contribution for fiscal year 1996-97; Ms. Holly asked the Commission if they wanted to release the check; she informed the Commission she did not get a chance to talk with the Reverend William Johnson or Floyd McKnight; Mr. Witt stated that he had not been able to contact them either. The Commissioners approved releasing the check subject to getting okay from Floyd McKnight or the Reverend William Johnson.

The Commissioners received and reviewed plans from Earl Pauley, Park Superintendent for Smithers Detachment. Discussion was held; Mr. Carte stated that all plumbing should be adjacently located. The Commission asked Ms. Holly to hold for new plans.

Payroll and outstanding bills were approved.

The Commissioners received and reviewed letter from Kelvin Holliday, County Clerk informing about the First Vote Program required

under statute. Mr. Holliday informed the program is an educational process; visits must be pre-approved by the Secretary of State and Mr. Holliday has set-up a 2 year schedule.

The Commissioners reviewed letter written to Bell Atlantic Directory Listing Center regarding the directory listing for the Fayette County Courthouse offices. Approved.

The Commissioners received and reviewed Workers' Compensation updates.

Ms. Holly informed the Commissioners she had not heard back from the Uni-Bond Roofing Company regarding the Fayette County Health Department roof. She had called Gary Shleser with Uni-Bond Roofing and he said the Commission had not performed the recommended corrective measures to stop water from sheeting off the building. Ms. Holly informed the Commission she reviewed the file, and she found the estimate and paid invoice where the Commission did contract with Uni-Bond to perform the recommendations; Ms. Holly informed the Commission she faxed copy to Mr. Shleser.

The Commissioners received and reviewed letter from Helicon Cable Communicates regarding the changes in the cable channels.

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

The Commissioners received and reviewed letter from General Motors Corporation regarding air bags. Ms. Holly informed the Commissioners original has been forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed letter form Mount Olive Correctional Complex regarding incoming calls.

The Commissioners received and reviewed resume for employment from Donald Jerome Skaar.

Ms. Holly informed the Commission that Paul Blake, Prosecuting

Attorney, had received opinion from the West Virginia Supreme Court of Appeals regarding the deputies increment pay law suit. Ms. Holly informed the Commission that Mr. Blake had already proceeded with the steps regarding dismissal and had sent a letter to John P. Dascoli, Esquire, Segal and Davis, L.C.

Ms. Holly asked the Commission what to do with the letter from John David regarding the donated property for a proposed park. The Commission asked Ms. Holly to hold the letter.

The Commissioners approved request of Steve Cruikshank, Director for the Fayette County Emergency Services, to purchase 2-SDI 14" Color Monitors 0.28 dot pitch with 2 year warranty at \$235.99 each.

Ms. Holly informed the Commission she talked with Steve Cruikshank regarding residency of John McComas and informed the Commission that Mr. McComas lives in Kanawha County. Commissioner Witt said that Mr. McComas would have to be replaced with a Fayette County resident on the 911 Advisory Board; Ms. Holly informed the Commission the person they appoint would have to be a member of the Emergency Medical Services. The Commissioners asked Ms. Holly to get recommendation from Steve Cruikshank and David Neal.

Ms. Holly informed the Commission she had called Ron Walton and informed him of the answer regarding the fire hydrants; he was not satisfied and asked to be scheduled for appointment with the Commission. The Commission informed they were not in the fire hydrant business and asked Jackie Hickman to call Mr. Walton; if the meeting is for fire hydrants, it is to be canceled because there's nothing the Commission can do except wait on West Virginia American Water Company.

Ms. Holly informed the Commission that she had sent legal notice to newspapers and letters to Thomas Aiello, Assessor, and Paul M. Blake, Prosecuting Attorney, regarding the Board of Equalization Review

Hearings; Ms. Holly reminded the Commission that the first hearing is scheduled for January 31, 1997.

The Commissioners received and reviewed a letter from Kelvin Holliday with a list of vacation and sick leave used by his employees during January 1, 1996 through December 31, 1996.

Ms. Holly informed the Commission that she had notified Jim Keenan that copies of the requested minutes are ready, but he had not picked up the copies. Ms. Holly informed the Commission that she received request from Mr. Keenan regarding the personnel file for Linda Tury; Ms Holly informed the Commission she has prepared letter informing Mr. Keenan that Ms. Tury was not an employee of the Fayette County Commission and that the Commission did not maintain nor has possession of Ms. Tury's personnel file. Ms. Holly informed the Commission that Carl Harris, Assistant Prosecuting Attorney, reviewed the letter.

The Commissioners approved request of Kelvin Holliday to purchase 2-IBM Wheelwriter typewriters for the County Clerk's front office.

Ms. Holly informed the Commission that law suit (Linda L. Tury v. Kelvin E. Holliday) is covered under the county's liability insurance. Carl Harris informed the Commission that Steptoe and Johnson is the firm handling the case and Stephen McGowen, attorney, will be filing answer.

Ms. Holly informed the Commission she received and forwarded revised easement for Ben Hudnall from Carl Harris, Assistant Prosecuting Attorney. The Commission informed it's okay to prepare \$500.00 check; Commissioner Lopez suggested having Earl Pauley, Park Superintendent, to contact Ben and get easement signed and returned to us.

Commissioner Witt asked Mr. Harris about the clean-up law; Mr. Harris informed he would check the West Virginia Code and get back with them.

Ms. Holly informed the Commission she received a letter from

Gordon Sutphin protesting his taxes and it seemed that he would need to appear before the Board of Equalization. A copy of the letter has been forwarded to Eddie Young in the Assessor Office.

The Commissioners approved for Charlotte Holly, Administrator, to attend Premises Liability in Charleston on January 24, 1997.

Carl Harris, Assistant Prosecuting Attorney, informed the Commission that he had checked the West Virginia Code regarding the clean-up of property and informed the Commission that they are still in compliance with the Code. Mr. Harris stated that the Commission already has the power for the clean-up of property and that the ordinance is the notice sent to each property owner; Mr. Harris advised that he did not recommend any changes to the current policy.

The Commissioners approved request of Kelvin Holliday, County Clerk, to purchase West Virginia Marriage 1832-1853 and 1865-1903 books.

Ms. Holly informed the Commission that Mrs. Abbot had called regarding the 1996-97 allotment for the Fayette Humane Society. Ms. Holly informed the Commission the balance in the Dog Tax Fund is \$1,111.00 and the months due the Humane Society are for November, 1996, December, 1996 and January, 1997. The Commissioners approved to pay the Humane Society invoices from the Raleigh County Solid Waste Authority from the Courthouse utilities budget line item. The Commissioners approved to pay the Fayette Humane Society the \$1,000 Dog Tax fund allotment for the month of November. Commissioner Carte suggested to Ms. Holly to put a note with the check informing that this allotment is for November, and the monthly allotments for December, 1996 and January, 1997 from the Dog Tax Fund are the only outstanding allotments from that fund and will be paid as Dog Tax Funds become available.

Ms. Holly informed the Commission that Tom Woodrum Chief Deputy in Tax Office has requested telephone for Ann Berry and had asked Bob

Massey about installing insulation in the walls of the Tax Department; Ms. Holly informed the Commissioners she had talked with Bob Massey, maintenance, and he suggested putting in new thermostats. Commission tabled requests.

The Commissioners received and reviewed response letter from Pullin, Knopf, Fowler and Flanagan regarding the Department of Tax and Revenue Audit for fiscal year ended June 30, 1996 advising that they do not have any pending cases wherein they represent the Fayette County Commission.


The Commissioners received and reviewed letter from Harold Bragg opposing the annexation of the City of Mount Hope.

Ms. Holly signed letter to NACo canceling the registration of Commissioner Witt to attend the 1997 Legislative Conference as requested.

The Commission reviewed complaints from Judge Vickers of trash in hallways and dirty bathroom this morning and directed Ms. Holly to send note of complaints to Jerry Snyder, janitor.

Ms. Holly advised the Commission of telephone message from CAEZ that a Commissioner from each of the 4 counties had to serve on the CAEZ Board of Directors. No action taken.

The meeting was adjourned at 11:28. Next scheduled meeting is January 29, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 29, 1997
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 January, 1997.

Commissioner Witt called meeting to order at 9:40.

Exonerations were approved and signed.

Commissioner Witt asked Harold Bragg if he was present to talk with the Commission. Mr. Bragg informed he was here only to observe the County Commission meeting.

Commissioner Carte suggested to the Commission to pay the two months owed to the Fayette County Humane Society from another fund other than the Dog Tax Fund. The Commission approved transferring \$2,000.00 from the General Fund to the Dog Tax Fund to pay the Fayette County Humane Society for the months of December and January.

The Commissioners signed letter to David Bowles requesting permission for the Fayette County Solid Waste Authority to tear down the building and burn the trash on his property at Glen Jean.

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

The Commissioners signed certificate to SuperAmerica Group to purchase gasoline.

Ms. Holly informed the Commissioners she has prepared letter to the West Virginia Development Office requesting \$20,000.00 reimbursement for the first and final drawdown and Certification of Project Completion for the Valley/Lick Emergency Radio Towers. Ms. Holly informed the Commission she prepared vouchers for project vendors to be approved

today; she informed the Commission she had a prepared check to Two-Way Radio but will hold the check until she receives a release from State Tax Department. Ms. Holly informed the Commission that other expenses of \$4,654.73 for the balance of the cable and antennas were paid out of the 911 Fund and \$6,338.49 for the building, fence, etc. were paid out of the Building and Improvement Fund for a total project cost of approximately \$31,000.00 (excluding county labor). The Commission approved.

The Commissioners received and reviewed letter from John David, Southern Appalachian Labor School (SALS) asking the Commission to send a letter of support to SALS for their proposal to AmeriCorps to continue the housing rehab/weatherization program for another year. The Commission asked Ms. Holly to send letter of support.

The Commission asked Ms. Holly if check to SALS had been mailed and if everything had been worked out between SALS and the Beards Fork Community Organization. Ms. Holly informed that the check had been mailed as authorized by Commissioners Witt and Carte and according to Floyd McKnight that SALS had agreed not to use Loup Creek Community Center on funding applications. Ms. Holly informed the Commission Mr. McKnight did not know whether or not Mr. David has applied for and received any grants under the Loup Creek Community Center name.

The Commissioners signed clean-up letter to Margaret Criss.

Ms. Holly informed the Commission she received three different calls from Ed Holtsclaw regarding the Fiscal Officer for the Court Security Grant application. Mr. Holtsclaw has informed her that Sheriff/Treasurer Larry Dotson cannot be the Fiscal Officer since his office is involved with the grant; Ms. Holly informed the Commission that a conference call has been set up with Mr. Holtsclaw and the grant committee for Friday, February 7, 1997 between 9-12 a.m. to discuss the

application. Ms. Holly advised the Commission that to keep the County from losing the grant and because of Mr. Holtsclaw's insistence she recommends that Kelvin E. Holliday be substituted as the Fiscal Officer (as done on other grants) instead of the Sheriff. Approved.

Ms. Holly presented to the Commissioners the minutes of January 8th and January 15th for their review and comments. Commissioner Carte made motion to approve minutes. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed Workers' Compensation letters and reports.

The Commissioners signed letter to all Elected Officials and Department Heads requesting that each office, prior to March 2, 1997 submit to the Commission a detailed request for appropriation for anticipated or expected expenditures for its respective office, including the compensation for its assistants, deputies and employees for the ensuing fiscal year.

The Commissioners received and reviewed reports and minutes from the Fayette County Solid Waste Authority for the month of January.

Ms. Holly informed the Commissioners she received signed easement from Ben Hudnall; Ms. Holly informed the Commission that the easement has been recorded in the County Clerk's Office and Mr. Hudnall has been paid the \$500.00 consideration for the easement.

The Commissioners received and reviewed re-printed "refusal to pay" report associated with the Emergency Telephone System for the month of September.

The Commissioners received and reviewed 2 lists of "refusals to pay" associated with the Emergency Telephone System for the months of November and December, 1996.

The Commissioners received and reviewed response letter from L. A.

Coleman, Superintendent, Fayette County Board of Education regarding the Commission's request that the Board of Education convey the Kimberly Elementary School building to a local community organization for a maximum consideration of \$30,000.00. Ms. Holly presented to the Commission a copy of the State Code regarding the board conveying property to local organizations. Commissioner Witt informed the Commission that Dave Pollard, the Prosecuting Attorney's Office and Judson Wallace is working on the project.

Ms. Holly informed the Commission she received a proposed 3-year agreement for the hotel/occupancy tax with the New River Convention and Visitors Bureau, Inc. from Kevin Burgess; Ms. Holly informed the Commission that there are a few corrections that needed to be made to the agreement, and she would get with Kevin to discuss.

Ms. Holly informed the Commissioners she received Election information from the Secretary of State and had forwarded copies to Kelvin Holliday, County Clerk.

The Commissioners received and reviewed letter from Beaver Coal Company, Limited informing they are opposed to having its property included in the City of Mount Hope annexation.

Ms. Holly informed the Commission that the only response received regarding the cellular telephones was from Sheriff Larry Dotson. Ms. Holly informed the Commission that a response had been requested on or before January 24, 1997. The Commission asked Ms. Holly to send same notice out again with second request typed on notice.

The Commissioners received and reviewed letter from Thomas Aiello informing that effective January 16, 1997, Nancy L. Carr will be hired as a part-time employee on his regular payroll, salary \$1,100.00 a month, no benefits.

The Commissioners received and reviewed from the Department of Tax

and Revenue a copy of the Assessor's PVTPC budget for the fiscal year 1997-98.

Payroll and outstanding bills were approved and released for payment today.

Ms. Holly informed the Commission she received letter from Judy Hess requesting a copy of the Fayette County Commission's disciplinary policy. Ms. Holly presented to the Commission a copy of the letter sent to Ms. Hess informing that the Fayette County Commission does not have a written disciplinary policy; Ms. Holly informed the Commission she had taken the response over to the Prosecuting Attorney's office, and it had been reviewed by Carl Harris. Commissioner Carte informed the Commission that Ms. Hess was in this morning and thanked the Commission for their response.

The Commissioners received and reviewed letter from Conrail informing of a proposed increase in rail traffic by Norfolk Southern Railroad and asking the Commission to submit their comments before January 31, 1997. The Commission informed they had no comments except to support increased rail traffic in Fayette County.

Ms. Holly informed the Commission she has prepared legal advertisement for the materials to build the outside shell of the Valley Detachment; legal ad would be published in the Fayette Tribune, Thursday, January 30th and Thursday, February 6, 1997, bids will be due at 10:00 a.m. on February 10, 1997.

Ms. Holly informed the Commission she received Coal Severance allotment of \$58,599.27 and presented a comparative Balance Sheet as of January 29, 1997 and a budget summarization of the Coal Severance Fund. Ms. Holly informed the Commission of the decrease to January 26, 1997 allotment. Ms. Holly informed the Commission that the projected Coal Severance Tax through the fiscal year is \$325,087.00 and that

\$170,544.00 is currently uncollected.

Ms. Holly informed the Commission that Earl Pauley, Park Superintendent, would like to know if there's a possibility he could construct a shelter by the pool; Ms. Holly presented cost estimate from Earl in the amount of \$3,054.40. The Commissioners approved.

Ms. Holly informed the Commission she received a call again from Central Appalachia Empowerment Zone (CAEZ) regarding appointing a County Commissioner to serve on the CAEZ Board. Discussion was held; Commissioner Lopez asked Commissioner Witt to reconsider his resignation from CAEZ. Commissioner Witt informed he would think about it.

Commissioner Lopez asked Ms. Holly to put together a letter to Senator Shirley Love with suggestions for legislation to consider during the upcoming Legislative session. The Commission suggested charging \$2.00 each to the rafters and changing or adding to section of code regarding the clean-up of property so that County would have authority to file judgment lien to recoup cleanup costs. Commissioner Lopez asked Joe Myers, Fayette Tribune and Susan Williams, Charleston Gazette if they had any suggestions; Mr. Myers suggested getting more grants to assist in the clean-up of property; Ms. Williams suggested getting some type of a program and have the people from welfare assist. Joe Myers suggested that Dave Pollard write a grant for Larry Parson's salary under the Fayette County Commission to continue current program with dump site clean-ups and include property cleanup.

Ms. Holly informed the Commission she had mentioned to them last meeting that Tom Woodrum had requested to install a telephone on Ann Berry's desk; Ms. Holly said she had reviewed the telephone system and that one multi-button set and one single-line set could be added to current system; Ms. Holly recommended single-line set due to expense of IROBS (lightning protection); Ms. Holly asked if they approved this

recommendation; the Commission approved.

Ms. Holly informed the Commission that today Joe Hutchens picked up the copies of the minutes as requested by Jim Keenan and had presented a copy of the receipt where he paid the County Clerk's Office \$113.50 for the copies.

The Commissioners received and reviewed request from Christie Workman, Magistrate Court Clerk, asking that an additional electrical outlet be installed in the Magistrate Clerk's Office; Ms. Holly assigned Bob Massey to install.

Ms. Holly reminded the Commission that 10:00 a.m. Friday, January 31, 1997 is the beginning of the Board of Equalization and Review hearings for the month of February.

Yvonne Snyder, Extension Agent appeared before the Commission to ask the Commission if they would consider lowering or waiving the cost of the 1997 camp fee of \$650.00 for the 4-H Camp. Discussion was held; Ms. Holly informed the Commission that the Commission had increased all camp fees as requested by Earl Pauley and asked the Commission to let her review the minutes for the revised fees and get back with them with this information.

Ms. Snyder informed the Commission of some concerns about the bathhouses and presented to the Commission a Fayette County Department of Health Inspection Report regarding the bathrooms.

The Commission asked Ms. Snyder to check back with them on Friday.

Harold Bragg appeared before the Commission and suggested to the Commission to include in their letter to Senator Shirley Love concerns regarding the minor boundary adjustment section of the West Virginia Code and to ask the Legislature to define "minor boundary adjustment."

The meeting was adjourned at 11:07. Next scheduled meeting is January 31, 1997.



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

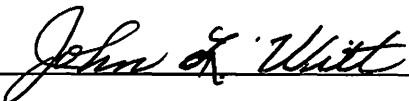
The Fayette County Commission met in Special Session on this 31st day of January, 1997 as Board of Equalization and Review of Property Assessment.

There were no scheduled hearings for the Board of Equalization and Review of Property Assessment.

Ms. Holly presented order to the Commission 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 the State be corrected before the 28th day of February. Order signed.

Since there were no Board of Equalization and Review of Property Assessment hearings scheduled, Commissioner Witt asked that meeting be adjourned.

Meeting adjourned at 10:20. Next scheduled meeting is February 5, 1997.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 9, 1997

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 9th day of July, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners signed order regarding a petition of Terry L. Ritterbush and Edie S. Ritterbush to abandon an unnamed and unused street, situated on the northside of Summerlee Road, Plateau District.

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

The Commissioners signed orders reappointing Imogene Pennington and Frank Hill members of the New Haven Public Service District.

The Commissioners approved request of Thelma Kincaid, Circuit Clerk to hire part time election worker to start July 21, 1997.

Ms. Holly informed the Commissioners she received request for payment of allotment that were allocated for fiscal year 1997-98. Ms. Holly informed the Commission that due to the account numbers being changed by the State, Ms. Holly explained to the Commission she would have to have a beginning balance for fiscal year 1997-98 before any allotments are made.

The Commissioners signed letter to Martinsburg Holliday authorizing sleeping rooms, meals, room guarantees and parking fees be charged to the Commission while Thelma Kincaid and Martha Sue Massey are attending the Annual-In Service County and Circuit Clerks Annual Convention.

Ms. Holly presented to the Commission from Earl Pauley, Park

Superintendent request of the Reverend Lloyd Higginbotham to waive camp fee for the Weirton Christian Center for August 2nd through August 7th, 1998. Discussion was held, Commissioner Witt questioned if any of the kids are from Fayette County; Earl informed yes. The Commission approved for camp fee to be reduced to \$500.00 for 1998 for the Weirton Christian Center.

The Commissioners discussed the swimming pool hours with Earl Pauley. It was suggested by the Commission that the swimming pool be open from 6:00 p.m. to 8:00 p.m. for the next two weeks, seven days a week since swimming lessons are being taught from July 7 through July 18th at 5:00 p.m. to 6:00 p.m. The Commissioners told Earl that after the two weeks the hours for the swimming pool would go back to the regular time 11:00 a.m. to 7:00 p.m.

The Commissioners made motion to go into Executive Session with Earl Pauley, Park Superintendent.

The Commissioners reconvene from Executive Session, Commissioner Witt informed the Executive Session was to discuss personnel matter no action taken, only enforcing some of the rules and regulations.

Attorney Ralph Young appeared before the Commission with final annexation by minor boundary adjustment of a portion of Young Street containing .339 acres, situate in Plateau District, Fayette County.

Larry Harding, Councilman for the City of Oak Hill informed the Commission that the City had set aside funds to pave the street. Several citizens opposing annexation were present. After a lengthy discussion, Commissioner Carte made motion to table until July 30th this would give the Commission a chance to check the annexation questions.

Attorney Phil Tissue appeared before the Commission with a petition to remove Sylvia L. Roberts the current Administratrix from the Estate of Bensil Jr. Long. Attorney Tissue informed the Commission that

the current Administratrix has failed to perform her duties and asked that Patricia A. Robson be appointed to complete the estate administration.

Fred Jesser, attorney for Sylvia L. Roberts appeared before the Commission and informed the Commission he had be retained by Ms. Roberts.

Mr. Jesser gave an explanation and reason why the Estate had not field a final settlement. Mr. Jesser informed the Commission he would get a partial settlement to Attorney Tissue. After a brief discuss, Commissioner Carte moved to hold off for 30 days on the removal of Ms. Roberts as Administratrix, asked Mr. Jess to submit a partial settlement by August 6th.

Attorney John Shumate appeared before the Commission to present application for annexation by minor boundary adjustment of part of Lots Nos. 34, 35 and 36 and all of lots 37 through 86 of the Tutwiler Addition, in Plateau District, Fayette County, West Virginia and a 49.29 acre tract situate northeasterly from and adjacent to the Community of Kilsyth, Plateau District, Fayette County for the Central Appalachia Empowerment Zone (CAEZ). There were no opposition. Michael Martin and Terrell Ellis were present. Attorney Shumate presented letter to the Commission informing that the College of West Virginia do not oppose annexation. Commissioner Carte moved to approve application; Commissioner Lopez seconded. All approved.

Commissioner Witt asked Terrell Ellis, Executive Director with the Central Appalachia Empowerment Zone to give update of what the Empowerment Zone is planning.

The Commissioners signed Request for Inmate Labor to the West Virginia Regional Jail and Correctional Facility Authority.

The Commissioners received and reviewed 911 statistics for the

month of June.

The Commissioners received and reviewed letter from David Neal, E-911 Coordinator giving response to the Commission's request to review the vehicle fire that occurred on July 5, 1997 on the Wal-Mart parking lot.

The Commissioners received and reviewed letter from the Town of Gauley Bridge with request for funding for the Community Center for fiscal year 97-98. The Commission informed that this request was too late for fiscal year 97-98 and suggested to Ms. Holly to hold request for fiscal year 98-99 since there is no money available for this fiscal year.

The Commissioners received and reviewed letter from the Upper Kanawha Valley Chamber of Commerce asking that the Commission support a clean-up of U S 60, U S 61, and WV 19 and WV 33. The Commission asked Ms. Holly to give to Larry Parsons, Litter Control Coordinator to inspect area.

Ms. Holly presented to the Commission several clean-up complaints investigated by Gary Harding, Zoning Officer. The Commission asked Ms. Holly to hold until their next meeting.

The Commissioners received and reviewed Employment Application from Connie Jean Taylor and a resume from Susan Ann Osborne.

The Commissioners received and reviewed letter from the Surface Transportation Board informing the purpose of this letter is twofold: first to inform the Commission of the Notice of Intent to Prepare an Environmental Impact Statement (EIS) and the Request for Comments on the Proposed EIS Scope (Notice) and second to ask the Commission for their written comments on the proposed EIS Scope. The Commission informed Ms. Holly they had no comment.

The Commissioners received and reviewed a check in the amount of

\$29,405.33 for the Emergency Telephone System for the month of May, 1997.

The Commissioners received and reviewed Workers' Compensation Reports.

Ms. Holly informed the Commission of Region 4 Planning and Development Council Annual Dinner.

Ms. Holly informed the Commission that the County Commission Annual Meeting is scheduled for August 17 through August 19, 1997.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, payroll Clerk informing that William C. Hamilton has resigned and have been approved for disability/retirement; Everette Steele, Chief Deputy is requesting that Mr. Hamilton be paid his accrued 57 days annual leave and 36 hours compensation time.

Commissioner Carte made motion that the budget revision for the coal Severance Fund for fiscal year 97-98 be approved. Commissioner Lopez seconded. All approved.

Commissioner Witt suggested separating the Fayette County Jail Museum utilities (water, gas, electric). The Commission approved, asked Ms. Holly to have Bob Massey, Supervisor Maintenance, and Earl Pauley, Park Superintendent to work on.

Ms. Holly informed the Commission that she will began her vacation on August 8th and that she would not be present for the 15th meeting.

The Commissioners received and reviewed letter from CableVision informing of the new installation rates that will be effective August 1, 1997.

Commissioner Lopez moved that the meeting be adjourned.

The meeting was adjourned at 11:55. Next scheduled meeting is July 15, 1997.

A handwritten signature in cursive script, reading "John B. Witt", is written over a horizontal line.

Young Street

Anniston
7/9/97

Harvey Murray
Lutz Worthington
Kanda Johnson

Mereen Stewart

Joanne Lambert

Melissa Johns

David Johns

Sten Seabury

Linda Fitzgerald

David Smith

Bob Myers

Patty Taylor

H. C. Baker - Postmaster

Bertie D. Dreading

Quinn Kaper

Noah Kaper J.

Kenneth Dreading

Dore Ellison

Larry Harding

Shirley Bragg

Thomas S. Bragg

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 15, 1997
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 July, 1997.

Exonerations were approved and signed.

Outstanding bills and payroll were approved.

Ms. Holly informed the Commission she received a letter Steve Cruikshank, Emergency Coordinator recommending that March Tucker replace John McComas on the Fayette County Enhanced Emergency Telephone System Advisory Board. The Commission approved, order signed.

The Commissioners signed jail invoices to the City of Oak Hill, Town of Ansted, City of Mount Hope and the Town of Fayetteville for the confinement of prisoners at the Southern Regional Jail for the month of June.

Ms. Holly informed the Commission she received letter from David Neal, E-911 Coordinator recommending William Watts and Franklin Cafego be hired as new probationary part time employees for the 911 Center. The Commission approved.

Ms. Holly informed the Commission she had calculated the Hotel/Motel Occupancy Tax fees and have prepared check to the New River Convention and Visitors Bureau, Inc.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commission received and reviewed letter from the West Virginia University Central District Office asking the Fayette County Board of Education to transfer contribution to the Fayette County Commission for fiscal year from July 1, 1997 to June 30, 1998.

Ms. Holly informed the Commissioners she received a letter from One Valley Bank informing they are holding securities as collateral to secure our deposits with the Fayette County National Bank and One Valley Bank of Oak Hill.

Ms. Holly presented to the Commission a letter from Thelma Kincaid, Circuit Clerk reporting the interest earned from checking account for the fiscal year July, 1996 through June, 1997.

Ms. Holly informed the Commission she received a call from Bill Lucas with the Beckley Newspaper asking the Commission if the \$5,000.00 reward money is still available for the 1992 murder of Eddie Brown. Ms. Holly informed the Commission that she told Mr. Lucas she checked and the only time the Commission offered a reward was back in 1986 and informed Mr. Lucas that the money was only available for information leading to the arrest and conviction of the person or persons found guilty of the murder. The Commission informed Ms. Holly that this was a one time reward only.

The Commissioners received and reviewed letter from ITT Specialty Risk Services, Inc. regarding Donald Burford, etal v. The Kroger Company, etal.

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

The Commissioners received and reviewed letter from Otis Elevator informing that Otis Elevator Company and the International Union of Elevator Constructors is currently negotiating a new labor contract.

The meeting was adjourned at 10:10 a.m. Next scheduled meeting is July 30, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 30, 1997
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 July, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioner received and reviewed letter from Gary Harding, Zoning Officer informing that the Planning and Zoning Commission are recommending that Jesse Bibb, Dianna Smallwood, Sam Dorado, Shirley Love, and James "Puck" Painter be reappointed to serve on the Planning and Zoning Commission. Commissioner Carte made motion to reappoint Jesse Bibb, Dianna Smallwood, Sam Dorado, Shirley Love, and James "Puck" Painter to the Planning and Zoning Commission. Commissioner Lopez seconded.

Ms. Holly presented to the Commission the Annual Financial Statement and list of vendors for fiscal year July 1, 1996 through June 30, 1997. Reviewed and approved. Ms. Holly informed the Commission that all funds are on the computer as of July 1, 1997.

Commissioner Witt suggested cutting tree down on Maple Avenue side on the Courthouse lawn; Commissioner Carte stated he would like to save the tree.

Ms. Holly informed the Commission she had talked with Dianna Dyke regarding Elkem Metals 1991 order for property tax refund; Ms. Holly told the Commission that Elkem had question Dianna about the \$40,000.00 difference in the amounts in paragraphs 1 and 5. Ms. Holly stated that she recalled that Elkem had offered in its settlement proposal to reduce the request for tax relief from \$468,920.05 to \$428,920.05 (\$40,000) as

a concession to the county; however; she could not locate a copy of the settlement proposal in the Commission's files. The Commission affirmed Ms. Holly's statement. Ms. Holly informed the Commission she would check with the Prosecuting Attorney's Office and Attorney Toad Conrad to see if they had a copy of the settlement proposal.

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

On a motion by Commissioner Carte and seconded by Commissioner Lopez the Commission approved and authorized the adoption of Resolution to 4-C Economic Development Authority as the leading economic development organization representing Fayette County.

Payroll and outstanding bills were approved.

Commissioner Witt informed that at last meeting they would make a decision today regarding the annexation by minor boundary adjustment of a portion of Young Street containing .339 acres, situate in Plateau District, Fayette County by the City of Oak Hill.

The Commissioner informed the concerned citizens they had inspected the property. The Commission informed that due to the steep incline of the road and the petitions received opposing the annexation, the Commission informed they would have to deny the annexation.

Commissioner Lopez made motion to deny the annexation of Young/Huff Street. Commissioner Carte seconded. Commissioner Lopez informed that if the City of Oak Hill would consider just annexing the road to the cemetery the Commission would reconsider annexation.

Gary Harding, Zoning Officer presented to the Commission the following cases for disposition. Mr. Harding informed the Commission that Z-437-97-1 was withdrawn and Z-438-97-1 the Planning Commission tabled.

Z-436-97-1: Request of New River Adventures DBA Breeze Hill,

owner, by Skip Heater, for a change in land classification from R-R, Agricultural and Rural Residence, to P-D, Planned Development, on 8.64 acres, Lansing, located on Chestnutburg Road, New Haven District.

Skip Heater was present and there was no opposition. Mr. Harding informed the Commission that the Planning Commission did on Monday by a vote of 7 to 1 recommend that this request be approved to allow Mr. Heater to sell beer and wine with his meals in an existing restaurant that existed under a use permit. After a brief discussion a motion was made by Commissioner Carte that this be approved as recommended. Commissioner Lopez seconded. Vote passed 3 - 0.

The Commissioners approved voucher to pay Sheriff Larry Dotson Commission for 1996 taxes, amount \$15,000.00

Ms. Holly informed the Commission she received a call from the County Commission Association asking how many would be attending the Annual County Commission Association meeting. Commission Witt informed he would be attending. Commissioner Carte and Lopez will not be attending.

Discussion was held regarding Judge John Hatcher's request to putting signs in main courthouse hall to show where each office is located. Commissioner Witt informed he's not in favor of over hanging signs in the hall. Commissioner Witt informed he would talk with the Judge regarding the signs.

The Commissioner received and signed Fire Levy Protection Agreement for Danese Volunteer Fire Department for fiscal year July 1, 1997 to June 30, 1998.

The Commissioners received and reviewed check form Allstate Insurance Company for condensate leak, amount \$90.00.

The Commissioner received and reviewed memo from Chief Magistrate Mike Parsons regarding the TV in the Magistrate Court Lounge. No

decision made.

Ms. Holly informed the Commissioners she had asked Larry Parsons, Litter Control Coordinator to check Lawrence Brydie property. The Commissioners signed clean-up letter to Lawrence Brydie. Ms. Holly informed the Commission that in order for them to have Larry clean-up the property he would have to have the permission of the property owner.

Ms. Holly informed the Commissioners she had picked up blinds for various offices.

Ms. Holly informed the Commission she received a letter from the West Virginia Development Office informing of the \$75,000 that's being considered in the Legislative Digest for Fayette County Commission Capital Improvements. Ms. Holly asked the Commission how they wanted to designate the improvements and suggested that money could be earmarked for one of the Circuit Clerk's roofs for fiscal year 97-98, sidewalk replacement, and paving and suggested to the Commission that the funds left from the fiscal year 96-97 Legislative Digest Grant be earmarked for replacement of the most deteriorated of the Circuit Clerk's roofs.

Thomas Bloss, Coordinator for American Electric Power appeared before the Commission with a presentation regarding the Coalition for Energy and Economic Revitalization (CEER). Mr. Bloss asked the Commission to agree to sign Resolution in support for the project. Commission Witt informed he had no problem with project.

Commissioner Lopez made motion that the Fayette County Commission adopt resolution of association with the Coalition for Energy and Economic Revitalization (CEER) and agrees to the use of its name in support of American Electric Power's project. Commissioner Carte seconded. All approved.

Tim Hannah, President of the Firefighters Association, Inc. and other concerned firefighters appeared before the Commission to oppose

the appointment of David Brash to the Fayette County Enhanced Emergency Telephone System Advisory Board. Discussion was held; Commissioner Carte suggested to the Commission that they create another position on the Fayette County Enhanced Emergency Telephone System Advisory Board. Commissioner Carte made motion to appoint a representative of the Fayette County Firefighters Association, Inc. and that said member be automatically designated as the current President of the Fayette County Firefighters Association. Commissioner Lopez seconded. All approved.

There was a discussion about Steve Eades being a member of the Fayette County Enhanced Emergency Telephone System Advisory Board and not being able to attend any meetings; Commissioner Witt asked David Neal, 911 Coordinator, to prepare a letter to Mr. Eades to inquire as to his availability to attend scheduled meetings.

David Neal asked the Commission if a representative from the 911 Center could be appointed to the Fayette County Enhanced Emergency Telephone System Advisory Board. Commissioner Witt asked David to talk with the Advisory Board and informed David that the Advisory Board is to meet on Thursday, August 7, 1997.

David Neal informed the Commission that the door to the tower equipment building had been kicked in but no equipment was damaged. Mr. Neal told the Commission he would like to purchase a heavier door to replace the damaged one. The Commission approved.

Bill Bragg with Crew and Associates appeared before the Commission asking the Commission to adopt resolution for the Issuers of the Forty-four WV Municipalities Single Family Mortgage Revenue Bonds, 1985 Series A and the twenty-one Municipalities Single Family Mortgage Revenue Bonds, 1984 Series A. Mr. Bragg informed the Commission that there were two purposes for the public hearing; 1) Taxable borrowing 1995 refunding reissue bonds \$1,700,000 due August 1, 1997; 2) that a public

hearing under TEFRA for overall issue comments from public on bond issue already approved. No public comments were received regarding the bond issue. Commissioner Witt declared public hearing open and closed. Commissioner Carte made motion to adopt resolution. Commissioner Lopez seconded. All approved.

Bill Arthur appeared before the Commission with an agreement from Elkem Metal Company to transfer Boomer Ballfield over to the Commission for \$1.00. The Commission informed Mr. Arthur they would have the Prosecuting Attorney's Office review the agreement. The Commissioners informed Mr. Arthur the Commission would not be responsible for scheduling anything at the Ballfield, that the community would have to be responsible for the all care, upkeep, improvements, scheduling, etc. of the ballfield, and that the Commission was not in a position at this time to provide anything for the Ballfield except liability insurance coverage; during the discussion Mr. Arthur said he would take the responsibility for one year. Commissioner Carte made motion to accept Ballfield. Commissioner Lopez seconded. All approved.

The Commission received and reviewed Workers' Compensation Report.

Ms. Holly presented to the Commission Fire Levy Agreements for fiscal year 1997-98 for the City of Oak Hill. Ms. Holly informed the Commission that the guidelines were not attached to the agreements. Commissioner Carte asked that guidelines be attached before the Commission approved and signed.

The Commissioners received/reviewed and approved request of \$500.00 from the Retired Senior Volunteer Program (RSVP) for allocation for fiscal year 1997-98.

The Commissioners received and reviewed new employment rates from Unemployment Compensation Program.

The Commissioners received and reviewed letter from the Secretary

of State regarding the Emergency Absentee Voting Policy for the upcoming Statewide Election.

The Commissioners received and reviewed Memo from Dave Pollard, County Resource Coordinator, informing that West Virginia University has offered to develop a free web site for the county. Mr. Pollard informed the Commission he is working on putting together the requested material.

The Commissioners received and reviewed a copy of a letter written to John David, Director of Southern Appalachian Labor School (SALS), from the Governor's Summer Youth Program (GSYP) informing that his Request for Participation (RFP) in the Governor's Summer Youth Program cannot be filed this year.

The Commissioners received and reviewed letter from John David informing of plans being made to make improvements on the Deepwater-Oak Hill Junction track section; Dr. David asked the Commission to request of Norfolk Southern Railroad that the railroad bridge over Beards Fork Road be included in plans.

The Commissioners received a copy of a letter from Strategic Technologies, Inc. informing that the current Electronic Monitoring Service Agreement will expire August 31, 1997. Ms. Holly informed the Commission that Sheriff Larry Dotson informed her that he probably would be looking at other vendors. The Commission approved.

The Commissioners received and reviewed memorandum from the West Virginia Development Office informing that the request for an extension of the grant period for the Valley Detachment/Courthouse Grant has been approved.

The Commissioners received and reviewed letter from Yvonne Snyder, Extension Agent requesting that the money put into the Annual Extension Service Budget be used to pay for costs incurred at camp which include the Water Safety Instructor's fee of \$100.00 and the Camping Assistant's

fee of \$150.00. The Commissioners asked Ms. Holly to get additional information.

The Commissioners received and reviewed Quarterly Report from Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed letter from Dave Pollard with an attached draft of a suggested letter to the West Virginia Legislators requesting changes in the code in regard to dilapidated structures.

The Commissioners received and reviewed letter from Judge John Hatcher requesting that the Commission take appropriate steps necessary to correct the problem or problems with the leaking roof over the vault area of the Circuit Clerk's Office.

Ms. Holly informed the Commission that the cost of replacing the door at the Valley tower site would be \$224.00. The Commission approved.

The Commissioners received and reviewed accident reports for Deputy James Sizemore vehicle and for fallen limb damage at the park on Roger and Pamela Whitmore's vehicle.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding the cleaning of the votomatic/ballot room. The Commissioner suggested to Kelvin the possibility of using space on the 3rd floor for Election storage, and asked Kelvin to look at the area and the security and asked that he give the maintenance staff supervisor notice of his decision and requirements.

The Commissioners received and reviewed the Assessor's Valuation Fund Budget for fiscal year 1997-98 approved by the Department of Tax and Revenue.

The Commissioners approved to pay quarterly insurance premium for the Fayette County Solid Waste Authority for quarter ending September

30, 1997.

The Commissioners signed letter to Martinsburg Holiday Inn authorizing John Witt, Gene Carte and Charlotte Holly to have their sleeping rooms, meals, room guarantees and parking fees charged while they are attending the County Commissioners Annual In-Service Training Meeting being held August 17 through 19, 1997.

The Commissioners signed letter to Civic Center Holiday Inn authorizing Thomas Aiello to have his sleeping rooms, meals, room guarantees and parking fees charged while he is attending the West Virginia Assessor's Association General Meeting being held August 3 through 4, 1997.

The Commissions approved for Charlotte Holly to attend ADA Training seminar on August 26, 1997.

The Commissioners received and reviewed Audit Report from New River Convention and Visitors Bureau, Inc., for year ending December 31, 1996.

The Commissioners received and reviewed check for franchise fee from The Helicon Group, L.P. for the period April 1, 1997 to June 30, 1997.

The Commissioners received and reviewed invitation to the Nicholas/Clay E-911 Open House being held July 30, 1997.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone system for the month of May, 1997.

The Commissioners received and reviewed check from the Fayette County Board of Education as contribution to cover the fiscal year from July 1, 1997 to June 30, 1998 for the West Virginia University Extension Office employees.

The Commissioners received and reviewed letter from Sheriff Larry

Dotson informing that as of this date he has asked all deputies to keep their gas receipts when refueling their cruisers.

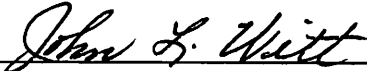
Ms. Holly informed the Commission Earl Pauley, Park Superintendent informed her that he received a citation from the West Virginia Division of Highways regarding the logo on the sign for the fair and was told to either take the sign down or take logo off. Ms. Holly informed the Commission the Earl told her that sign was okay for this year but not next year.

The Commissioners signed letter to Penelope Crandall, Director with Family Law Masters requesting reimbursement for rent in the amount of \$990.00 for the month of July.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to Susan Riggs, Executive Secretary with West Virginia Infrastructure and Jobs Development Council regarding the Town of Pax public water system improvement project.

Ms. Holly told the Commission that Earl Pauley, Park Superintendent informed he had more collection containers for aluminum cans than he needed and wanted to know what to do with the cans after they had been collected. Commissioner Witt suggested letting Earl decide how to get rid of cans.

The meeting was adjourned at 12:30 p.m. Next scheduled meeting is August 6, 1997.



Dr
of
MC

1/30/97

Young St/Huff St
Meeting -

10:00 a.m

David Smith

Patty Napier

Orville Thomas

Leonard Dredway

Bertwob Dredway

Linda Fitzwater

Willie Shockey

Bill Saye

Marcie Saye

Lute Arrington

Calvin Treadway

Daniel Hester

Harvey Martin

Leon Lewis

Michael Baker

Noah Baker

Don A Miller

Marsha Baker

Quint Kake

John Druff

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 4, 1997
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 June, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

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

The Commissioners signed order to transfer \$12,341.01 from the Fayette County Local Law Enforcement Block Grant Fund to the Fayette County General Fund as reimbursement for actual expenditures of said Federal Grant award amount and interest earned.

Commissioner Lopez asked the Commission to take ownership of the Boomer Ballfield. Discussion was held, Commissioner Witt agreed to take ownership only; the County would not be responsible for the upkeep of the property. Eddie Young, Board member, informed the Commission that the community would be responsible for the upkeep.

The Commissioners signed letter to Congressman Nick J. Rahall regarding sewage service on Summerlee Road; the Commission informed Congressman Rahall that an engineering study was conducted by the Wolf Creek Public Service District and that the study has been submitted to the West Virginia Infrastructure Council for review. The Commission informed Congressman Rahall that a meeting has been scheduled for Wednesday, June 11, 1997 at 10:00 a.m. to discuss the Wolf Creek Public Service District sewage project by various agencies.

Ms. Holly informed the Commissioners she had talked with Everette Steele, Chief Deputy, regarding the return of hand-gun issued to Harold

Wayne Conners. Mr. Steele informed he had talked with Mr. Connor regarding the hand gun; Mr. Connor is asking that the Commission send a letter requesting that the hand gun be returned.

Ms. Holly informed the Commission she had prepared a letter advising Mr. Connor that the weapon is County property and is to be returned to the Sheriff of Fayette County no later than 4:00 p.m. Friday, June 13, 1997. Letter signed.

The Commissioners signed order transferring \$50,000.00 for the fiscal year 1996-97 from the Magistrate Court Fund to the Fayette County General Fund.

The Commissioners received and reviewed resignation of George Campbell, full time telecommunicator, for the E-911 Center.

Ms. Holly informed the Commission she was told by Earl Pauley, Park Superintendent, that Herman Hudnall quit.

Ms. Holly informed the Commissioners she received Request for Inmate Labor for the West Virginia Regional Jail and Correctional Facility Authority; Ms. Holly advised the Commissioners that an agreement was signed in March, 1997.

The Commissioners signed letter to Kelvin Holliday, County Clerk, informing that effective June 1, 1997, Robert C. Massey shall be paid at an annual salary of \$15,900.00 plus benefits from the General County Fund.

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

The Commissioners signed application for allotment from the Fayette County Health Department for fiscal year 1996-97, amount \$10,000.00.

Commissioner Lopez made motion that the budget revisions for the General County Fund and Coal Severance Fund for fiscal year 1996-97 be

approved. Commissioner Carte seconded. All approved.

Ms. Holly informed the Commissioners she received a copy of the second amended certificate of valuation from the Assessor.

The Commissioners signed Equipment Acceptance Agreement for a CMI Lion Alcometer, Intoxilyzer S-D2 for the Fayette County Sheriff's Department.

The Commissioners announced Robert "Bob" Massey has been named Supervisor over the Maintenance Department.

Floyd McKnight a member of the Beards Fork Community Organization appeared before the Commission and presented a few of the expenditures from last fiscal year. Mr. McKnight requested the Commission contribute the same amount of funds this year. The Commission informed Mr. McKnight that in this fiscal years budget they had approved \$5,000.00 (\$3,000.00 for Southern Appalachian Labor Schools (SALS) and \$2,000.00 for Beards Fork Community Organization). Commissioner Witt asked Mr. McKnight for financial statement of the Organization. Commissioner Witt informed Mr. McKnight that this was not an on-going County expenditure.

Mr. McKnight also asked the Commission about the Leash Law in Fayette County and informed the Commission of the stray dogs in the Valley area. It was suggested that he contact the Dog Warden.

Commissioner Witt asked John David if Southern Appalachian Labor School (SALS) needed the County's help.

John David appeared before the Commission and informed the Commission that the Governors's Summer Youth Program (GSYP) was not considering any late application; Dr. David presented to the Commission a proposal asking them to hire four (4) employees for this summer and Southern Appalachian Labor Schools (SALS) would submit application to the GSYP next year on time. Dr. David informed the Commission that SALS would be responsible for their lunches. Commissioner Witt informed Dr.

David that the County doesn't have the funds; proposal denied. Ms. Holly informed Dr. David that the four employees can make application for Governor's Summer Youth Program other work sites through Job Service.

David Smith presented a petition to the Commission opposing the annexation of Young Street.

Attorney Ralph Young for the City of Oak Hill presented petition for annexation by minor boundary adjustment of a portion of Young Street containing .339 acres, situate in Plateau District, Fayette County.

Attorney James Blankenship presented to the Commission the petition and application of Terry L. Ritterbush and Edie S. Ritterbush to abandon an unnamed and unused street near the City of Oak Hill. The Commissioners signed.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone System for the month of April, 1997.

The Commissioners received and reviewed letter from the West Virginia Parkways Economic Development and Tourism Authority informing the Commission of their policy pertaining to the sale of vehicles and equipment that are of no further use to the Authority.

Ms. Holly presented a list of vehicles from Earl Pauley, Park Superintendent, to the Commission that are available at State Surplus.

The Commissioners received and reviewed a check in the amount of \$29,359.66 for the Emergency Telephone System for the month of April, 1997.

The Commissioners received and reviewed Workers' Compensation Reports for the month of April.

The Commissioners received and reviewed from the West Virginia Bureau of Employment Programs rate notification for fiscal year 1998.

The Commissioners received and reviewed order from Judge John W. Hatcher, Jr. forfeiting a Stanley claw hammer to the Maintenance Department for their use.

The Commissioners received and reviewed Annual Report for the period beginning June 1, 1996 through May 30, 1997 from Paul Blake, Prosecuting Attorney.

The Commissioners received and reviewed addendum to the Sanitary Survey sent on May 20, 1997 regarding Mount Hope Water System.

The Commissioners received and reviewed letter from the Citizen's Advisory Board informing that the next scheduled meeting will be on Tuesday, June 3, 1996 in the front lobby of the Southern Regional Juvenile Detention Center.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney regarding Barbara Hull's Workers' Compensation claim. Ms. Holly informed the Commission that a copy of letter has been forwarded to David Neal, E-911 Coordinator, and Steve Cruikshank, Emergency Service Director for their comments.

Ms. Holly informed the Commission that Janet Zameila with the Retired Senior Volunteer Program called to invite the Commission to a picnic being held at the Fayette County Park on Friday, June 6, 1997.

The Commissioners received and reviewed letter that CNA Insurance Companies has been transferred to AIG Claim Services, Inc. Copy given to Larry Dotson, Sheriff.

Ms. Holly informed the Commission that they might be getting complaint from a Commission employee regarding a vacation request. Ms. Holly told the Commission that the employee had asked if vacation was granted by longevity of service. Ms. Holly informed the Commission that she told the employee that the policy has been that vacation requests are approved in the order received.

The Commissioners approved to set aside \$5,000.00 if needed to assist with the Armstrong Creek flooding and mud slide problem.

The Commissioners received and reviewed from Bob Massey, Supervisor, a list of each maintenance employee's duties.

The meeting was adjourned. Next scheduled meeting is June 13, 1997.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 13, 1997

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 June, 1997.

Commissioner Witt called meeting to order.

Ms. Holly gave update regarding the installation of the steps at the Library. Ms. Holly told the Commissioners she had talked with Roy Coleman and was told he would began work the week of June 23, 1997.

The Commissioners received/reviewed and signed copy of Grant Adjustment notice for 96-DC-004, Project D.A.R.E. to the Criminal Justice and Highway Safety Division.

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

The Commissioners received and reviewed letter from the Fayette County Deputy Sheriff's Association asking the Commission to waive the rental fee for the Memorial Building for their Annual Country Music Show being held July 11, 1997. The Commissioners signed letter waiving rental fee.

Ms. Holly informed the Commissioners that the amount transferred from the Magistrate Court Fund to the Fayette County General Fund was \$49,621.88, Ms. Holly told the Commission no need to do order again.

The Commissioners signed order transferring \$17,210.00 funds from the Fayette County Worthless Check Fund to the General Fund for reimbursement of previous expenditures.

The Commissioners signed order transferring the balance of the Fayette County General School Fund in the amount of \$146,277.33 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 accepted from Tom Woodrum, Chief Tax Deputy a list of real estate in the County delinquent for the non-payment of taxes thereon for the year 1996.

The Commissioners signed request for reimbursement to the Criminal Justice and Highway Safety Division for Project D.A.R.E.

Payroll and outstanding bills were approved.

The Commissioners signed Final Settlement of the Estate of Nino C. Veramessa.

The Commissioners signed invoices to the City of Mount Hope, City of Oak Hill, Town of Fayetteville for the confinement of inmates at the Southern Regional Jail for the month of May.

The Commissioners received and reviewed letter from Carol Jones, President of the Minden Community Corporation informing that the property owners that was sent the clean-up letters have not removed any refuse or debris. Commissioner Witt asked that letter be forwarded to Larry Parsons, Litter Control with the Fayette County Solid Waste Authority.

Ms. Holly informed the Commission that John Cochran had inquired about the County owned property in Glen Jean, want to know if the Commission sold property that they would consider selling to him first.

The Commissioners received and reviewed letter from Crews and Associates, Inc. With status report regarding the effects of refinancing the outstanding 1985 Series A Bonds, informed the Commission that it is not feasible to refund just the 1995 Series A Bonds to generate sufficient savings to return funds to the forty-two counties and two cities. Ms. Holly informed the Commission that Crews and Associates, Inc. Have also analyzed the outstanding bonds and mortgages of the

Twenty-One WV Municipalities Mortgages Revenue Bonds, 1984 Series A which was issued by twenty counties and the City of Wheeling are considering a joint refunding of both issues.

W. D. Smith with Region 4 Planning and Development Council held Public meeting before the Commission. Commissioner Witt called meeting to order, W. D. informed the Commission the purpose of the meeting was to discuss and receive citizens input relating to community development, the needs of low and moderate income persons and the Small Cities Community Development Block Grant Program. No public comments. Commissioner Lopez made motion to adjourn. Commissioner Carte seconded. All approved. W. D. informed the Commission that final public hearing would be held June 25, 1997 at 10:00 a.m.

Ms. Holly informed the Commission she received letter from Paul M. Blake, Prosecuting Attorney informing that she received response to dismissal order regarding the Deputies Sheriff Law Suit; Mr. Blake informed Ms. Holly that the Attorney for the Deputies increment pay law suit (R. C. Godsey, Jr. et al v. William R. Laird, IV et al) is requesting that the Commission furnish him with longevity pay plan in effect for Fayette County Deputies Sheriff's from January 1, 1995 to present, name and anniversary of every Fayette County Deputy Sheriff employed from July 1, 1985 to the present date and the Supreme Court's determination of the sixteen(16) year issue. Ms. Holly informed the Commission that Mr. Blake asked her to get the requested information together and bring to his office to be filed with case.

Ms. Holly informed the Commission that the printer in the Prosecuting Attorney's Office has been repaired.

Ms. Holly informed the Commission that the Xerox machine in the Prosecuting Attorney's Office has been repaired and informed the Commission that maintenance on the machine is not recommended. Ms.

Holly asked the Commission if they knew of any office that could use machine.

Ms. Holly informed the Commission that Frances Webb, Switchboard Operator informed her that Mike Parsons, Chief Magistrate want to know if he could move telephone from Magistrate Lopez office out to the lobby of the Magistrate Court temporarily. Discussion was held, Commission Lopez asked to call Mike over to discuss; the Commission asked Mike why he wanted the telephone moved. Mike informed the Commission that Magistrate Lopez office is closed temporarily and he has moved Magistrate Lopez secretary out front. The Commission approved to move telephone into the lobby.

The Commissioners approved salary adjustments for the E-911 Telecommunicators supervisors positions and part time employees effective July 1, 1997.

Earl Pauley, Park Superintendent appeared before the Commission to ask permission to close the pool at 5:00 p.m. to 6:00 p.m. to teach swimming lessons, first session beginning June 23 through July 4; second session beginning July 14 through July 25. The Commission approved.

The Commission approved for Earl Pauley, Park Superintendent to purchase 50 park shirts @ \$5.95 each, 25 lifeguard shirts @ \$5.95 each for the Fayette County Park employees.

Earl informed the Commission he had received a request from Loretta Mullins requesting that a plaque honoring her parents be placed on shelter #1 since they have been using the shelter for over 20 years. The Commission informed Earl that if they did that for one family they would have to do it for all who make the request. The Commission discussed placing a plaque stand on the lawn as you enter the Fayette County' Park. No decision was made.

The Commissioners received and reviewed bids for a 1520 HSD Tractor for the Fayette County Park. Commissioner Lopez made motion to accept the lower bid from Fairplain Tractor (\$13,560). Commissioner Carte seconded. All approved.

The Commissioners received and reviewed letter from Ann Berry informing that effective July 1997 she will resign her position as Tax Deputy for the Sheriff of Fayette County.

The Commissioners received and reviewed check for franchise fees from Master Telecable, Inc. for first quarter.

The Commissioners received and reviewed 911 Statistics Report for the month of May.

The Commissioners approved to replace West Virginia Code Book, Volume 4 for the County Clerk's Office.

The Commissioners received and reviewed Certificate of Liability Insurance for Cable Equities of the Virginia's, Ltd, Rifkin Communications and Tenet Healthcare Corporation.

The Commissioners received and reviewed literature from the Secretary of State Office regarding the upcoming Special Election. Ms. Holly informed the Commission that she would prepare orders to the Election Official for the next meeting.

The Commissioners received and reviewed Workers Compensation letters for Earnest Lester and Barbara J. Hull.

The Commissioners received and reviewed Annual Report for the period beginning June 1, 1996 through May 30, 1997 from Thomas Aiello, Assessor.

Ms. Holly informed the Commission that due to insufficient vendor response for the computer equipment and software for a Law enforcement and Domestic Violence Records Management System for the Fayette County E-911 Center she would have to readvertise. The Commission approved.

Ms. Holly informed the Commission she had contacted Lucent Technology regarding moving the switchboard console, Ms. Holly told the Commission Lucent Technology have not called back with a date.

The meeting was adjourned. Next scheduled meeting is June 25, 1997.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 25, 1997
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 25th day of June, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Commissioner Carte informed the Commission he received a letter from David Brash, President Oak Hill Fire Department regarding several complains involving the dispatch services at the 911 Center and he also asked about the Fayette County Enhanced Emergency Telephone System Advisory Board.

Commissioner Carte recommended that Sheriff Larry Dotson be put on the Fayette County Enhanced Emergency Telephone System Advisory Board. Commissioner Witt made motion to appoint Sheriff Larry Dotson and reappoint Steve Cruikshank and David Brash a member of the Fayette County Enhanced Emergency Telephone System Advisory Board. Motion passed 2 - 0.

Commissioner Witt suggested changing the Sick Leave Policy to accumulative time. No decision made.

Commissioner Witt asked that vouchers be on desk before each meeting.

The Commission signed order designating the total number and type of election boards for the Statewide Special Election being held September 27, 1997.

Ms. Holly informed the Commission she received a letter from Thelma Kincaid Circuit Clerk informing they would like to operate with one set of Emergency Ballot Commissioners. The Commission approved.

The Commissioners signed letter to the Public Service Commission and the Secretary of State with an update of the Public Service Districts board members and the date term expires.

The Commissioners signed letter to Martinsburg Holliday Inn authorizing sleeping room, meals, room guarantees and parking fees be charged to the Commission while Linda K. Johnson is attending the Annual In-Service County and Circuit Clerk Annual Convention.

Commissioner Carte made motion that the budget revision for the General County Fund and Coal Severance Fund for fiscal year 1996-97 be approved. Commissioner Witt seconded. All approved.

The Commissioner signed order reappointing Connie Robertson to the Fayette County Library Board of Directors.

The Commissioners signed order designating and approving incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 1997 (Fayette County National Bank, Bank of Mount Hope, Inc. and One Valley Bank of Oak Hill). Letters signed.

Payroll and outstanding bills were approved.

Commissioner Witt called a Small Cities Community Development Block Grant public meeting to order. Commissioner Witt asked W. D. Smith, Executive Director with Regional 4 Planning and Development Council to state purpose of meeting. W. D. informed the purpose of the meeting is to discuss an application with the West Virginia Development Office for a Small Cities Community Development for funding of a portion of the proposed regional water system in the New Haven area of Fayette County. The grant application will request \$1,250,000.00 from Small Cities. W. D. informed the notice for the public meeting was published in the Fayette Tribune on June 16, 1997. W. D. asked for comments.

Kathryn Hoffman asked question regarding timing of project, i.e.,

start and completion of construction. W. D. informed that construction would begin approximately 18 months following grant award. No other questions and comments meeting was adjourned at 10:14 a.m.

W. D. asked the Commission to make motion on three (3) resolutions: Commissioner Carte made motion and Commissioner Witt seconded to approve and authorize the adoption formalizing a fair housing program resolution; Commissioner Carte made motion and Commissioner Witt seconded to approve and authorize the adoption of a Citizen Participating Plan resolution; Commissioner Carte made motion and Commissioner Witt seconded to approve and authorize John L. Witt, President of the Fayette County Commission the official duly and legally authorized to execute agreements.

The Commissioners signed orders reappointing David Brash and Steve Cruikshank members of the Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners signed order that subject to the approval of the Assessor, the petitioner Keith A. And Marsha Smith be afforded tax relief for the redemption of property in the total amount of \$1,930.32 (\$2,087.64 less credit of \$157.32 on May 14, 1997) in the form of a credit for the following year or years with said tax relief being spread over the year or years until the debt is paid to the petitioner.

The Commissioner signed Fire Levy Fire Protection Agreement for Smithers Fire Department and the Town of Fayetteville for fiscal year July 1, 1997 to June 30, 1998.

Gary Harding, Zoning Officer presented the Commission for a disposition: Z-435-97-1: Request of William C. And Frances Keel, owners, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business District, on 2.50 acres, Paint Creek located on Willis Branch Road near Pax, Valley District.

Mr. and Mrs. Keel were present. Mr. Harding informed the Commissioners that this was a request to have beer with meals and that a change to B-2 would be required. Mr. Harding informed the Commission that the Planning Commission did on Monday June 23rd, 1997, recommend that this request be approved, vote passed 8 - 0. After a brief discussion a motion was made by Commissioner Carte that this be approved as recommended by the Planning Commission. Commissioner Witt seconded, vote passed 2 - 0.

Z-432-97-1: Request of Frederick W. Young, owner, for a change in land classification from R-R, Agricultural and Rural Residence to R-3, Residence District, on 3 acres, Arbuckle, located between Terry Avenue and South Loop near Oak Hill city limits, Plateau District.

Gary Harding informed the Commission that the Planning Commission did after defeating a motion by a vote of 3 to 5 to deny the request and recommended by a 4 to 3 vote with one abstention that this request be approved to R-2. Warner Young was present and informed the Commission of his plans to erect a 24 unit town house project on the site. Dianne Janney was present and spoke to the Commission of possible problems with the added traffic and the possibility of more water problems. Tom Oxley, representing the City of Oak Hill expressed some concerns the city may have if this project was approved. Several other citizens were present to oppose change. After a lengthy discussion a motion was made by Commissioner Carte that this be sent back to the Planning Commission for further consideration regarding these concerns. Commissioner Witt seconded, vote passed 2 - 0.

Attorney James Blankenship appeared before the Commission with petition of Terry I. Ritterbush and Edie S. Ritterbush to abandon an unnamed and unused street. No opposition. Commissioner Carte made motion to abandon an unnamed and unused street near the City of Oak Hill

on the north side of Summerlee Road. Commissioner Witt seconded. Vote passed 2 - 0.

Greg Isaacs with Crew and Associates, Inc. appeared before the Commission with resolution for a proposed refunding of Series 1985 A and Series 1984 A Single Family Mortgage Revenue Bonds. Discussion held, Commissioner Carte made motion to approve resolution. Commissioner Witt seconded. Vote passed 2 - 0.

Ms. Holly informed the Commission that the Switchboard has been moved.

The Commissioners received and reviewed Workers' Compensation Report updates.

The Commissioner signed lease agreement with Motorola, Inc. Copy given to Steven Cruikshank, Emergency Service Coordinator.

The Commissioners received and reviewed Certificate of Coverage from the Workers' Compensation Division effective dates of policy term April 1, 1997 to August 31, 1997.

The Commissioners received and reviewed letter from One Valley Bank regarding the County Commission of Raleigh County, Fayette County and Nicholas County, WV Municipal Refunding Collateralized Mortgage Obligations (MR CMO) Series 1990A-Payment Date Statement and Mortgage Status Report, Series 1990B-Interest Accrual Date Statement reports for the Debt Service Payment June 15, 1997.

The Commissioners received and reviewed letter from Eantage energy services division of Virginia Power with information regarding their services.

The Commissioners received and reviewed letter from Barbara Walsh, Rehabilitation Specialist with Intracorp regarding Deputy William Hamilton.

Ms. Holly informed the Commissioners she received from the

Criminal Justice and Highway Safety Division application to apply for West Virginia Court Security Fund, application to be submitted no later than 4:30 p.m. on Monday, December 1, 1997. Ms. Holly informed the Commission she would begin working on grant.

The Commissioners received and reviewed letter from the Plateau Amateur Radio Association informing the Commission of the American Radio Relay League's Field Day events being held June 28th and 29th; and asked the Commission to sign proclamation declaring the week of June 23-29 as Amateur Radio Week Proclamation. Proclamation signed.

The Commissioners received and reviewed letter from Chief Judge John W. Hatcher suggesting that an office directory be placed in the main hallway of the Courthouse. No decision made.

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

Ms. Holly informed the Commissioners that she did readvertise for computer equipment and software for a Law Enforcement and Domestic Violence Records Management Network System on behalf of the Women's Resource Center, bids are due Friday. Ms. Holly asked the Commission to authorize her to open bids and award bid to the lowest vendor since they are due Friday and the Commission next meeting is July 9th. The Commission approved.

The Commission received and reviewed resume for Employment form Barry L. Gentry.

The Commissioners received and reviewed Ford recall notices on vehicles purchased by the County. Original given to Earl Pauley, Park Superintendent, copy to Sheriff Larry G. Dotson.

The Commissioners received and reviewed letter from Allendale Insurance advising that effective June 1, 1997 they have been requested to totally cancel Ornda Healthcorp (Plateau medical Center) policy.

Ms. Holly informed the Commission she received only a portion of the Coal Severance Fund allotment.

Ms. Holly informed the Commission she received gas and oil tax allotment, allotment was down \$7,600.000 from last year.

Ms. Holly informed the Commission she received and reviewed several service plan enhancement quotes from Lucent Technologies. Commissioner Carte suggested discussing with Commissioner Lopez. Ms. Holly asked the Commission if they wanted to get the catastrophic coverage. The Commission informed Ms. Holly no this should be covered under the county insurance.

Ms. Holly informed the Commission that she received a call from Jim Lively Insurance informing that our renewal for the County's Liability Insurance is down \$11,000.00 from last year.

The Commissioners signed County Commission Budget Statement for the budget year beginning July 1, 1997.

The Commissioners received and reviewed letter from Chief Deputy Everette Steele informing he was notified by Deputy William Hamilton that his disability/retirement was approved; Hamilton has accrued 57 days annual leave and 36 hours compensation time.

The Commissioners received and approved overtime for Billy Horrocks.

The Commissioners being made aware of the existence of a deficit in the Fayette County Dog Tax Fund signed order transferring \$500.00 form the General Fund to said Dog Tax Fund.

The Commissioners received and reviewed letter form David Neal, E-911 Coordinator informing the Commission of the unused annual leave and holiday hours for George Campbell and Sam Parsons who resigned as telecommunicators for the 911 Center.

Ms. Holly signed memo asking the Elected Officials and the

Department Heads to submit all invoices dated on or before June 30, 1997 to Debbie Berry as soon as possible for the current fiscal year ends on June 30th.

Ms. Holly gave update on the smoking area, informed the Commission that the air cleaner can not be hooked up, no outlets. Commissioner Witt suggested no smoking in either building or the stairwells.

The meeting was adjourned at 11:55. Next scheduled meeting is July 9, 1997.

John G. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 5, 1997
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 March, 1997.

Paul M. Blake, Jr., Prosecuting Attorney, appeared before the Commission to discuss his budget for fiscal year 1997-98.

Mr. Blake informed the Commission he is requesting the same as last year, but would like new equipment for his office (Xerox, laser printer, backup system, Dictaphones and book shelves). The Commissioners informed Mr. Blake they would take under consideration.

Commissioner Witt asked Mr. Blake about the letter regarding the Fayette County Health Department and Appalachian OH-9. Mr. Blake informed the Commission that the only suggestion he had was to have the Fayette County Health Department and Appalachian OH-9 get with the Commission and discuss turning the personal property over to Appalachian OH-9.

The Commissioners signed request for reimbursement to West Virginia Criminal Justice and Highway Safety.

The Commissioners received and reviewed Dog Warden Report for the month of January, 1997.

The Commissioners approved and signed minutes of February 14, 1997.

The Commissioners received no bids for the specified building, plumbing and electrical materials for the Valley Detachment which was advertised.

Larry Johnson, Chairman of the Fayette County Solid Waste

Authority appeared before the Commission. Mr. Johnson informed the Commission of the Authority's financial situation and asked the Commission if they would help pay for the Authority's liability insurance for the 3rd quarter premium (\$2,805) and request payment for audit for fiscal year 1995-96 (\$1,500). The Commissioners approved. Mr. Johnson requested to the Commission to include Lease payment and liability insurance premium in their 1997-98 fiscal year budget. The Commissioners informed they would consider for the budget.

David Frercks, Recycling Coordinator presented to the Commission a Recycling Plan for the Courthouse and Park. Commissioner Carte asked David if he had approached the schools with this plan. David informed no. Commissioner Carte suggested to David to talk with someone about recycling at the Central Office of the Board of Education. David suggested using D & M Recycling Firm to pick up the shredded paper since they are a bonded company. David informed the Commissioners that the receptacle for Courthouse and Park will be purchased from his grant funds. Commissioners Carte made motion that the Courthouse and Park participate in the recycling plan effective April 1, 1997. Commissioner Witt seconded.

Outstanding bills were approved.

Evelyn O'Dell with the Retired Senior Volunteer Program appeared before the Commission to request funds for the fiscal year 1997-98. The Commissioners informed Ms. O'Dell they would consider her request during budget session.

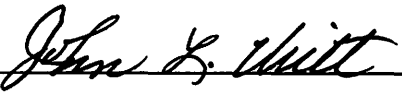
Kelvin Holliday appeared before the Commission to discuss his budget for the fiscal year 1997-98.

Mr. Holliday informed the Commission that he is requesting the same as last year, but would like an increase in the part-time salary and the overtime pay. The Commissioners said they would take under

consideration.

Gene Larrick, Linda Godbey and Renee Harper with the Women's Resource Center appeared before the Commission to request funds for the fiscal year 1997-98. Mr. Larrick asked Ms. Godbey to give the Commission a review of what all the Center did. Mr. Larrick asked the Commission if they had anything in their contingency fund for this fiscal year they could give. The Commissioners informed they would consider their request during budget session.

The meeting was adjourned at 11:57. Next scheduled meeting is March 7, 1997.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 7, 1997
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 7th day of March, 1997.

The Commissioners tentatively approved contributing to the following organizations: Fayette County Board of Health, Retired Senior Volunteers Program, Region 4, Mountain RC and D, Fayette County Humane Society, Mountain Transit Authority, FMRS, Paint Creek Flood Project, Main Street Action, Kimberly Elementary School, African-American Heritage, SALS.

The Commissioners received and reviewed request from Town of Ansted, Commissioner Carte suggested asking the Town of Ansted to submit to the Legislature Digest and asked Ms. Holly to write a letter informing the Commission support their project.

The Commissioners met with each elected official to discuss his budget request for fiscal year 1997-98.

Thelma Kincaid, Circuit Clerk appeared before the Commission to discuss her budget for the fiscal year 1997-98.

Ms. Kincaid informed the Commission she is requesting that her employees receive a \$100.00 a month salary increase and informed the Commission that Cathy Jarrett is part-time and is being paid out of her budget from her old salary not Election Expense.

The Commissioners approved Ms. Kincaid budget but informed Ms. Kincaid that the Commission are not giving pay raises this fiscal year.

Thomas Aiello, Assessor, appeared before the Commission to discuss his budget for fiscal year 1997-98.

Mr. Aiello informed the Commission that his request is \$1,800 less from last years budget and is requesting salary increases for his employees.

Commissioner Lopez made motion to approve Mr. Aiello budget except for the salary increase for employees. Commissioner Carte seconded. Unanimous.

Larry Dotson, Sheriff appeared before the Commission to discuss his budget for fiscal year 1997-98.

Mr. Dotson informed the Commission of the required incremental salary increase for Law Enforcement, informed the Commission the D.A.R.E. Program ends in May, COP Fast position ends February 28th, 1998, and asked the Commission if they would fund the position for 4 months (Mar - June, 1998), and requesting 5 new vehicles. Discussion was held; Ms. Holly informed the Commission that the deputy hired under the federal grant program has signed documentation he would not have job once program is completed. Commissioner Witt informed he did not see a problem with budget request except for the vehicle request. The Commissioners informed Mr. Dotson they would try to purchase 3 vehicles but that depends on the amount of Coal Severance they receive.

The Commissioners received and reviewed budget requests from the West Virginia Extension Office and the Zoning and Planning Commission. Budgets approved with the exception of salary increases.

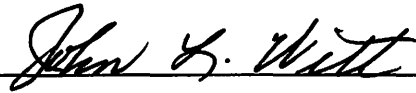
Judy Cottle, Court Reporter for Judge Charles Vickers appeared before the Commission to inquire about the county purchasing a copier for her office. The Commissioners informed Ms. Cottle that the Commission is only required to purchase office furniture not office supplies, the Commission informed Ms. Cottle she would have to check with the Supreme Court for office supplies. Ms. Cottle thanked the Commission.

The Commissioners approved to met Wednesday, March 12, 1997 to discuss budget.

The Commissioners approved to purchase cellular phone for Purchasing Agent John H. Lopez.

Commissioner Witt informed any request for road names or changes are to go through the Emergency Services. Discussion was held; the Commission asked Ms. Holly to write letter to Fred VanKirk with the Division of Highways regarding this matter.

The meeting was adjourned at 11:08. Next scheduled meeting is March 12, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 14, 1997
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 March, 1997.

The meeting was called to order by Commissioner John L. Witt.

Exonerations were approved and signed.

Eddie Young, with Upper Kanawha Valley Little League informed the Commission that Elkem had sold baseball field to the City of Montgomery. Mr. Young informed the Commission that the City of Montgomery would be applying for grants for the Boomer Field, but asked the Commission if they would still consider helping with the Cannelton Field.

Commissioner Lopez informed Mr. Young the Commission would let him know by the end of the month.

Ms. Holly presented to the Commission the actual amount of fiscal year 1997 expenditures for the Fayette County Park as of February, 1997 as \$171,836. Ms. Holly informed the Commissioners she increased the part time help amount for fiscal year 1997-98. Ms. Holly informed the Commission that the total actual expenditures for the Fayette County Park for fiscal year 1996 was \$277,226 excluding vehicle maintenance and repair costs.

Payroll and outstanding bills were approved.

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

Tom Aiello appeared before the Commission to inform the Commission he had talked with Ms. Holly regarding paying vacation pay to the Estate of Gloria Bozo, Mr. Aiello informed the Commission that Ms. Bozo was an

excellent worker and he thinks her vacation pay should be paid.

Commissioner Lopez made motion to pay to the Estate of Gloria Bozo 10 days vacation pay. All approved.

The Commissioners received and reviewed summons and complaint from the Circuit Clerk 's Office regarding Civil Action 97-C-0094, Twin Oaks Plaza and Civil Action 97-C-0095 Rivermont Presbyterian Home, attorney Herschel Rhodes.

MS. Holly presented requisition from the Extension Office requesting voice activated recorder. The Commission approved.

The Commissioners approved requisition to purchase adding machine for Tom Woodrum, Chief Office Tax Deputy.

The Commissioners approved for Ms. Holly to prepare check to the Fayette County Solid Waste Authority for \$2,805.00 for insurance premium.

The Commissioners received and reviewed budget request from Antioch Baptist Church for fiscal year 1997-98.

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

Ms. Holly informed the Commission they would have to transfer \$20,000.00 from the contingency fund for old Kimberly Elementary School purchase. The Commission approved.

The Commissioners received and reviewed letter form Ferris, Baker, Watts, Incorporated regarding the Forty-four municipalities, WV 1985A Single Family Mortgage Bond and Twenty-one Municipalities, WV 1984 A Single Family Mortgage Bonds.

The Commissioners received and reviewed thank you letter form the State Tax Department Staff Attorneys thanking the Commission for their attention and courtesy during their appearance in front of the Board of Equalization and Review.

The Commissioners received and reviewed letter from Herschel Rose requesting certified copies of the Board of Equalization and Review hearings for Rivermont Presbyterian Home and Twin Oaks Plaza.

The Commissioners received and reviewed complaint from General Ambulance regarding dispatching of ambulances. Ms. Holly informed the Commission she had not had a chance to talk with David Neal, E911 Coordinator regarding the matter.

Ms. Holly informed the Commission she received a request from Ron Sedlock asking permission to pave section of property at the Harlem Heights Park owned by the County for parking. Discussion was held, the Commission informed Ms. Holly if they were to give permission to do this anyone could park there since this is county owned property and could not be used for private parking. The Commission asked Ms. Holly to check with Carl Harris, Assistant Prosecuting for his opinion.

The Commissioners received and reviewed letter from the Bank of Mount Hope regarding the needs of the low and moderate income families in Raleigh and Fayette Counties.

The Commissioners received and reviewed letter from the State Tax Department with schedule for the 1997 in-service training seminars.

Commissioner Carte made motion to approve in the Sheriff's budget for fiscal year 1997-98 with COPS Fast Program for 4 months. Ms. Holly informed the Commission that Sheriff Larry Dotson had included in his budget a reduction for Regional Jail fees, Ms. Holly informed she did not reduce. The Commissioners approved to purchase 3 cruisers with markings out of the Coal Severance Fund County Commission Capital Outlay.

Earl Pauley, Park Superintendent appeared before the Commission. Mr. Pauley presented to the Commissioners camp letter for their review and approval. The Commissioners approved. Discussion was held

regarding the 4-H Campers using the Park. Mr. Pauley suggested to the Commission several projects that would bring money into the park. Mr. Pauley asked the Commission about hiring Roy Davis. No decision was made. Commissioner Lopez suggested submitting some of Mr. Pauley's suggestions to the Legislature Digest.

Mr. Pauley presented his list of recommendations for part time summer workers for the Fayette County Park for the Commission approval.

Mr. Pauley presented cost of vehicle repair for Deputy Jerry Snuffer (Unit 13) cruiser.

The Commissioners signed letters to Dean Lockett informing that the rental fees for April 5, 1997 and August 2, 1997 has been waived for the Fayette County Fair Association.

Ms. Holly questioned Earl about the difference in the invoice of Means Lumber and the bid amount.

The Commissioners signed letter authorizing permission for the Circuit Clerk and County clerk to charge their sleeping rooms, meals parking fees to the Fayette County Commission while they are attending the 1997 County Clerk and Circuit Clerk Election Seminar.

The Commissioners received and reviewed 911 statistics for February.

The Commissioners received and reviewed check in the amount of \$29,067.18 for the Emergency Telephone System for the month of January, 1997.

The Commissioners received and reviewed inspection report of elevator at the Courthouse Annex from the West Virginia Division of Labor.

Ms. Holly informed the Commissioners that Thelma Kincaid had called and informed her that Judge John Hatcher wanted to know when the copier was purchased for the Circuit Clerk's Office; purchased April, 1992.

The Commissioners received and reviewed schedule of garbage pick up for the City of Montgomery.

The Commissioners received and reviewed Workers Compensation Reports.

The Commissioners received and reviewed reimbursement checks from Gauley River Volunteer Fire Department and Danese Volunteer Fire Department and Rescue Squad, Inc. for batteries, checks were deposited into the Fayette County Fire Levy Fund.

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

The Commissioners received and reviewed addendum an integral part of contract of Lease No. Cor-029-896 for the Parole Office.

The Commissioners reviewed letter to the Department of Motor Vehicles for a certificate of title for a 1997 Ford Crown Victoria.

The Commissioners received and reviewed letter from Steve Cruikshank, Director of the Office of Emergency Services regarding the Paint Creek Flood Protection Project at Pax.

The Commissioners received and reviewed fax from the Fayette County Chamber of Commerce with schedule of monthly meetings.

The Commissioners received and reviewed from David Pollard, Resource Coordinator updates of ongoing projects of the Fayette Transition Team.

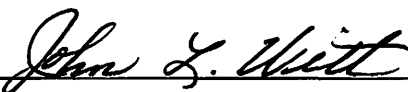
Discussion was held regarding the budget of the Community Resource Coordinator. Ms. Holly informed the Commission she received a request from the Fayette Transition Team to keep Dave Pollard on as Community Resource Coordinator. Ms. Holly informed she received a request from Dave to purchase a computer, cost would be \$4,000.00. Dave asked the Commission to allocate \$5,000 from the Hotel/Motel Occupancy Tax for strategic tourism plan. Commissioner Witt made motion to purchase

computer for Dave Pollard. Commissioner Lopez seconded. Commissioner Carte voted no. Vote passed 2-1. Ms. Holly asked the Commission if this computer would be the property of the County's. The Commission informed yes.

The Commissioners discussed raising Ruth Thomas salary to \$1,000.00 a month.

The Commissioners signed clean-up letter to James and Vivian Scarbro.

The meeting was adjourned at 11:59. Next scheduled meeting is March 26, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 26, 1997
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 March, 1997.

Commissioner Witt called meeting to order at 9:40.

Exonerations were approved and signed.

The Commissioners approved to change the April 9th regular meeting to April 10, 1997.

Ms. Holly presented to the Commission for their approval and adoption of the Fayette County budget for fiscal year 1997-98. Commissioner Witt asked Ms. Holly the total amount of the county budget for this fiscal year. Ms. Holly informed \$6.2 million.

Commissioner Lopez made motion to approve budget for fiscal year 1997. Commissioner Witt seconded. All approved.

Commissioner Lopez made motion to adopt budget for fiscal year 1997-98 subject to the State Tax Department approval. Commissioner Witt seconded. All approved.

The Commissioners signed letter to the Department of Tax and Revenue informing the Commission did allocate funds for fiscal year 1997 to the 4-C Economic Development Authority.

The Commissioners signed letter to the Department of Tax and Revenue informing them of the policy for the purchase of commodities for various Fayette County departments.

Ms. Holly informed the Commission she received Agreement for Court Security Grant. Ms. Holly informed the Commission that grant will be used to purchase panic buttons and walk-through metal detectors. Ms.

Holly informed the Commission she would have to check with the Criminal Justice and Highway Safety Division for the specific metal detector walk through units that were approved for funding.

Commissioner Lopez made motion to authorize John Witt, President to act on its behalf of the County Commission to enter into a contractual agreement with the Criminal Justice and Highway Safety Office. Commissioner Witt seconded. All approved.

The Commissioners received and reviewed letter from Beckley Home Show opposing the proposed annexation by the City of Mount Hope.

The Commissioners received and reviewed letter from the State Tax Department regarding the Appraisal Ratio Results.

The Commissioners received and reviewed minutes from Deepwater Public Service District for the months of February and March.

The Commissioners received and reviewed amended agreement with the New River Convention and Visitors Bureau, Inc.

The Commissioners signed invoices to the City of Mount Hope, City of Oak Hill, Town of Ansted, Town of Fayetteville, City of Montgomery for the confinement of the prisoners at the Southern Regional Jail for the month of February.

The Commissioners signed letter to Penelope Crandall, Director with the Family Law Masters requesting reimbursement for rent in the amount of \$990.00 for the month of March.

The Commissioners signed letter to the West Virginia State Agency for Surplus Property certifying that the Armstrong Creek Volunteer Fire Department 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 approved to purchase equipment for the County Dog Warden, cost \$293.83.

Ms. Holly informed the Commissioners she would be meeting with David Frercks, Recycling Coordinator in the morning to discuss the recycling plan for the Courthouse.

Commissioner Witt asked Ms. Holly to write a letter thanking Mr. Frercks for the services he provided to the County.

Commissioner Witt informed he received donation of 101 sheets of oriented strand board to be used in the construction of the new Fayette County Law Enforcement Smithers Detachment. Commissioner Witt asked Ms. Holly to write a letter thanking Georgia Pacific.

Ms. Holly presented to the Commissioners an Administrative Order she received from Judge John Hatcher ordering a locksmith to rework the lock on the two doors of Magistrate Clerk's Office, also ordering that only 4 keys be issued to Magistrate Court Clerk, the two deputy Court Clerk's, and the day shift county maintenance supervisor; Ms. Holly to distribute keys.

Ms. Holly informed the Commission that Mike Parsons was in to see her regarding moving the fax machine out of the Magistrate Clerk's Office due to the Administrative Order from Judge John Hatcher. Mr. Parsons asked if Ms. Holly knew how much it would cost to move; Ms. Holly informed the Commission that she told Mike she would have to check. Ms. Holly also informed the Commission that Mr. Parsons inquired about painting the sign at the Danese Detachment; Ms. Holly informed Mike as soon as other projects were completed, painting the sign at the Danese Detachment would be done.

Gary Harding, Zoning Officer presented the following to the Commission the following case for disposition: Z-430-97-a: Request of Geoffrey Heeter, Kyle Heeter and Gordon Anderson, owners, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development on 19.53 acres, Dogwood Ridge,

located on Willistown Road off Route 19, New Haven District.

Geoffrey Heeter was present representing the applicants. Mr. Harding informed the Commission that the Planning Commission did meet on this on Monday, March 24, 1997, and by a vote of 7 to 2 recommend that this be approved to Planned Development with only the two units presently under construction being approved at this time. The other ten rental cabins were to come back to the Planning Commission for an on-site inspection as to reference to the property lines.

Geoffrey presented his proposal to the Commission and Tim Howard and Mrs. Kessler were both present in opposition. A letter was presented to the Commission from Percy Willis noting his opposition to this proposal.

After a brief discussion a motion was made by Commissioner Lopez that this be approved as recommended by the Planning Commission. Commissioner Witt seconded, vote was passed 2-0.

The Commissioners received and signed letter from Dave Pollard to the West Virginia Infrastructure and Jobs Development Council regarding the New Haven Public Service District Fayette Plateau Regional Water Project; Mr. Pollard informed they would be having a hearing next month.

Charles Toombs, Chairman of Wolf Creek Public Service District, members and citizens appeared before the Commission.

Mr. Toombs thanked the Commission for their participation in funding for the Feasibility Study and informed the Commission they would be meeting with the Infrastructure Council on April 2, 1997.

Mr. Toombs informed the Commission he had talked with Senator Shirley Love about including them for funding in the Legislature Digest but was told by Senator Love that Wolf Creek Public Service District would have to have a commitment from the Fayette County Commission before they could submit anything. Mr. Toombs requested that the

Commission commit to \$150,000 to complete the engineering feasibility study total cost is \$170,000. Commissioner Witt asked Mr. Toombs what commitment did Senator Love give; Mr. Toombs informed he didn't know.

Commissioner Witt asked Mr. Toombs if he had any commitment from the City of Oak Hill and the Town of Fayetteville. Commissioner Witt told Mr. Toombs that he would have to have corporation from these two entities before a lot of money is spent unnecessarily.

Commissioner Witt informed Mr. Toombs that the Commission is behind the project but at this time due to our Coal Severance Fund the Commission cannot commit to any dollar amount, and suggested to Mr. Toombs again to talk with the City of Oak Hill and the Town of Fayetteville.

Commissioner Witt asked Mr. Toombs for a copy of the Wolf Creek Public Service District minutes and would like to know when they are planning to schedule meeting with the municipalities.

Commissioner Lopez informed the Commission is operating on \$200,000 short fall.

Virginia Morgan asked about grant monies.

Mary Abbot and Betty Mahan appeared before the Commission to request funding for the Fayette County Humane Society. The Commissioners informed Ms. Abbot that due to the reduced Coal Severance Fund they do not have the funds Ms. Abbot is requesting a cost of living increase in the amount of \$749.32 and requesting contribution payment for the months of February and March be paid. Commissioner Carte suggested transferring money from the General County Fund to the Dog Tax Fund to pay the contributions for the month of February and March. The Commission approved the cost of living increase for fiscal year budget 1997-98.

Steve Cruikshank appeared before the Commission to request they

refinance present 911 equipment lease and to buy new equipment. Mr. Cruikshank informed the reason to upgrade equipment so they can handle cellular phone calls. Discussion was held regarding looking at ordinance to raise rate. Commissioner Witt asked if refinancing would take care of the cost of the equipment. Mr. Cruikshank responded yes.

Commissioners Lopez made motion to go with refinance of the 911 equipment lease. Commissioner Witt seconded. All approved.

The Commissioners approved to order NCIC 200 terminal for 911 Center.

The Commissioners received and reviewed memorandum from David Neal, E911 Coordinator to Shane Wheeler, Squad Supervisor with General Ambulance regarding the dispatch inquiries.

Outstanding bills and payroll were approved. The Commissioners approved to release payroll.

The Commissioners signed request for Inmate Labor.

The Commissioners approved Fire Levy invoices payments.

The Commissioners received and reviewed Workers Compensation letter on Earnest K. Lester.

Ms. Holly informed the Commission that Carl Harris, Assistant Prosecuting Attorney has filed answer to suit filed by Herschel Rose regarding the Board of Equalization and Review hearings for Rivermont Presbyterian Home and Twin Oaks Plaza.

The Commissioners received a complaint from Tom Underwood regarding complaints of residents living along "Dunloup Creek Road" that the ditch is overflowing and that the dirt road need to be repaired. The Commissioners asked Ms. Holly to send letter to Mike Cobb, Supervisor of the the Oak Hill Division of Highways.

The Commissioners received and reviewed letter from the Department of Tax and Revenue informing that due to a clerical error on

their part, change in appraisal for Tax year 1997 for various properties of the J. L. Beury Estate were not made prior to February, 1997 and requesting exoneration of J. L. Beury Estate for tax year 1997.

The Commissioners received and reviewed letter from One Valley Bank regarding reports for Debt Services Payment for March 15, 1997.

The Commissioners received and reviewed letter from Public Service Commission to Donald White member of the Deepwater Public Service District, regarding new board members Training Responsibilities.

Ms. Holly informed the Commissioners that Know Your Government Day is May 2, 1997.

The Commissioners received and reviewed minutes from the Fayette County Solid Waste Authority for the month of March.

The Commissioners received and reviewed estimate report on Tom Woodrum vehicle that Steve Cruikshank backed into, cost \$247.00. Ms. Holly informed she forwarded copy to insurance.

The Commissioners received and reviewed letter from the Criminal Justice and Highway Safety Division regarding On-Site Visits for D.A.R.E. grant.

Ms. Holly informed the Commission that Harold Kolwalsky had brought map in regarding the petition on Nickelville Road.

The Commissioners received and reviewed a copy of the West Virginia Tax year 1996 Automobile Appraisal and Assessment Report.

Ms. Holly informed the Commission she received several calls asking if the City of Oak Hill had scheduled hearing for annexation of Young Street.

The Commissioners received and reviewed a letter from Ron Miller, President of the West Virginia Association of Counties regarding the Marion County Commission and Circuit Clerk matter asking that the Commissioners help with legal fees if requested.

The meeting was adjourned at 12:33. Next scheduled meeting is
April 10, 1997.

John L. Witt

Holy Creek PSD

3/24/97

Meeting

- Sandra K. Bragg PO Box 53 Lochgully WV 25866
Tresa Jackson Lochgully WV 25866
Mr + Mrs Mulvin Lynch 349 Allman St. Oak Hill, WV 25901
Cecil Dale Seles Rt 1 Box 44 Fayetteville
Michelle Klehovic Woolpert Charleston, WV 25301
Barbara Hickman Tombs - Oak Hill, WV 25901
Robert Jackson waffle creek PSD.
John Cook Woolpert Con, Ches WV.
Delta W. Harrah Rt. 2 Fayetteville WV 25840
Mark Buent MT, Hope
Brew. Ralph Wells Mt Hope 216 Hwy 61
Sadie Handlyde 1160 Highlands Oak Hill WV
Shirley Chamber 1128 " " " "
Virginia Beckett Noyan
Charles K. Tombs

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 7, 1997
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 7th day of May, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners approved the recommendation of the Assessor's Office to grant tax relief to Alan F. Hess for tax years 1992, 1993, 1994, 1995, and 1996 total amount \$1,028.60 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid. Order signed.

The Commissioners signed Zoning Hearings minutes from April 30, 1997.

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, Bank One Beckley, WVNA, Bank of Mount Hope, Inc. One Valley Bank of Oak Hill, Inc., United National Bank (formerly Montgomery National), United National Bank (formerly National Bank of Ansted), United National Bank (formerly First Empire Federal Bank), Merchant National Bank, Merchant National Bank (formerly Gauley National Bank).

The Commissioners signed letter to the Elected Officials with attached Annual Report form for their use in filing report with the Commission and State Tax Commissioner as required on the 1st day of June of each year.

The Commissioners signed letter to Governor Cecil Underwood asking

that he support in the approval of Southern Appalachian Labor School (SALS) application to Request for Participation in the 1997 Governor's Summer Youth Program.

The Commissioners received and reviewed letter from Mike Parsons, Chief Magistrate asking for a time frame as to when the maintenance crew would take a look at the sign and steps at the Danese Magistrate Office. The Commissioners asked Ms. Holly to contact Earl Pauley, Park Superintendent to take care of.

The Commissioners signed letter to the Fayette County Emergency Food Assistance Center informing that due to the lateness of their letter dated April 22nd and the reduced revenues, the Commission are unable to approve the request for funding for fiscal year 1997-98.

The Commissioners signed request for reimbursement to the Criminal Justice and Highway Safety for Project D.A.R.E.

The Commissioners approved for Kelvin Holliday, County Clerk to attend the Naco 62nd Annual Conference.

Commissioner Witt informed the Commission that an answer has been filed in the Kroger Company law suit; the Commissioners received and reviewed brief filed on behalf of the plaintiff in the Kroger Company law suit; Ms. Holly informed the Commission a copy has been sent to the Prosecuting Attorney and Jim Lively Insurance.

The Commissioners approved for Steve Cruikshank, Office of Emergency Service Director to upgrade administrative computers.

The Commissioners received and reviewed letter from Gary Harding, Zoning Officer to Harry Martin informing that an appointment has been scheduled with the Prosecuting Attorney to discuss the clean up of Mr. Martin property.

Outstanding bills were approved.

The Commissioners asked Ms. Holly to have Carl Harris, Assistant

Prosecuting Attorney to interpret the law about Class IV municipalities using radar.

Ms. Holly informed the Commission that Jim Lively, Sr. had brought in insurance request to review for coming year. Ms. Holly informed the Commission that Mr. Lively wanted to know if the Commission wanted to increase their coverage. The Commission asked Ms. Holly to leave insurance as is.

The Commissioners received and reviewed letter form Southern Appalachian Labor School (SALS) inviting the Commission to the 7th Annual Workers Memorial Cultural Festival and Tribute being held on Saturday, May 10th.

F. L. Caldwell appeared before the Commission to contest the Will of Florence D. Caldwell. The Commission studied the file on Ms. Caldwell and found that the will was probated in November, the Commission informed Mr. Caldwell that his protest was filed to late. The Commission asked Ms. Holly to prepare an order with their decision.

The Commissioners received and reviewed 911 responses for the month of April.

The Commission received and reviewed letter from the State Rail Authority informing that the Norfolk Southern and CSX have notified the Surface Transportation Board that they intend to file a joint application for the acquisition and subsequent division of Conrail between their two railroads, a meeting is scheduled for Thursday, May 15th at 3:00 p.m.

The Commissioners received and reviewed a check in the amount of \$29,174.60 for the Emergency Telephone System for the month of March, 1997.

Assistant Prosecuting Attorney Hamilton Skeen appeared before the Commission informing that the radar used in the City of Mount Hope is

legal.

Ms. Holly informed the Commission that Otis Elevator had given her a cost for maintenance of elevator at the Courthouse Annex for the coming year; Ms. Holly informed the Commission the cost would be \$415.00 a month, last year \$373.87 a month.

Ms. Holly informed the Commissioners that a window on the 2nd floor of the Courthouse Annex was opened, checked with maintenance was informed that the window was shut and locked when the evening shift left.

Discussion was held about looking into security regarding the elevator, Ms. Holly suggested locking elevator at night.

Discussion was held regarding the smoking area in the Courthouse Annex, Tom Aiello, Assessor informed the Commission that he had purchased a air purifier for his office when he was Magistrate. Mr. Aiello suggested to the Commissioners to try the air purifier in the stair well. The Commission informed they would try the air purifier to see if it would help.

Bernard Hall appeared before the Commission with complaint of the Georgia-Pacific Corporation Plant in Mount Hope, Mr. Hall informed the Commission of an explosion from the plant on April 26th and the terrible pollution from the odors. The Commission informed Mr. Hall he would have to talk with the Environmental Protection Agency regarding this matter.

The Commissioners received and reviewed a copy of a letter sent to Attorney John Shumate with a request from the Mount Hope Post Office and several citizens of Mount Hope to change street name and numbers in the area.

Ms. Holly informed the Commission that she have not talked with Earl Pauley, Park Superintendent regarding the Smithers Detachment

building. Commissioner Witt suggested taking apart and storing at the Fayette County Park.

The Commissioners approved for David Neal, E-911 Coordinator to fill two part-time Communication Specialists positions.

Mr. Neal informed the Commission he had received (verbal) notification from Christopher Campbell that he will be resigning his position as full-time Communication Specialists to re-enlist in the Military.

The Commissioners received and reviewed from David Neal information concerning the hourly rate increase and the retroactive reimbursement of several employees. The Commissioners approved.

The Commissioners received and reviewed franchise tax from Cable Equities of the Virginias, Ltd and TWFanch-One Company for the period from January 1, 1997 through March 31, 1997.

The Commissioners received and reviewed reimbursement for Project D.A.R.E. for the month of March.

Commissioner Witt informed he had been contacted by Carolyn O'Dell informing that she had been working for 12 year without a raise. Discussion was held, the Commission asked that this be tabled for last week in May. Commissioner Witt asked Charlotte Holly, Administrator to give Ms. O'Dell a call and check further with Prosecuting Attorney.

Commissioner Witt informed the Commission he received letter from the Fayette County Historic Landmark Commission asking that Dale Payne be replaced with Ann Skaggs and asked for the reappointment of Carolyn Hill, Pat Wendell, Daniel Wright and Thomas Bell be approved. Commissioner Lopez made motion that current members be reappointed and Ann Skaggs replace Dale Payne. Commissioner Witt seconded. All approved.

The Commissioners received and reviewed a letter from Scott R.

Smith Environmental Management Consultants, Inc. informing the Commission they would like to provide asbestos services to the County. Commissioner Witt suggested sending a letter informing that the Commission will contact them if services are needed.

Ms. Holly informed the Commission the letter that was sent to the Elected Officials regarding the time to unlock and lock courthouse she received very little input. The Commissioners suggested getting the two judges and other Elected Officials in to discuss.

Ms. Holly informed the Commission that a representative from Capitol Insurance would like to talk with the employees about the insurance they could offer. Ms. Holly informed the Commission that she explained to the representative that 50% of the employees have to participate, would have to talk with employees on their own time and she would have to talk with the Elected Official regarding making arrangements.

The Commissioners received and reviewed letter from the Assessor's Office asking that James E. and Loretta M. Lilly be given tax relief. The Commission approved, order signed.

The Commissioners asked Ms. Holly to set up a meeting with the maintenance employees for May 28, 1997.

The Commissioners received a request from Kelvin Holliday, County Clerk to purchase carrying cases and a shelf. Discussion was held, Ms. Holly informed the Commission she would check to see if she could locate stored cases.

The Commissioners signed letter to their employees asking that leave during the work day for personal reasons, that must miss work for any reason, or that plans to take vacation time or compensation time from work must notify the County Administrator or your immediate supervisor prior to leaving or taking time off.

The Commissioners received and reviewed Workers' Compensation Division Report for Earnest K. Lester.

The Commissioners received and reviewed invitation from Tamarack to attend the Annual Artisan Reunion and Awards picnic, Monday, May 19, 1997.

The Commissioners received and reviewed from Crews and Associates Status Report on proposed refunding program.

The Commissioners signed Financial Status Report to U. S. Department of Justice Office of Justice Program.

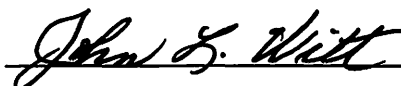
The Commissioners received and reviewed a letter from ITT Specialty Risk Services acknowledging receipt of a law suit filed as Civil Action #97-C-1027 in the Circuit Court of Kanawha County, West Virginia.

Floyd McKnight appeared before the Commission to ask the Commission if he could ask them about the Southern Appalachian Labor School (SALS). The Commissioners asked Mr. McKnight to schedule an appointment for the first meeting in June.

The Commissioners adjourned at 11:28, asked Ms. Holly to check to see if Dils Ford had any police cruisers available today.

The Commissioners reconvened at 12:02; Ms. Holly informed the Commission that she had talked with a representative from Dils Ford and he informed her that they had a police cruiser available. The Commissioners approved purchase of cruiser, cost \$19,550.00.

The meeting was adjourned. Next scheduled meeting is May 14, 1997.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 14, 1997
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 14th day of May, 1997.

Exonerations were approved and signed.

Payroll and outstanding bills were approved. Commissioner Lopez asked that payroll be released today.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters with a request for reimbursement for rent in the amount of \$990.00 for the month of May.

The Commissioners signed orders reappointing Daniel Wright, Thomas Bell, Carolyn Hill, and Pat Wendell to the Fayette County Historic Landmark Commission, the Commissioners signed order appointing Ann Skaggs to replace Dale Payne.

Ms. Holly informed the Commission she had talked with Larry Dotson, Sheriff regarding reducing line item for the Coal Severance Regional Jail; Sheriff Dotson sent letter over approving the decrease.

Commissioner Lopez made a motion that the budget revisions for the General County Fund and Coal Severance Fund for fiscal year 1996-97 be approved. Commissioner Carte seconded. All approved.

Ms. Holly informed the Commission that Commissioner Witt had talked with Yvonne Snyder, Extension Agent regarding 200 bunk beds and mattresses available through the Surplus property in Morgantown. Ms. Snyder informed she had talked with Earl Pauley, Park Superintendent and he stated he could use 50 beds to replace broken beds at camp; the cost of the beds would be the cost to deliver them from North Carolina; approximate cost would be \$8.00 a bed. Discussion was held, Ms. Holly

informed the Commission she had talked with Earl and he informed her that she thinks the cost is a little high and to get only 25 beds and mattresses. The Commission approved the 25 beds and mattresses, cost would be \$200.00.

The Commissioners received and reviewed information regarding the Special Election being held September 27, 1997. Ms. Holly informed the Commission the State would reimburse County.

The Commissioners received and reviewed letter from John D. Perdue, State Treasurer informing of the changes in Chapter 7, Article 5 of the West Virginia Code allowing people to use a credit card or check card to pay any funds that are due.

The Commissioners received and reviewed letter from the City of Mount Hope informing David Neal, E911 Coordinator that the street name and number changes was presented to the City Council meeting, the resolution was accepted and adopted.

The Commissioners received and reviewed letter from the Secretary of State Office informing that if any changes have to be made regarding any changes in precincts they would have to be done before the Special Election.

The Commissioners received and reviewed workers' Compensation letters.

The Commissioners received and reviewed thank you letter from the West Virginia State Board of Examiners of Land Surveyors thanking the Commission for the use of the County Commission Chambers on Friday, April 25, 1997.

The Commissioners received and reviewed letter from Magistrate Alan Workman expressing his appreciation of the outstanding work Joetta Armstrong, maintenance employee performed in his office.

The Commissioners received and reviewed Annual Report from Thelma

Kincaid, Circuit Clerk.

The Commissioners received and reviewed revised "refusal to pay" associated with the Emergency Telephone System for the month of January, 1997.

The Commissioners received and reviewed "refusal to pay" associated with the Emergency Telephone System for the month of February, 1997.

Ms. Holly informed the Commissioners that copier for the Prosecuting Attorney's Office has been ordered. Ms. Holly informed the Commission it was purchased under the State contract price.

Commissioner Carte informed the Commission he had talked with Judy Cottle, Court Reporter, she is requesting permission to have installed a line and fax machine in her office, she would pay the expense. The Commission approved.

The Commissioners approved overtime voucher for Dee Lively, maintenance.

Ms. Holly informed the Commission that Commissioner Witt had talked with Steve Thomas, Mayor of Gauley Bridge regarding a project between the area high schools in Fayette County; Mr. Thomas has pledged to raise \$1,000.00 for project and requesting the Commission to donate \$200.00. This was approved.

Ms. Holly informed the Commission that Earl Pauley, Park Superintendent said the pool will be open on May 24th the weekend of Memorial Day.

Ms. Holly asked Commissioner Lopez if Earl had talked to him about a sign for the Smithers Detachment, discussion was held, Commissioner Lopez informed Ms. Holly he would check into.

Ms. Holly informed the Commission that Earl has started working 4 or 5 part-time kids to help get park prepared for the opening this

weekend.

Ms. Holly informed the Commission that Earl is needing a lawn mower. Commissioner Lopez informed the Commission that Earl did not have a price on it yet and suggested waiting until Earl get information back to the Commission.

Commissioner Carte informed the Commission would not be taking any action on Mountain Laurel Resources, suggested checking with Carl Harris, Assistant Prosecuting Attorney.

Commissioner Lopez questioned about the REACT letter, discussion was held it was suggested to defer until next meeting.

Ms. Holly informed the Commission of a complaint she received from a citizens regarding offensive behavior by persons loitering on courthouse property and persons with beer cans sitting along the stone wall on Maple Avenue. Ms. Holly informed the Commission that citizen had made complaint to the Town but they referred him to the Commission. Discussion was held, Commissioner Carte suggested talking with Tom Woodrum, Mayor, but then suggested to Ms. Holly to send a letter to Mr. Woodrum asking the Town to enforce the law.

Ms. Holly informed the Commission that the telephone in the Magistrate Lounge disappeared. Ms. Holly told the Commission she would investigate further.

The meeting was adjourned at 10:40. Next scheduled meeting is May 28, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 28, 1997
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 28th day of May, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners she received letter from the Assessor's Office informing that due to an error in their office, a parcel of property was removed from the Homestead Exemption for 1993 taxes, the owner was in a nursing home and was still eligible for the exemption; the Assessor is asking the Commission to approve giving a tax credit to the property owner. The Commissioners approved.

The Commissioners received and signed oath and certificates for personal and real property Land books from the Assessor's Office.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters with a request for reimbursement for rent in the amount of \$990.00 for the month of June.

The Commissioners received/reviewed and signed invoices to the City of Fayetteville, Town of Ansted, City of Mount Hope, City of Oak Hill for the commitment of prisoners to the Southern Regional Jail for the month of April.

The Commissioners signed order informing that due to the resignation of William Laird as Sheriff, the Commissioners appointed Larry G. Dotson to replace Mr. Laird as a member of the Fayette County New River Gorge Bridge Day Commission.

The Commissioners signed letter to the West Virginia Development Office requesting first and final drawdown and Certification of Project

Completion for the Valley Detachment Expansion during the period of July 1, 1995 through April 30, 1997, amount \$15,000.00.

Ms. Holly informed the Commission that Earl Pauley, Park Superintendent had called and requested extra workers to help tear down the Smithers Detachment building. Discussion was held, no decision made.

Ms. Holly presented to the Commission from Earl Pauley price for a tractor mower from Fairplain Tractor Sales, Inc. Discussion was held, Ms. Holly informed the Commissioners she would have to advertise. The Commission approved to advertise.

The Commissioners signed letter to the West Virginia Development Office requesting first drawdown for the Valley Detachment and Fayette County Courthouse Improvements during the period of July 1, 1996 through May 31, 1997, amount \$10,238.93.

The Commissioners signed letter to the West Virginia Development Office requesting extension of the contract period for Community Partnership Grant #97-301 for the Valley Detachment and Fayette County Courthouse Improvements.

Ms. Holly informed the Commission that a few weeks ago they had approved for Systems and Computers Technology Corporation (SCT) to upgrade the IBM AS/400 W/PSAS 2000; Ms. Holly presented License Agreement for the Budgeting/Account, amount \$3,500.00 and Payroll/Personnel, amount \$1,000.00. Ms. Holly informed the Commissioners that the agreements have to be approved and signed by June 5, 1997. The Commissioners approved and signed License Agreement.

Ms. Holly informed the Commissioners that she had researched the number of registered voters in the surroundings precincts and found one precinct that might have to be changed before the Primary Election in 1998, Ms. Holly informed the Commission that there's no way she could

advertise to change precinct, legal would have to be done by tomorrow. The Commission asked that no action be taken.

The Commissioners received and reviewed letter from the Women's Resource Center requesting that the Commission pay the \$11,379.00 for a county-wide centralized data base to document and communicate accurate information concerning all calls for services related to violence against women; the Commission was informed by David Neal, E-911 Coordinator that once the Women's Resource Center receive their funds for the fiscal year this money would be reimbursed back to the County. Commissioner Witt made motion to approve request. Commissioner Lopez seconded. Commissioner Witt asked Ms. Holly if it was stipulated in the letter that the County is to be refunded. Ms. Holly informed yes. Commissioner Witt informed okay to approve subject to reimbursement.

The Commissioners approved for the West Virginia Extension Service to purchase sports equipment, games, storage containers and other items for 4-H Camp with extra travel fund due to vacant 4-H position.

Ms. Holly informed the Commission she received call from Everette Steele, Chief Deputy regarding service revolver of retired deputy sheriff. Discussion was held, Commissioner Witt informed he has no problem with retired deputies keeping uniform and badge. Commissioner Lopez asked if the deputies could keep their gun. Commissioner informed no. Commissioner Lopez offered motion that retired deputies can purchase uniform and badge but not their weapon. Commissioner Carte seconded. All approved.

Ms. Holly informed the Commissioners that the Prosecuting Attorney's Office is having problems with their Laser Printer; was told by the Prosecutor's Office that it would cost as much to repair as it is to replace. Ms. Holly informed the Commissioners that the Prosecuting Office is requesting that printer be replaced, Ms. Holly told the

Commission that she had called Tim Bucklew of Software Systems to see if he could assist with the problem. Commissioner Carte suggested buying the printer with the cheapest replacement cartridge.

Commissioner Witt suggested that he and Charlotte Holly, County Administrator talk with Paul Blake, Prosecuting Attorney.

Ms. Holly informed the Commissioners that at last meeting she had been contacted by REACT regarding their request for \$1,800 for the purpose of purchasing new equipment and repairing existing equipment; Ms. Holly informed the Commissioners that REACT did not submit a request for this years budget.

Commissioner Witt informed he had no problem with helping React. Commissioner Lopez suggested funding \$900.00 for this fiscal year 1997-97 and the other \$900.00 to be considered a request for next fiscal year 1998-99, Commissioner Lopez also asked Ms. Holly to have REACT submit a request in March, 1998. The Commission approved.

Tom Woodrum, Mayor Town of Fayetteville and Attorney James Blankenship appeared before the Commission. Mr. Woodrum informed the Commission that at their council meeting they had discussed a need for a parking building in Town; Mr. Woodrum told the Commission that there are a total of 111 business in Fayetteville and at this time of year there is a 40% increase in business and parking, Mr. Woodrum told the Commission that the town do not have property to build building and Mr. Woodrum asked the Commission to help the Town or the Town and Commission work together to see if it's feasible to build a parking building.

Dave Pollard, Community Resource Coordinator informed the Commission he would call to get ball park figure of what it would cost and would also check on different funds with local match.

Commissioner Carte made motion to have feasibility study for a parking building. Commissioner Lopez seconded. All approved.

Commissioner Lopez asked Mr. Woodum about enforcing the law on courthouse property. The Commission informed Mr. Woodrum of a citizens complaint regarding offensive behavior by persons loitering, lewd activities of couples on courthouse lawn, persons with beer cans sitting along the stone wall on Maple Avenue. Mr. Woodrum asked that the Commission send letter to the Town telling them what they want the Town to enforce.

David Pollard, Community Resource Coordinator appeared before the Commission on behalf of the Fayette County Chambers of Commerce to ask the Commission permission for the Chamber to use the courthouse lawn for the Captain Thurmonds Challenge Triathlon being held Friday, June 20, 1997. Mr. Pollard informed the Commission they would have blue-grass, food and drinks and a small PA System. The Commission approved, Commissioner Carte informed he was against amplifiers.

Dave Pollard presented to the Commission Quarterly Report giving an update on major projects and current developments with Fayette County Transition Team projects. Commissioner Carte asked Mr. Pollard about the trout pond.

Outstanding bills and payroll were approved.

The Commissioners asked Ms. Holly to tell the Switchboard Operators they would be moving their office downstairs as soon as possible. The Commissioners asked Ms. Holly to have the operators to look to see if they want a shelf installed.

The Commissioners signed Fire Levy Fire Protection Agreements for Boomer Fire Department, Ansted Certified Fire Department, Mount Hope Fire Department, Meadow Bridge Fire Department, Pax Fire Department, Montgomery Fire Department, Nuttall Fire Department, Gauley Bridge Fire Department, Gauley River Fire Department and Fire Levy Pumper Replacement Agreement for Boomer Fire Department, Nuttall Fire

Department, Gauley Bridge Fire Department, Ansted Certified Fire Department for fiscal year 1997-98.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone System for the month of March, 1997.

The Commissioners received and reviewed letter from the Criminal Justice and Highway Safety Division informing the Commission of the training procedures for newly hired officers.

The Commissioners received and reviewed letter from Workers' Compensation regarding claimant Barbara J. Hull.

The Commissioners received and reviewed letter from the Workers' Compensation Division acknowledging that claimant William C. Hamilton has requested that Attorney John Shumate, Jr. represent him in his claim.

The Commissioners received and reviewed memorandum from David Neal, E-911 Coordinator he has hired Charles Philip Kees to fill vacancy due to the resignation of Christopher Tabit.

The Commissioners received and reviewed the amended answer in the Kroger Law Suit.

The Commissioners received and reviewed Annual Report for the period beginning June 1, 1996 through May 30, 1997 from Sheriff Larry G. Dotson.

Ms. Holly informed the Commission that the NACO 62nd Annual Conference will be held in Baltimore, Maryland, July 11 through July 15, 1997.

The Commissioners received and reviewed from the Department of Health and Human Resources a sanitary survey for the Mount Hope Water System.

Ms. Holly informed the Commission she received letter from Steptoe

and Johnson informing they had been retained by our insurance carrier to defend the lawsuit brought against the County (Frederick Shawnee Carter v. Fayette County, Civil Action #5:96-0436); was informed they had been already retained and have been representing clients named in this suit and asked the Commission if they had no objection to a joint representation by Steptoe & Johnson of all defendants in this civil action. Ms. Holly informed the Commission she had forwarded copy of letter to the Prosecuting Attorney's Office and was informed by Paul Blake, Prosecuting Attorney that he do not believe that a conflict exists; acknowledgment signed.

The Commissioners received and reviewed from the Cable Advisory Board revisions of the Cable Television Agreement.

The Commissioners approved for Charlotte Holly, County Administrator to attend County Liabilities seminar being held next month.

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

Joe Myers thanked the Commission for sending Ms. Holly to speak at the Public Hearing, informed the Commission that Ms. Holly did a wonderful job.

The Commissioners received and reviewed letter from Lucent Technologies giving the Commissioners the pricing breakdown for the cost to "move console telephone to the basement of the courthouse."

The meeting was adjourned at 11:30. The Commission made motion to go into Executive Session to talk with maintenance.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 5, 1997
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 November, 1997.

Commissioner Witt called meeting to order at 9:30 a.m.

Exonerations were approved and signed.

Cindy Sundstrom with Plateau Medical Center appeared before the Commission to inform them that the month of November is National Home Care Month and asked the Commission to proclaim November 1 through November 30th Home Care Health month.

John A. Mairs, counsel for Caterpillar Financial Services Corporation appeared before the Commission to request exoneration of certain interest on its personal property taxes for the years 1995 and 1996. Mr. Mairs presented to the Commission their evidence and exhibits. Present for the hearing were Larry Dotson, Sheriff, Thomas Woodrum, Chief Tax Deputy, Carl Harris, Assistant Prosecuting Attorney, Thomas Aiello, Assessor and Autrey Ritch, Senior Tax Appraiser with the State of West Virginia. Commissioner Witt made motion that the evidence and exhibits be taken under advisement.

Senator Randy Schoonover presented to Claude "Booty" Bess a Certificate of Recognition for his public service work throughout the community.

The Commission and Carl Harris, Assistant Prosecuting Attorney discussed the Mountain laurel Resources Company bankruptcy case. Ms. Holly informed the Commission that a hearing to consider the Trustee's motion For Order Authorizing Sale of Assets Free and Clear is scheduled

for Thursday, December 11, 1997. The Commission asked Mr. Harris to attend. The Commissioners asked Mr. Harris to file a response protesting the amount the County would be receiving.

Kelvin Holliday, County Clerk informed the Commission that he received a complaint on Monday in his office to set aside will on grounds of undue influence and mental incapacity. Mr. Holliday informed the Commissioners he had talked with the Prosecuting Attorney's office regarding this matter. The Commission was informed by Kelvin that since they are not party to the summons/complaint an answer is not required per Paul Blake, Prosecuting Attorney.

Ms. Holly asked the Commission if they wanted to advertise for the courthouse walkways and Smithers Detachment parking lot. The Commission suggested to Ms. Holly to advertise for walkways both ways (concrete and stone). Commissioner Lopez suggested temporarily patching walkways. The Commission asked ms. Holly to advertise for the Smithers Detachment parking lot and hold off advertising until the spring for the walkways. Commissioner Carte voted no to advertising for the sidewalks.

Commissioner Witt informed the Commission he would call Tri-State Roofing regarding the roof in the Circuit Clerk's Office.

Ms. Holly informed the Commission she received completed transfer application from Cable Equities of the Virginias, Ltd and check for \$250.00 to cover the application fee.

Outstanding bills were approved.

The Commission asked Ms. Holly to prepare letter to the employees to inform them of the insurance increase effective January 1, 1998.

Ms. Holly informed the Commission that Sheriff Larry Dotson had received a grant to make improvements to his office.

Ms. Holly informed the Commission she had talked with the vendors regarding the duress button; Sheriff's Office and 911 Center have

digital receivers with Sheriff's Office being the first to receive. Ms. Holly informed the Commissioners that there would be a charge for installing the line. Ms. Holly presented duress button agreement for Commission to sign, agreement signed.

The Commissioners received and reviewed letter from the West Virginia Housing Development Fund asking for their written comments on the 1997 HOME Program Action Plan.

The Commissioners received and reviewed Quarterly Report from Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed check in the amount of \$29,360.81 for the Emergency Telephone System for the month of September, 1997.

The Commissioners received and reviewed letter from the County Commission Association informing of meeting being held November 10. Commissioner Witt informed he would be attending.

The Commissioners received and reviewed franchise fees from Rifkin Communications Partners, L.P., Cable Equities of the Virginias, Ltd and TW Fanch-one Company.

The Commissioners received and reviewed Workers' Compensation letter and reports.

Ms. Holly informed the Commission she had not heard anything from the Prosecuting Attorney Office regarding the even trade proposal.

The Commissioners received and reviewed letter from Ford regarding the 1998 Model Year AFV Chart.

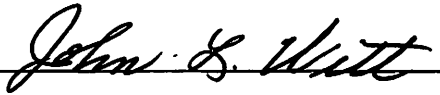
The Commissioners received and reviewed memo from the West Virginia Association of Counties informing the case of Marion County Commission and Barbara A. Core, Circuit Clerk vs. Rodney B. Merrifield, Circuit Court Judge would be heard before the West Virginia Supreme Court of Appeals on November 5, 1997.

The Commissioners received and reviewed letter from the Planning and Community Development regarding joint Kanawha-Fayette County Commission meeting. The Commission asked Ms. Holly to check with Dave Pollard, Community Resource Coordinator and have him to check with the Planning and Community Development to see what specific topics that Kanawha County plans to discuss that involve Fayette County.

Attorney Tom Fast appeared before the Commission with application to seek abandonment of a portion of Young Street, situate in Plateau District, Fayette County, West Virginia, not in any municipality, incorporated town or city. The Commission accepted application. Final hearing is scheduled for Monday, December 15, 1997 at 10:00 a.m.

Commissioner Lopez made motion to deny interest relief requested by the Caterpillar Financial Service. Commissioner Carte seconded. All approved.

The meeting was adjourned at 11:30. Next scheduled meeting is November 14, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 14, 1997
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 November, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

On a motion duly made by Commissioner Carte and seconded by Commissioner Lopez the Commission approve and authorize the acceptance of the Grant award from the State of West Virginia, West Virginia Development Office for Small Cities Community Development Block Grant Funds. These funds will be used for the New Haven Public Service District Water Extension Project.

On a motion duly made by Commissioner Carte and seconded by Commissioner Lopez the Commission hereby approve and authorize the adoption of a resolution authorizing a contract with the State of west Virginia for Governor's Community Partnership grant Program Fund to make improvements to the Fayette County Courthouse and the Fayette County Park.

The Commission discussed the premium increases imposed by the West Virginia Public Employees Insurance Agency (PEIA). The Commission signed letter to all Fayette County Elected Officials, Department Heads and Employees making them aware of the changes and asking for their comments.

The Commission signed letter to all Fayette County Elected Officials, Department Heads and Employees responding to employees' questions to letter dated November 14, 1997 regarding group insurance premium increase, the Commission informed they would not increase the

amount of the County's monthly premium contribution at this time.

Ms. Holly informed the Commission she received a copy of a letter from the West Virginia Public Employees Insurance Agency (PEIA) informing that effective January 1, 1998 all employees will be required to contribute 10¢ per month toward the premium for their basic life insurance.

Outstanding bills were approved and signed.

The Commission received and reviewed Dog Warden Report for the month of October.

Ms. Holly informed the Commission that Bell Atlantic and Lucent Technology have started upgrade on the system. Ms. Holly informed the Commission she have received some comments from the Elected Official regarding the changes.

The Commission received letter requesting that the rental fee be waived for the Memorial Building on November 29, 1997 for the count down to Christmas 1997 sponsored by Fayetteville in Motion. Commissioner Carte made motion to approve waiving rental fee. Commissioner Lopez seconded. All approved.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$990.00 for the month of November.

The Commissioners signed minutes for the Zoning Hearing held October 29, 1997.

The Commissioners received Order from Judge John Hatcher asking that the Commission approve invoice from Elliot's Restaurant for sequestering of jurors in the State of West Virginia vs. James Michael Flippo, amount \$557.20. The Commission approved payment.

A public hearing was held at 10:30 a.m. for transfer of a Cable Television franchise to Interlink Communication Partners, LLLP. Ben

Todaro, President of CableVision gave a brief summary of the changes to the Commission. No opposition. Commissioner Carte made motion that the transfer application form Cable Equities of the Virginias, LTD to Interlink Communication Partners, LLLP be approved. Commissioner Lopez seconded. Unanimous decision. Resolution and Order signed.

A public hearing was held at 10:45 a.m. to receive public comment on the expenditures of the 96 Small Cities Block Grant Funds on the Mount Hope Industrial Park Site and the reallocation of \$95,000 of 1995 Small Cities Block Grant funds from Nicholas County to Fayette County for the purpose of housing rehabilitation. Commissioner Witt read public notice: Guy Dooley appeared before the Commission to request that the Commission reallocate funds of \$95,000 of 1995 Small Cities Block Grants fund from Nicholas to Fayette County for the purpose of housing rehabilitation. Mr. Dooley explained current housing project and funds. John David, Director Southern Appalachia Labor Schools (SALS) was present and informed the Commission he had no comment that Mr. Dooley had presented all the information. Commissioner Witt asked if there were any one present to object to the Mount Hope Industrial Park Site. No opposition. Commissioner Lopez made motion to approve expenditures of the Mount Hope Industrial Park Site and to transfer funds from Nicholas County to Fayette County. Commissioner Carte seconded. All approved. There were no other comments.

The Commissioners signed order to appoint pat Day to the Fayette County Planning Commission.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney regarding Civil Action No. 95-C-0194, R. C. Godsey, et al v. William Laird, IV etal. Mr. Blake informed the Commission that since this action has been dismissed he do not plan to respond to Mr. Andrew Kratz letter. The Commission informed no need to respond since

case has been dismissed.

The Commissioners received letter from Paul Blake, Prosecuting Attorney regarding the disposition of county equipment (even-trade proposal). The Commission asked Ms. Holly to hold even-trade proposal not to do anything at this time. The Commission informed they would have to hold auction.

The Commissioner received and reviewed letter from the Department of Tax and Revenue certifying that Thomas Aiello has complied with the "Assessor's additional duties" and is entitled to the additional compensation of \$15,000. The Commission approved to pay.

The Commission received and reviewed letter from Helicon Cable Communications informing that some of their Basic and Variety Channel Package rates will be changing with their December, 1997 billing, Customers will receive notice of rate change.

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

The Commissioners received and reviewed memorandum from the governor's Office informing that Friday, November 28, 1997 day after Thanksgiving has been declared as an additional day off for State employees.

The Commissioners signed memorandum to the Elected Officials and Employees informing the Courthouse will be closed on Thursday, November 27 and Friday November 28 in observance of Thanksgiving.

The Commissioners received and reviewed two checks from the Women Resource Center for reimbursement in the amount of \$11,379.00 for fiscal year 1996-97 and \$3,000.00 for fiscal year 1997-98 under the federal grant STOP Violence Against Woman Program.

The Commissioners received/reviewed and approved letter from Kelvin Holliday, County Clerk requesting janitorial services during the

Statewide Special Election.

The Commissioners received and reviewed letter from the Citizen's Advisory Board informing that the next scheduled meeting will be November 18, 1997, in the lobby of the Southern Regional Juvenile Detention Center.

Ms. Holly reminded the Commissioners of the invitation to the Upper Kanawha Valley Chambers of Commerce at the Smithers City Hall.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed a copy of an Accident Report for Deputy Sheriff's Jack Feltner vehicle. Ms. Holly informed the Commission that a copy of the report has been forwarded to the insurance company.

Ms. Holly informed the Commissioners she advertised to receive bids for the Smithers Detachment parking lot and for the Courthouse parking lot in the spring, bids are due back on November 18. Since the Commission would not be meeting before the bids are due, the Commission authorized Ms. Holly to open bids and make decision.

The Commissioners signed order subject to the approval of the Assessor, the Petitioners (Caterpillar Financial Services Corporation) request for the exoneration of certain interest on its personal property taxes is denied for tax year 1995 and 1996.

The Commissioners signed order subject to the approval of the Assessor, the Petitioners (Emerson and Barbara Hicks) be afforded tax relief for tax years 1994, 1995, and 1996 in the total amount of \$749.89 in the form of a credit against taxing owing for the following year or years with said tax relief being spread over the year or years until the debt is paid to Petition/Applicant.

Ms. Holly informed the Commissioners that the Court Security

vendors are going to start installation of the metal detectors on Monday, informed the duress buttons have been placed in the Sheriff's Office and 911 Center.

Ms. Holly informed the Commission that Buchannon Sound System have a line at the 911 Center but they informed David Neal, 911 Coordinator they would have to charge for using that line to connect the duress system. Ms. Holly informed the Commission that the county do have a contract with Buchannon Sound System. Commissioner Witt made motion to write a letter to the Buchannon Sound System and ask them to live up to their contract. Commissioner Lopez seconded. The Commission gave approval to have the system going into the Sheriff's Office. Ms. Holly informed the Commission that she would include in the next Court Security Grant anything that was not included in this grant.

Ms. Holly informed the Commission that the regular meeting scheduled for November 26 has been changed to November 25.

Ms. Holly informed the Commission that she would be on vacation the week of Thanksgiving.

The Commissioners approved for Gene Carte and Charlotte Holly to attend the Probate of Estate Seminar.

Ms. Holly informed the Commission that several citizens had come in to complaint about the Brydie property in Mount Hope was informed that the 90 days had passed. Ms. Holly informed the Commission that Larry Parsons told her that his crew could clean-up trash in 2 days. No decision made.

The Commission received and reviewed revised budget statement for fiscal year 1997-98 from Sheriff Larry Dotson.

The Commission faxed confirmation of payments to Smith, Cochran and Hicks, P.L.L.C. who are conducting an audit of financial statements for 4-C Economic Development Authority.

Commissioner Witt read letter from the West Virginia Association of Counties regarding Deputy Sheriffs Task Force Interim Committee meeting.

The Commissioners received and reviewed letter acknowledging receipt of application for Local Law Enforcement Block Grant funds.

The meeting was adjourned at 11:50. Next scheduled meeting is November 25, 1997.

John G. Witt

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

NOVEMBER 25, 1997

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 25th day of November, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Carl Harris, Assistant Prosecuting Attorney asked the Commission what terms Charlotte Holly, County Administrator wanted to put in the Advanced Alarm Technology contract.

Outstanding bills and payroll were approved.

Commissioner Witt informed that the roofs over the Circuit Clerk's Office have been redone.

The Commissioners approved to purchase live Christmas tree for inside the Courthouse.

The Commissioners received and reviewed copy of an order from Judge John Hatcher to the West Virginia Supreme Court of Appeals requesting reimbursement of payment of \$557.20 for sequestering of jurors.

The Commissioners signed clean-up letter to Mary Loretta Padelco.

The Commissioners received and reviewed Workers' Compensation Certificate of Coverage.

The Commissioners received and reviewed Workers' Compensation Reports.

Commissioner John Witt and Commissioner John Lopez approved for Dave Pollard, Community Resource Coordinator to attend the 1998 Leadership West Virginia Class. Commissioner Carte voted no.

The Commissioners signed grant application to the West Virginia

Court Security Fund for the purchase and installation of Security equipment and improvements to the Fayette County Court Facilities.

The Commissioners received and reviewed response prepared by Carl Harris, Assistant Prosecuting Attorney regarding Mountain laurel Resources Company.

The Commissioners received and reviewed letter from the Fayette County Board of Education informing that the proposal of October 22, 1997 by Mountain Laurel Resources Company is not fair nor is the equitable settlement of delinquent taxes.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Frederick Shawnee Carter v. Fayette County law suit.

Commissioner Witt called meeting to order.

Attorney John Shumate appeared before the Commission with final annexation by minor boundary adjustment of 133.7 acre tract, situate on Bend Branch, Plateau District, Fayette County, West Virginia. Attorney Shumate presented to the Commission notices that were sent to the Fayette Tribune. Commissioner Witt asked if there were any one here opposing annexation or other comments.

Harold Bragg questioned about City of Mount Hope not offering sewer to the residents of Kilysth, asked about the landscaping if barrier would be replaced. Attorney Shumate informed Mr. Bragg that the City of Mount Hope did offer sewer to the residents no one wanted it. Will Perry informed Mr. Bragg that they will landscape and replace the majority of trees that were moved.

Commissioner Witt asked if there we any other questions, no other questions, Commissioner Carte moved for the approval of the annexation. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed paving bid for resurfing of two parking lots located at the Sheriff's Detachment, Smithers, West

Virginia and at the Fayette County Courthouse, Fayetteville, West Virginia. The bid went to Orders and Haynes Paving Company.

The meeting was adjourned at 10:50. Next scheduled meeting is December 3, 1997.

John L. Witt

11/25/97

City of Mt. Hope
Final Annexation Hearing
Randolph Hendrickson

Delva L. Hendrickson
~~W. C. Shuman~~
~~McCarter~~
W.A. Patterson
J.D. Bragg
Jul Myers
Newelle Garrison
Bill Bergendahl
~~May West~~
~~Alvin B. West~~
Darwin McKinley
Donna Dorado
June R. McKinley
George S. Vary
Janey Vary
Flora Bonifacio
Michael Kassing
Heath Greenwood
Wah Bussell
+ DON STAVK
Garry Bledsoe
Bill Pen
Denny West
Janice Williams
Warrell A. Williams
Shane Wheeler

Sudana Green
LT. D.O. BENNETT / MHPD
Lee Criss
Betty Lilly
Geneva Aida

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 2, 1997
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 2nd day of October, 1997.

Commissioner Witt called meeting to order.

Commissioner Carte moved that payroll be approved.

Ms. Holly informed the Commissioners she received bids for the Court Security. Grant. The Commissioners asked Ms. Holly to hold until after Zoning Hearings.

Gary Harding, Zoning Officer presented to the Commission for a disposition: Z-444-97-4: On the County Commission's own motion, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Commercial, on 140.905 acres, Bend Branch, located on Route 19 at Sun Hollow Road near Mount Hope, Plateau District.

Gary Harding informed the Commission that the Planning Commission did on Monday, September 29, 1997, recommend by a vote of 7 to 1 that this property be rezoned to B-2, General Commercial.

Judy Radford, Executive Director of 4-C Economic and Development Authority made a brief presentation informing the Commission that a 150 room motel, convention center, sports bar and outdoor amphitheater were being proposed for the site.

Dan Snead and Gary Bledsoe representing CompuTech explained the schematics for the site and went over the traffic patterns and the highway entrance.

Dan Massey, Tourism Manager, West Virginia Development Office, addressed the Commission endorsing this project.

Commissioner Witt then asked if there was anyone present that wanted to speak on the request. There being no other discussion a motion was made by Commissioner Lopez that this be approved as recommended by the Planning Commission. Motion was seconded by Commissioner Carte and passed by a unanimous vote.

Ms. Holly presented to the Commissioners copies of the Court Security bids. Ms. Holly informed the Commission that one vendor withdrew his bid. Ms. Holly told the Commission after the meeting on the 24th she received a bid from another vendor; Ms. Holly informed the Commission she called the Supreme Court regarding the matter, was told she could either throw the bids out and readvertise or call the vendors and ask them for a bid. Commissioner Carte made motion that Ms. Holly call the vendors. Commissioners Lopez seconded. All approved.

Ms. Holly informed the Commissioner she received a call from Earl Pauley, Par Superintendent informing that he had an offer to trade the 1981 D7G and a 1978 model 977K for one D3B dozer at no cost to the County. Ms. Holly presented to the Commissioners the proposal from Earl. Discussion was held, the Commissioners requested Ms. Holly to get opinion of the Prosecuting Attorney regarding whether or not county can "even trade" equipment as proposed.

Commissioner Witt informed the Commissioners that he had attended a Water Resource meeting and learned that some of the Public Service Districts would not allow a committee to survey plant.

Commissioner Witt informed the Commission he received a call from Sterley Flanagan informing that at the Danese Fire Department there is a piece of equipment left that belongs to the County, Mr. Witt asked the Commission if they had any suggestions on what to do with it. Commissioner Carte suggested talking with Sterley to see what kind of equipment he was talking about; Commissioner Lopez suggested giving to

Valley Emergency Medical Services; Ms. Holly informed the Commission she would talk with Steven Cruikshank, Emergency Services Coordinator or David Neal, E911 Coordinator regarding the equipment.

Commissioner Witt informed the Commission he received a call from Pam Cohernoir regarding the Commission's decision to charge rent for Halloween Program (haunted house). Discussion was held, the Commissioners informed they would stand firm on their original decision to charge rental for the Halloween Program (haunted house).

The Commissioners signed letter to the West Virginia Department of Transportation informing that on behalf of the citizens in Beards Fork and in support of the request of John P. David, Director Southern Appalachian Labors School (SALS) the Commission request their assistance in obtaining state and/or federal-aid funds to make roadway improvements to State Route 61/5 and informed them of the concern for health and safety to local residents of the Norfolk Southern overpass at the entrance to the Beards Fork Road and asked that they prioritize this project and to work in corporation with Norfolk Southern to make these road improvements.

The Commissioners signed letter to Dudley Burgess, Administrator, Southern Regional jail expressing their concerns in a letter dated September 29, 1997 from Chief John Hatcher regarding dress of inmates on the work release program.

Ms. Holly informed the Commission that she received opinion from the Prosecuting Attorney's Office regarding the drug dog that belonged to the Mount Hope Police Department; Ms. Holly told the Commission that Paul Blake, Prosecuting Attorney informed he agreed with Attorney John Shumate that this dog and equipment is the property of the Mount Hope Police Department and Mount Hope should get dog and equipment rather than reimbursement for loss.

Commissioner Carte informed the Commissioners that the Humane Society had called requesting a new floor for the shelter. Commissioner Witt informed this would be discussed at the meeting.

The Commissioners received and reviewed a check in the amount of \$29,287.49 for the Emergency Telephone System for the month of August, 1997.

The Commissioners received and reviewed check for payment in lieu of taxes for federally-owned entitlement Land and payment for land or interest therein acquired by the U S for addition to the National park System or National Forest wilderness (Section 6904 for distribution).

The Commissioners received and reviewed Certificate of Insurance from Cable Franchise TWFanch-one Company.

The Commissioners received and reviewed letter from Attorney Paul Clay informing that Civil action *96-C-256, FCH, Inc. vs. The County Commission of Fayette County has been dismissed.

The Commissioners approved to pay invoice of Attorney Paul Clay.

The Commissioners received and reviewed copy of a letter from Steptoe & Johnson regarding Civil Action #5-96-0436, Frederick Shawnee Carter.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed Application for Employment from Kevin Dale Koutsunis.

Ms. Holly reminded the Commission that canvass is scheduled to start at 9:00 a.m. tomorrow, asked that all workers report at 8:30 a.m.

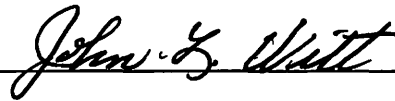
Ms. Holly informed the Commissioners she received call from David Neal, 911 Coordinator informing that part-time employee has accepted full time employment with the 911 Center.

Discussion was held regarding giving raises to the 911

Telecommunicators due to the heavy turnover. Commissioner Witt suggested \$7.50 an hour. No decision made.

Ms. Holly informed the Commissioners that the Fiduciary Order that was prepared for James Blankenship was incorrect.

Meeting adjourned at 11:30 a.m. Next scheduled meeting is October 3, 1997.



FAYETTE COUNTY COMMISSION

SPECIAL SESSION

OCTOBER 3, 1997

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 3rd day of October, 1997 to canvass results of the Statewide Special Election held on September 27, 1997.

The meeting was adjourned. Next scheduled meeting is October 8th, 1997.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 8, 1997
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 October, 1997.

Commissioner Witt called meeting to order at 9:46 a.m.

Exonerations were approved and signed.

The Commissioners signed certificate of results from canvass held on October 3, 1997.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters for reimbursement for rent in the amount of \$990.00 for the month of October, 1997.

The Commissioners signed clean up letter to Mary Loretta Padelco.

The Commissioners signed letter to Cable Equities of the Virginias, Ltd, d/b/a CableVision acknowledging receipt of their transfer application for a cable television franchise for certain unincorporated areas of Fayette County. Ms. Holly informed the Commission she sent letter to the Cable Television Advisory Board regarding the request; informed the Commissioners that applicant is subject to a \$250.00 transfer application fee to the County; and informed the Commissioners she had prepared public notice for a hearing at 10:30 a. m. on Friday, November 14, 1997.

Commissioner Carte made motion to appoint Carl L. Harris, Special Fiduciary Commissioner. Commissioner Lopez seconded. All approved. Order signed.

Ms. Holly informed the Commission she received call from Elkem Metals informing they had a few minor things they wanted to change in the Boomer Ballfield deed. Ms. Holly informed the Commission she sent a

copy over to Carl Harris, Assistant Prosecuting Attorney to review.

Ms. Holly informed the Commission she have not heard anything from the Prosecuting Attorney's Office regarding their opinion on whether or not County can "even trade" equipment.

The Commissioners received resignation letter from Steven Eades from the County Enhanced Emergency Telephone System Advisory Board.

The Commissioners received a copy of a letter from the Secretary of States Office to Kelvin Holliday, County Clerk regarding voting hour for Election Commissioners and Clerks who work in a precinct other than their legal voting precinct, it is permissible for the circuit clerk to open the office for absentee voting for a period of time before or after election official's training classes.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed 911 Statistics Report for the month of August.

Ms. Holly presented to the Commissioners a request from the Circuit Clerk's Office to purchase 2 IBM Wheelwriter typewriters, cost \$839.20 each. The Commissioners approved.

The Commissioners approved for Charlotte Holly, County Administrator to attend the Family and Medical Leave Act Seminar scheduled for Tuesday, October 14, 1997.

Ms. Holly presented to the Commissioners the current Coal Severance Fund balance for October. Ms. Holly informed the Commissioners she would be holding checks until the Coal Severance Allotment comes in. The Commissioners asked Ms. Holy to defer until the 15th meeting.

Ms. Holly informed the Commissioners she received invoices from Motorola for the new lease agreement, informed the Commissioners she

asked Debbie Berry, Bookkeeper to prepare check.

The Commissioners received and reviewed list of 911 full-time and part-time employees from David Neal, 911 Coordinator.

The Commissioners approved to open vault for Kelvin Holliday, County Clerk on October 15, 1997.

Ms. Holly informed the Commission that at last meeting the Commission gave the approval to request written bids until 10:00 a.m. today for the purchase, delivery and installation of two (2) Sentries LC, walk thru metal detectors with wheel hits and controls. The Commissioners reviewed the bids and approved to accept the lower bid. Commissioner Carte made motion to approve Advanced Alarm Technologies. All approved.

Attorney Clint Gallaher appeared before the Commissioners with request that guardianship appointment for Christina Thomas be revoked. Eddie and Stacy Thomas were present. Discussion held, Commissioner Carte made motion to revoke previous order. Commissioner Lopez seconded. All approved. The Commission asked Mr. Gallaher to prepare order.

Outstanding bills were approved.

Ron Walton appeared before the Commission to ask the Commissioner if any thing had been done regarding installing fire hydrants in the Whipple area. Commissioner Witt suggested to Mr. Walton to contact Tom Muncy with West Virginia American Water Company and informed Mr. Walton that he would find something out today, will send letter.

Ron reported to the Commission of a possible crack house in the Whipple area and asked the Commission if there was anyway they could have the place abandoned. The Commissioners asked Ron if he had reported the crack house to the Sheriff's Department. Ron replied yes. The Commissioners told Ron they would have Gary Harding, Zoning Officer

to inspect property.

The Commissioners received and reviewed Audit Report for fiscal year ending June 30, 1997 from the Boomer Volunteer Fire Department, Inc.

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

The meeting was adjourned at 11:10 a.m. Next scheduled meeting is October 15, 1997.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 15, 1997
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 October, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners she received in the mail from the City of Beckley a parking ticket for one of Jan-Care Ambulance drivers, Ms. Holly informed the Commission that title of vehicle is in the County's name. The Commission asked Ms. Holly to forward ticket to Jan-Care Ambulance Services.

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

The Commissioners signed invoices for the confinement of the prisoners at the Southern Regional Jail for the Town of Fayetteville, the City of Oak Hill and the City of Mount Hope.

Commissioner Carte informed the Commission that Ms. Mary Abbot with the Humane Society called to check on why the Humane Society have not received their October allotment. Ms. Holly told the Commissioners that the Coal Severance check should be here any day and the current trial balance for the Coal Severance is \$6,695.75; informed the Commissioners she is holding other checks that were prepared and that if the Commission approved the check to the Humane Society can be paid. The Commissioners approve for Ms. Holly to release check.

The Commissioners received and reviewed letter from Judge John Hatcher recommending that an ongoing Judicial Security Committee be named; informed the Commission that this committee would help alleviate some of the burden and responsibilities on the County Administrator.

The Commissioners recommended that Gene Carte, Commissioner and Charlotte Holly, County Administrator be included as members of the Judicial Security Committee.

The Commissioners signed letter to Chief Judge Hatcher, Mike Parsons, Chief Magistrate, Larry G. Dotson, Sheriff, Gene Carte County Commissioner, and Charlotte Holly, County Administrator informing that at the recommendation of Chief Judge John Hatcher the Commission have named an ongoing Judicial Security Commission for implementing and maintaining security for the judicial system within the Twelfth Judicial Circuit.

The Commissioners received and reviewed balance due from the City of Smithers for vehicle.

Ms. Holly informed the Commission she have not heard anything from the Prosecuting Attorney's Office regarding opinion on trade-in nor on the status of Elkem's deed.

The Commissioners received and reviewed letter form the Fayette County Historic Landmark Commission opposing the ideal of replacing the stone walks' at the Courthouse with ones of concrete. Commissioner Witt suggested talking with Coleman's Construction about the cost to replace the stone walks with concrete. Commissioner Lopez suggested checking into the cost of lifting up stone and replacing in the concrete. No decision made.

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

The Commissioners received and reviewed the current Vision Services Plan Participating Doctors list.

The Commissioners received and reviewed minutes from the Gauley River Public Service District for the months of March, April, May, June and July.

The Commissioners received and reviewed approved Grant Adjustment

Notice for the Court Security Fund Program, Project #97-CS-06.

The Commissioners received and reviewed court order dismissing deputies lawsuit (R. C. Godsey, Jr. etals vs. William R. Laird, IV etal).

The Commissioners received and reviewed Workers' Compensation Reports.

Outstanding bills and payrolls were approved.

The Commissioners received and reviewed letter from White Oak Public Service District regarding the motels, amphitheater and convention center complex being planned near the community of Sun.

Ms. Holly informed the Commission that David Neal, E911 Coordinator informed her that he had been interviewing persons for the telecommunicators position and asked Ms. Holly to ask the Commission if it would be alright for him to hire. The Commission approved.

Ms. Holly informed the Commission she received a call from ERA Realty asking to put up a directional sign on the Courthouse lawn. Ms. Holly informed the Commission that she told the representative of ERA Reality that she felt this would be inappropriate but that she would check with the Commission regarding this matter.

Assistant Attorney General Harold Chambers appeared before the Commission regarding the West Virginia Department of Health and Human Resources motion to hold hearing and Adopt Report, opinion and order of Fiduciary Commissioner vs. The Estate of Earl Fenton Winebrenner. Discussion was held, the Commission asked Mr. Chambers to prepare order for the Commission signature. (See Attached)

The meeting was adjourned at 10:15 p.m. Next scheduled meeting is October 29, 1997.



IN THE COUNTY COMMISSION COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
DEPARTMENT OF HEALTH AND HUMAN RESOURCES,

FILED IN OFFICE
OF FAYETTE COUNTY CLERK
Kelvin E. Holliday, Clerk

vs.

JUL 23 1997

ESTATE OF EARL FENTON WINEBRENNER.

**MOTION TO HOLD HEARING
AND ADOPT REPORT, OPINION, AND
ORDER OF FIDUCIARY COMMISSIONER**

Now comes the Department of Health and Human Resources ("DHHR"), Bureau for Medical Services ("BMS"), by its Counsel, Assistant Attorney General Harold Chambers and files this Motion to Adopt Report, Opinion, and Order of Fiduciary Commissioner. In support of its Motion, DHHR states and would show as follows:

1. DHHR is a department of the executive branch of the government of the State of West Virginia.
2. BMS is a division within DHHR and is the sole State agency responsible for the Medicaid program in West Virginia.
3. Among its responsibilities, BMS is required by law to pursue estate recovery claims. West Virginia Code §9-5-11c.
4. Earl F. Winebrenner received Medicaid benefits, including nursing home care, during his life.

5. After Mr. Winebrenner's death, the Recovery Unit for DHHR filed a proof of claim on April 9, 1996. This proof of claim was filed against Mr. Winebrenner's estate for the medical assistance paid for by Medicaid. See attached Exhibit 1.
6. The amount of the claim was \$16,105.89, as evidenced by a medical printout detailing the services provided. See attached Exhibit 2.
7. The estate filed a counter affidavit on April 22, 1996, denying the claim.
8. The matter was set for hearing before Fiduciary Commissioner George L. Vickers.
9. By Order dated October 1, 1996, Fiduciary Commissioner Vickers held that the DHHR's proof of claim was valid and that Mr. Winebrenner's estate was liable for the full amount of the claim. See attached Exhibit 3.
10. The Order further required the Estate to pay the cost of the hearing and the Fiduciary Commissioner's fees. See attached Exhibit 3.
11. To date, the Estate has failed to comply with the Fiduciary Commissioner's Order.
12. Pursuant to West Virginia Code § 44-3A-22 (see attached Exhibit 4), the County Commission with jurisdiction over a particular Fiduciary Commissioner shall hold a hearing on a Fiduciary Commissioner's report, opinion, or order and shall confirm such report, unless exceptions are made.

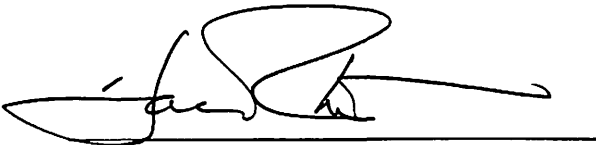
WHEREFORE, the Department of Health and Human Resources, pursuant to the factual matters stated above and as required by law, moves the Fayette County Commission for a hearing on the Fiduciary Commissioner's Order, and further moves for the adoption of this Order, no good cause or exception to the contrary having been shown.

Respectfully submitted,

West Virginia Department of Health
And Human Resources

By Counsel

Darrell V. McGraw, Jr.
Attorney General


A handwritten signature in black ink, appearing to read "Harold Chambers", is written over a horizontal line.

Harold Chambers
Assistant Attorney General
7012 MacCorkle Avenue, SE
Charleston, WV 25304
telephone 304-926-2005
telefax 304-926-1818

CERTIFICATE OF SERVICE

I, Harold Chambers, Assistant Attorney General and Counsel for Department of Health and Human Resources, do hereby certify that I have served a true and accurate copy of the foregoing Motion to Hold Hearing and Adopt Report, Opinion, and Order of Fiduciary Commissioner upon Counsel for the Estate of Earl Fenton Winebrenner by depositing the same in the United States mail, first class ~~postage prepaid~~, this 16th day of July, 1997, addressed as follows:

Fred A. Jesser, III, Esquire
Post Office Drawer 450
Fayetteville, West Virginia 25840



Harold Chambers

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 29, 1997
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 October, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Ms. Holly informed the Commission she received fax from Central Appalachia Empowerment Zone (CAEZ) informing the Commission their would be a Public Hearing on November 14, 1997 at 10:45 a.m. at the Fayette County Commission Chambers to receive public comment on the expenditures of the 96 Small Cities Block Grant Funds on the Mount Hope Industrial Park Site and the reallocation of \$95,000 of 1993 Small Cities Block Grant Funds from Nicholas to Fayette County for the purpose of housing rehabilitation.

Ms. Holly informed the Commission she received from Caterpillar Financial Services Corporation a request for exoneration of certain interest owed on their 1995 and 1996 personal property tax. Ms. Holly informed the Commission she has scheduled a hearing for their request at 9:30 a.m., Wednesday, November 5, 1997. Ms. Holly informed the Commissioners that letters have been sent to the Assessor's Office, Department of Tax and Revenue, and the Prosecuting Attorney's office informing them of the hearing.

Commissioner Witt informed the Commission that Stafford Consultants is beginning to design the regional water distribution lines and needs to get tax maps on disk from the Assessor's Office.

Commissioner Witt asked the Commission to approve request. The Commission approved.

Sheriff Larry Dotson appeared before the Commission to thank the Commission and to give them an update regarding the use of the Fayette County Jail to store marijuana plants, Sheriff Dotson informed the Commission that everything has been cleared out of the jail.

Commissioner Witt suggested meeting with the Fayette County Historic Society regarding the jail.

Ms. Holly informed the Commissioners she received a letter from the West Virginia cable Advisory Board informing that the application for Cable Equities of the Virginias, Ltd is incomplete, public hearing is scheduled for November 14, 1997 at 10:30 a.m.

Ms. Holly informed the Commission she received a call from Attorney Tom Fast regarding the petition presented by the City of Oak Hill for the annexation by minor boundary adjustment of a portion of Young Street containing .339 situate in Plateau District, Mr. Fast informed Ms. Holly that the Commission had signed final order approving annexation. Ms. Holly informed the Commission she had talked with Attorney Ralph Young, he will send over the order that should have been filed.

Commissioner Carte made motion to cancel the final order as an erroneous error. Commissioner Lopez seconded. All approved. The Commissioners signed order to null and void order dated July 9, 1997 in Order Book 51 at Page 581-583 and enter the June 4, 1997 Order to file petition.

The Commissioners signed order regarding the West Virginia Department of Health and Human Resources vs. The Estate of Earl Fenton Winebrenner.

Commissioner Lopez made motion that petition filed by Stacy and Eddie Thomas to set aside the prior appointment of Helen Marie Thomas as guardian for Christina Renee Thomas, an infant be approved and signed.

Commissioner Carte seconded. All approved.

Outstanding bills and payroll were approved.

Ms. Holly informed the Commissioners that Tri-State Roofing have completed roofing the Circuit Court roof.

The Commissioners signed letter to the West Virginia Development Office requesting reimbursement for the Valley Detachment and Fayette County Courthouse Improvements for the period of June 1, 1997 thru October 31, 1997.

The Commissioners received and reviewed a letter from the Bank of New York asking the Commission to execute, seal and return Bond No. R18 (Fayette County 6 1/4% Environmental Improvement Revenue Bond-Union Carbide Corporation Project, Series 1976.

The Commissioners received letter from Barth, Thompson and George Law Offices regarding Settlement Proposal, U.S. Bankruptcy Court (Mountain Laurel Resources Company). Commissioner Carte suggested to the Commission to object to the settlement. Discussion was held, the Commission asked Ms. Holly to advise Carl Harris, Assistant Prosecuting Attorney of the proposal and to inform of the amount of taxes owed and the little amount they want to give us. The Commissioners asked Ms. Holly to inform Mr. Harris they object to the settlement and to assist them with any proceeding.

The Commissioners received and reviewed Applications for Employment from Lisa Maria Mattox and William G. Blume.

The Commissioners received and reviewed letter of appreciation for allotment for fiscal year 1997-98 from the African American Heritage Family Tree Museum.

Gary Harding, Zoning Officer presented to the Commission the following hearings for a disposition: Z-446-97-1--Request of James D. Craft, owner, for a change in land classification from RR-1,

Agricultural and Rural Residence District, to I-1, Light Industrial District, on .59 acre, near Oak Hill, located on Route 15, Scarbro Road, Plateau.

Kevin Burgess was present representing James Craft. The Commission was informed by the Zoning Officer that the Planning Commission did by a unanimous vote recommend that this be rezoned to I-1, Light Industrial District to accommodate an already existing mine repair shop. Commissioner Carte made motion that this be approved as recommended. Commissioner Lopez seconded. Motion passed 3-0.

Z-446-97-1: Request of Terry Holbrook, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on lots 26 and 27 Johnson Subdivision, located on Midway Avenue at Lochgelly Road, Plateau District.

Mr. Holbrook was not present. The Commission was informed that this was a request to locate a used car lot and that the Planning Commission did by a vote of 5 to 4 recommend that this request be denied. Commissioner Lopez made motion that this be denied as recommended by the Planning Commission. Commissioner Carte seconded. Vote passed 3 - 0.

The Commissioners received letter from Gary Harding, Zoning Officer informing that Bruce Coleman has resigned as a member of the Planning Commission. The Commissioners decided to hold off replacing Mr. Coleman until the next meeting.

Ms. Holly informed the Commission that Public Employees Insurance Agency (PEIA) had mailed out booklets to each employee informing them of the increase in premium for CareLink and Prime One HMO insurance effective January 1, 1998. Ms. Holly informed the Commission that as of January there will be no increase in the PEIA Indemnity Plan.

The Commissioners approved for the Town of Fayetteville to use the Courthouse lawn Halloween night, as long as they cleaned up afterwards

to give out Halloween treats to the kids in Town.

Ms. Holly informed the Commissioners that she have not heard anything from the Prosecuting Attorney's Office regarding the even trade-in offer.

The Commissioners received and reviewed Audit Report for the fiscal year ended June 30, 1997 and the Annual Report from White Oak Public Service District.

The Commissioners received and reviewed county cost estimates from Craig Neidig, State GIS Coordinator for mapping in the surrounding counties.

Ms. Holly informed the Commission that Debbie Berry, Bookkeeper has received invoices for the work done on the shelves in the Assessor's Office; Ms. Berry is to prepare checks today, invoices would be paid out of the PVC account. The Commission approved.

The Commissioners received and reviewed letter from the U.S. Department of Agriculture informing that due to the inactivity for the Upper Meadow Watershed they are returning their application. The Commission asked Ms. Holly to file.

Percy Mosley, member of the Kanawha Falls Public Service District, Bob Kirby, member of the Kanawha Falls Water Company appeared before the Commission with request for assistance in extending water service to approximately 45-50 homes; cost of funding would be \$505,375. Commissioner Witt informed, Mr. Mosley and Mr. Kirby that the County don't have any money to assist with the project and recommend that they work with Dave Pollard, Community Resource Coordinator. Mr. Pollard suggested that they get in contact with the Rural Utility Services and ask to speak with Rosemary Christian about funding project.

Mr. Mosley asked the Commission if they would write a letter saying that they appeared before the Commission to ask for assistance.

The Commission approved to write letter, letter signed.

Carolyn Jones with the Minden Community Organization appeared before the Commission to inquire about the clean up letters mailed to residents in the Minden area. Ms. Jones informed the Commission that the time has expired asked the Commission what else could be done to have the properties cleaned up.

The Commissioners informed Ms. Jones that the way the laws are written regarding the clean up the Commission hands are tied. The Commission asked Ms. Jones to get in contact with her State Legislatures and asked them to change the laws regarding the clean up of properties and the dilapidated housing.

Attorney John Shumate appeared before the Commission to present application for a petition regarding annexation by minor boundary adjustment of 133.7 acre tract, situate on end Branch, Plateau District, Fayette County, West Virginia. No one opposing the application, but Al Gannon and Gen Kistler asked that Public Hearing be postponed until the study of Route 19 was completed. Attorney Shumate informed Mr. Gannon and Mr. Kistler that once the application is presented the hearing has to be set within a certain time frame.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed request for release of check for \$1,500.00 to use for start-up fee for Main Street Action Committee, Inc. for Fiscal Year 1997-98. The Commission approved.

The Commissioners received and reviewed Dog Warden Reports for the months of August and September.

The Commissioners approved purchase of snow melt for the Fayette County Park.

Ms. Holly informed the Commission that she met with Carl Kryz,

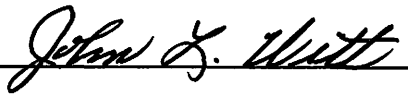
Lucent Technology he informed her that the numbers for the Direct Inward Dial Telephone System (DID) have been reserved, the last three numbers would be the extension numbers in existence now.

Ms. Holly informed the Commission that representative from Bell Atlantic and Lucent Technology would be her November 17th to install equipment.

Ms. Holly informed the Commissioners that Judge John Hatcher informed her that the Duress button vendor and the Ballistic vendor representatives for the Court Security would be her at 1:15 p.m. on November 3rd.

The Commissioners received and reviewed quarterly franchise fee check from Master Telecable, Inc.

The meeting was adjourned at 12:40 p.m. Next scheduled meeting is November 5, 1997.



10/29/97

City Mount Hope Annexation
Petition (Attendees)

Jan Dragan
Lillian Dragan
Melanie Dragan
A. J. Johnson
Susan Williams
Betty Lilly
Floyd Bonifacio
Sudana Green
John Skumate
Gene Kistner
Judyn Radford
J. R. McCoy
MIKE KESSINGER
Agnus L. Caste
Keith Greenwood
Willie J. Perry

Thurmond
Laverne D.
Jayeterville
Thurmond
Glen V. KAN
Frances V. New
Mt Hope
Mount Hope
MH Hope
Mt Hope
LANSMARK
4-C EDA
MT HOPE CITY
MT HOPE CITY
Jayeterville
Mt Hope
Charleston

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 3, 1997
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 3rd day of September, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Commissioner Carte informed he would be unable to attend the September 27, 1997 Commission meeting.

Ms. Holly informed the Commission it has been confirmed that Precinct 29, Falls View will vote at the Falls View Armory and Precinct 19, Glen Jean will vote at the National Park Service (Glen Jean Bank Building). Ms. Holly informed the Commission that building appears to be a good facility. The Commission approved polling places.

Ms. Holly informed the Commissioners she have completed advertisement for Courthouse Security. The Commissioners approved for Ms. Holly to advertise, and asked Ms. Holly to send letter to court officials to inform them of what is being advertised.

Ms. Holly informed the Commission that Carl Harris, Assistant Prosecuting Attorney brought by the revised deed for the Boomer Ballfield, informed her he had faxed copy to Elkem Metal. Ms. Holly asked the Commission if they had heard anything from Elkem Metal. The Commission informed no.

The Commissioners signed letter authorizing that Kelvin Holliday, County Clerk to charge his sleeping room, meals, room guarantees, parking fees to the Fayette County Commission while he is attending the 1997 West Virginia Associations of Counties Board of Directors meeting being held October 5, 6, and 7, 1997.

The Commissioners received and reviewed Certificate of Insurance from TWFanch-one Company cable franchise.

The Commissioners received and reviewed fax from Crew and Associates, Inc. reporting that the series 1992 bond issue was successfully settled.

The Commissioners received and reviewed check in the amount of \$29,405.05 for the Emergency Telephone System for the month of July, 1997.

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

The Commissioners received and reviewed letter from Sheriff Larry Dotson informing that September 1, 1997, Jackie L. Brown and Jack M. Feltner will be employed as Deputy Sheriffs, salary at \$1,498.00 a month.

The Commissioners received and reviewed letter from Sheriff Larry Dotson informing that September 1, 1997, Paula Jo Sutphin will be employed as a Tax Deputy, salary at \$1,200.00 a month.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney requesting a cassette recorder, transcriber, VCR/Television and overhead projector bulb for his office. No decision made.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney informing they have boxed up their old dictation equipment that have not been used for several years, Mr. Blake asked the Commission what direction they would have to take to having these items removed from their storage. The Commission asked Ms. Holly to have the Prosecuting Attorney hold until County's next auction, also the Prosecuting Attorney asked the Commission about replacing the Dictaphone Though Tank. No decision made.

Ms. Holly asked the Commission if another letter should be sent to Mine Management, Inc.; Ms. Holly informed the Commissioners that the person who filed the complaint had telephoned to inquire as to how many days property owner had to cut weeds. After a brief discussion, the Commission asked Ms. Holly to prepare another letter to Mine Management giving them 10 days to cut weeds.

Commissioner Witt informed the Commission he had received a request asking the Commission to abandon street on Young/Huff Streets. The Commissioners asked Ms. Holly to prepare letter to inform them they would have to obtain an attorney.

The Commissioners issued check to Webster County Commission to assist with legal fees in the deputies incremental pay lawsuit.

Outstanding bills were approved.

The meeting was adjourned at 10:11. Next scheduled meeting is September 15, 1997.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 15, 1997

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 September, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Carl Krzys with Lucent Technologies presented an addition proposal for equipment needed to implement DID Service at the Courthouse. Discussion was held regarding how many outgoing lines would be need, adding fax machine lines to the phone system, how calls would be handled. The Commissioners asked Mr. Krzys if he would get in touch with bell Atlantic to meet with them on September at 1:30 to finalize the matter.

Outstanding bills and payroll were approved.

Gary Harding, Zoning Officer appeared before the Commission with request for the Commission to make a motion to advertise for a change in land classification from R-R, Agricultural and Rural Residence District, to B-3, Highway Commercial, on 140.905 acres, Bend Branch, located on Route 19 at Sun Hollow Road near Mount Hope, Plateau District. Several citizens requesting the change were present, Paul Lansat, Chairman/Chief Executive Officer, Sun Mountain Enterprises, Inc., Keith Greenwood, Vice Chairman/President, Sun Mountain Enterprises, Inc., Mary Greenwood, Vice President/Secretary, Judy Radford, \$-C Economic Development Authority, Jim McCoy, Chief of Police, City of Mount Hope. Commissioner Witt asked Mr. Lansat to give a brief summary of their proposal.

Mr. Lansat informed the Commission that the Sun Mountain

Enterprises, Inc. is proposing to bring additional cultural, food and lodging facilities to the Mount Hope area. The organization will be four unique facilities; namely, (1) Outdoor Amphitheater with Concessions, (2) Resort-Convention Hotel, (3) Family Restaurant and separate Sports Bar and (4) Parking Facilities.

Mr. Harding informed the Commission that the Planning Commission would have to hold special meeting on September 29, 1997 at 3:00 p.m. to hold a public hearing on the following amendment (change in land classification) to the Zoning Ordinance referred by the Commission to the Planning Commission for a recommendation. Mr. Harding asked the Commission to make a motion to hold hearing. Commissioner Witt made motion to hold a special meeting of the Planning Commission on September 29, 1997 and special meeting of the County Commission on October 2, 1997 to hold a public hearing for change in land classification.

Commissioner Lopez seconded. All approved. Vote passed 3 - 0. Carl Harris, Assistant Prosecuting Attorney informed the Commission that restriction on the property have been recorded today.

Ms. Holly informed the Commission that the County Clerk's Office would need names of workers to work Election night. Ms. Holly informed the Commission that the State is limiting the amount of money to be spent.

Ms. Holly informed the Commission she received letter from Sheriff Larry Dotson informing that Earnest Lester last day on payroll will be September 15, 1997, the last day for Paul Tygrett will be September 30, 1997. Ms. Holly informed the Commission of the vacation pay each employee is requesting to be paid. Ms. Holly told the Commission that according to §7-14-17a of the Code of West Virginia no more than 30 days of accrued vacation time may be carried forward from one calendar year to the next. Discussion was held, the Commission asked Ms. Holly to

send copy of letters over to the Prosecuting Attorney's Office to review and get their opinion. The Commissioners asked Ms. Holly to hold off preparing checks until they receive opinion from the Prosecuting Attorney's Office.

The Commissioners signed letter to the Division of Transportation opposing the proposed speed limit increase on U. S. Route 19 (Appalachian Corridor L).

Ms. Holly informed the Commission that she and Commissioner Carte would be attending the Advanced Workers' Compensation seminar being held in Charleston tomorrow. Ms. Holly informed the Commission that the West Virginia Employment and Labor law Seminar is being held on September 24th the same day as Commission meeting, Ms. Holly informed the Commission that she would not be able to attend.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$990.00 for the month of Septebmer, 1997.

Ms. Holly informed the Commission she had received calls regarding the appointment of a Fiduciary Commissioners. Discussion was held, Commissioner Lopez made motion to appoint Carl Harris, Special Fiduciary Commissioner. Commissioner Witt seconded. Commissioner Carte voted no. Vote passed 2 - 1.

The Commissioners received and reviewed letter from Mine Management informing the Commission that the letter sent to them regarding cutting overgrown weeds should have been sent to Wildwood Realty.

The Commissioners received and reviewed letter from the Citizen's Advisory Board informing the next scheduled meeting will be September 23, 1997 in the lobby of the Southern Regional Juvenile Detention Center at 4:00 p.m.

Ms. Holly informed the Commission she received check from Crew and Associates for the Forty-Four West Virginia Municipalities Single Family Residence Mortgage Refunding Revenue Bonds 1997 Series A & B: ms. Holly informed the Commission this would be deposited in the Building and Improvement Fund. The Commission approved.

Ms. Holly informed the Commission she received Administrative Order requesting that the Commission take steps necessary to acquire a tape of all West Virginia Division of Motor Vehicle Driver's licenses and a tape of the voter's registration list for the jury selection; letter was signed to the West Virginia Department of Motor Vehicles requesting the information that was supplies in printed form to the various counties for jury selection be put on a 9-track 1600 bpi tape; cost of tape \$75.00.

The Commissioners signed letter to Kelvin Holliday, County Clerk asking the Clerk's permission to access and to copy the computerized voters registration for Fayette county for the purpose of combing said information with the Department of Motor Vehicle information to develop a listing of names for the jury selection.

The Commissioners received and reviewed letter from Thomas Aiello, Assessor requesting that the Commission make available to him when the space becomes available a portion of the old jail building to be used for storage.

Ms. Holly informed the Commission she received information from Kelvin Holliday, County Clerk regarding the NCOA processing in the voter's registration office. Ms. Holly informed the Commission that Kelvin had recommended another vendor company to use. The Commission asked Ms. Holly to get with Kelvin and discuss.

The Commissioners received/reviewed and discussed memorandum from Craig Neidig, GIS Coordinator regarding the revised DOQQ Dollar Amounts

for the mapping pilot project with six regional counties. Ms. Holly informed the Commission that these figures are costs after the 75% Federal share. Commissioner Witt made motion to be part of the six county group. Commissioner Carte seconded. All approved. Ms. Holly informed the Commission that Thomas Aiello, Assessor informed her that he would pay from the Assessor's Valuation Fund cost approximately \$14,000 - \$15,000.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed minutes for the month of August and Audit Report for the Fiscal Year ended June 30, 1997 from the Salem-Gatewood Public Service District.

The Commissioners received and reviewed thank you letter from the Women's Resource Center thank the Commission for their support.

The Commissioners received and reviewed letter from the African American Heritage Family Tree Museum, Inc. requesting appropriation for fiscal year 1997-98. The Commissioners approved, amount \$1,500.

The Commissioners received and reviewed letter from the Public Service Commission informing that Donald White, member of the Deepwater Public Service District did not attend the Board Members' Mandatory Seminar.

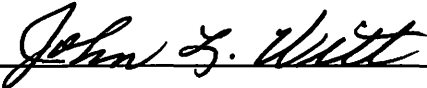
The Commissioners received and reviewed letter from Data Design, Inc. with an offer of a complete library of software for the West Virginia County government various offices i.e. (payroll, budget accounting etal).

The Commissioners received and reviewed a copy of a letter to Thomas E. Moody from the Department of Tax and Revenue giving the recommended appraisal change and the circumstances requiring the change for Mr. Moody's property located in the valley District.

The Commissioners received and reviewed letter from the Committee of Concerned Citizens for Safety on Corridor L opposing rezoning along u. S. Route 19 across from the Pancake House.

The Commissioners received and reviewed letter from the Bank of New York acknowledging the fine cooperation and assistance they received from the staff at One Valley Bank during the transition process for the Fayette County West Virginia Commercial Development Revenue Refunding Bond (MPC, Inc. Project) Series 1990.

The meeting was adjourned at 10:55 a.m. Next scheduled meeting is September 24, 1997.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 24, 1997
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 24th day of September, 1997.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners received and reviewed Workers' Compensation Report.

Ms. Holly informed the Commissioners she received letter from John Shumate, attorney for the City of Mount Hope requesting that the Mount Hope Police Department K-9 Fund be reimbursed \$5,174.11 for police dog and related equipment purchased through the fund, since Officer Michael Feltner left employment to take a deputy sheriff's position with the Fayette County Sheriff's Department. The Commission suggested giving dog back. Ms. Holly informed the Commission she had forwarded a copy of the letter to the Sheriff and Prosecuting Attorney Office.

Ms. Holly informed the Commission she received letter from ITT Specialty Risk Services, Inc. regarding the damage done by the vehicle that struck the Fayette County Health Department; Ms. Holly told the Commission that our insurance carrier informed they could not pay for the damages because the damages are less than the amount of the policy's deductible, but that they are forwarding the estimate damages to the responsible party with a request that his insurance carrier reimburse the Commission.

Commissioner Carte suggested to the Commission to prepare a letter of support of the request of John David, Director, Southern Appalachia Labor Schools for assistance in obtaining state and/or federal-aid funds

to make the needed roadway improvements to State Route 61/5 and to work in cooperation with Norfolk Southern on the existing road condition at the Norfolk Southern overpass at the entrance to the Beards Fork Road.

Ms. Holly reminded the Commissioners that canvass would be held Friday, October 3, 1997 at 9:00 a.m. Ms. Holly informed the Commissioners she would need the names of the workers they would be hiring to work the canvass.

The Commissioners approved to pay Fayette County Solid Waste Authority quarterly insurance premium.

The Commissioners signed order having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank releasing said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with Fayette County National will not be unsecured.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the City of Ansted, Town of Fayetteville, and the City of Oak Hill.

The Commissioners received and approved contribution request for fiscal year 1997-98 from the Beards Fork Community Organization in the amount of \$2,000.00 for operation of program, maintenance and janitorial services for the Community Center.

The Commissioners received letter from Page-Kincaid Public Service District requesting that James A. Kincaid, Jr. be reappointed to serve as a member of the Page-Kincaid Public Service District.

The Commissioners received and reviewed letter from the Town of Ansted regarding a minor boundary adjustment.

The Commissioners asked Ms. Holly to prepare a letter to the Town of Ansted to inform them they would have to work with the Town attorney to petition the Fayette County Commission for annexation. Letter

signed.

The Commissioners signed letter to the 4-C Economic Development Authority informing the Commission reappointed Matthew Wender to the 4-C Economic Development Authority Board of Directors.

Ms. Holly informed the Commission she received respond from the Prosecuting Attorney Office regarding statutory authority for accrued vacation days for deputy sheriff. Ms. Holly told the Commission she gave Debbie Aliff, Payroll Clerk approval to prepare checks today.

Discussion was held regarding getting estimates for the sidewalks and include in the Legislative Digest. Commissioner Witt and Commissioner Lopez suggested replacing with concrete.

Ms. Holly informed the Commission the Court Security bids are due in by 10:00 a.m. today.

Gary Harding, Zoning Officer presented to the Commission zoning cases for disposition: Z-443-97-2: Request of New River Junction-Partners, contract owners, by William John Almond, for a change in land classification from RR-1, Agricultural and Rural Residence, to P-D, Planned Development, on 59.84 acres, Davis Land Wolf Creek, located between Nickelville Road and Route 19 across from the Pancake House, near Fayetteville, New Haven District.

Mr. Harding informed the Commission that the Planning Commission did on Monday by a vote of 11 to 2 recommend that this request be tabled. On a motion by Commissioner Witt to table this request and to require the applicant to readvertise. Commissioner Lopez seconded motion, motion carried unanimously.

Z-442-97-1: Request of John W. And Connie Jones, owners, for a change in land classification from R-R, Agricultural and Rural Residence, to B-2, General Business, on 1.06 acres, Dogwood Gap, located on Route 60 at 60/41 near Stringtown Road, Hico, New Haven District.

The Commission was informed that the Planning Commission did by a vote of 14 - 0 recommend that this request be approved to B-1 to allow the applicant to operate a tee shirtshop and souvenir shop. Commissioner Lopez made motion that this be approved as recommended. Commissioner Carte seconded. Vote passed 3 - 0.

Z-440-997-1: Request of Barbara J. Neal, owner, by Sheila Ashley, for a change in land classification from LC-1, land Conservation, to I-1, Light Industrial District, on Lot 1, Village of Mahan, located on Route 15 at West Virginia Turnpike, Valley District.

Mr. Harding informed the Commission that the Planing Commission did by a vote of 11 -2 recommend that this be approved to B-2. Commissioner Carte made motion that this be approved as recommend by the Planning Commission. Commissioner Lopez seconded. Vote passed 3 - 0.

The Commissioners signed memo to all the Elected Officials and Department Heads informing that all requests for Courthouse maintenance/janitorial staff and/or courthouse opening/closing either during or outside of regular courthouse working hours shall be directed to Bob Massey, Maintenance Supervisor for scheduling of personal.

The Commissioners received letter from David Neal, E911 Coordinator requesting that the Commission approve hiring of Kimberly Velie as a part-time Communications Specialist, hourly rate would be \$5.35 per hour. The Commission approved.

The Commissioners approved for payroll to be released on Friday, September 26, 1997.

The Commissioners received and reviewed a list of "refusals to pay" associated with the Emergency Telephone System for the month of July, 1997.

The Commissioners received and reviewed letter from CableVision regarding request for consent to assignment and transfer of Ripkins and

Associates cable television franchise agreement. Ben Todaro, General Manager has offered his assistance to the Commission to answer any questions they may have, or assist the Commission in any way that will help expedite the transaction.

The Commissioner received and reviewed letter form the Fayette County Museum of Culture and history informing they would be vacating the Fayette County jail property during the week of September 14, 1997.

Ms. Holly informed the Commission that Judge John Hatcher stopped by to see if auditor could use the 3rd floor to audit the Magistrate Court Records. The Commission approved.

The Commissioners approved purchase of work station for the 911 Center .

Ms. Holly informed the Commission she received call from Tim Richardson regarding the Oak Hill Fire Department truck replacement allotment for fiscal year 1997-98. Discussion was held, Commissioner Carte made motion to approve payment of \$25,000 truck allotment for the Oak Hill Fire Department for fiscal year 1997-98. Commissioner Lopez seconded. All approved. Commissioner Witt to talk with Tom Oxley, City Manager for the City of Oak regarding alternate guidelines that Steve Cruikshank, Emergency Service Coordinator and the Commission would agree on.

The Commissioners received and reviewed memorandum form the State Emergency Response Commission informing they will be holding its regular meeting on Monday, September 29, 1997 at 1:00 a.m. in the State EOC in Charleston.

The Commissioners received and reviewed copy of a Accident Report.

The Commissioner received and reviewed franchise fee check from master Telecable, Inc. for second quarter (Apr May June).

Ms. Holly informed the Commission she had forwarded deed to Elkem

regarding the Boomer Ballfield to the Prosecuting Attorney's Office; Ms. Holly informed the Commission she have not heard anything from them.

The Commissioners received and reviewed letter from CSX Corporation and CSX Transportation, Inc. regarding CSX Corporation and CSX Transportation, Inc. Norfolk Souther Corporation and Norfolk Southern Railway Com--Control and operating Lease/Agreement Conrail, Inc. Consolidated Rail Corporation Finance informing that a typographical error in the August 28, 1997 cover letter was made and asked that correction be made.

Ms. Holly informed the Commission that Earl Pauley, Park Superintendent called and informed her that he had busted idler on the Kamatzo and need purchase order to buy a new one, cost would be \$1,570.00. The Commissioners approved.

The Commissioners received and reviewed letter from the West Virginia Native American Coalition, Inc. requesting that the Commission consider setting aside a piece of public grounds to be sanctified by all American Indian residents of the county. The Commission asked that this be tabled.

The Commissioners discussed order appointing Attorney Carl Harris as Fiduciary Commissioner.

The Commissioners signed letter to the Fayette County Haulers Association, Inc. informing the haulers that the Commission cannot commit to forestalling future action concerning universal pickup and informed they have no interest in entering the trash pickup business at this time or at any foreseeable time in the future.

Commissioner Lopez suggested sending clean-up letter to Mary Loretta Pedelco. Letter signed.

The Commissioners received and reviewed from Attorney Travers Harrington a Public Service Commission Order regarding the West Virginia

American Water Company and Salem-Gatewood Public Service District and West Virginia American Water Company and Fayette County Commission and New Haven Public Service District.

The Commissioners received and reviewed letter form Steven Grimms, Assessor, Wood County asking for the Commission's input on proposal to review our present system to taxation to determine whether it adequately embodies the value and principals of the people of the State of West Virginia and review develop and propose for consideration any modification which may be found necessary to promote these values and principles.

The Commissioners recessed for lunch at 11:50 a.m.

The Commissioner reconvened at 1:30 p.m.

Carl Kryzs, with Lucent Technology appeared before the Commission and the Elected Officials and Department Heads to discuss switching the telephone system. Question and answers session was held.

Ms. Holly presented to the Commission a breakdown of the Court Security vendors bids.

The meeting was adjourned at 2:30 p.m. Next scheduled meeting is October 2, 1997.

John S. Witt