

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 8, 1998
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 April, 1998.

Commissioner Witt called meeting to order at 9:35.

Exonerations were approved and signed.

The Commissioners signed order adopting U S Route 19 Corridor Management Plan and ordered that Management Plan to be attached thereto and made an amendment thereof the Fayette County Comprehensive Plan dated May, 1980.

The Commissioners signed a letter to Senator John Rockefeller expressing their gratitude for the role he has taken in promoting the proposed Parks and Wildlife Services project in Fayette County.

The Commissioner received and reviewed Workers' Compensation Reports.

The Commission signed letter to Paul Tygrett regarding payment of his accrued vacation time; the Commission informed Mr. Tygrett that based on the opinion of the Prosecuting Attorney, the Commission advised Sheriff Larry Dotson that the cited code provides that "no more than 30 days of accrued vacation time may be carried forward from one calendar year to the next" and that the wording of the statute prohibits payment in excess of 30 days accrued vacation time. The Commission informed Mr. Tygrett that what was done in the past is not a basis nor a mandate to continue that practice.

The Commission received/reviewed and signed final settlements from the County Clerk's Office.

Outstanding bills were approved.

The Commission received and reviewed a copy of a letter from the

Public Service Commission appointing Richard Packman to serve as a member of the Fayette County Solid Waste Authority for the unexpired term ending June 30, 2000.

Kevin Burgess and Sharon Cruikshank with New River Convention and Visitor Bureau, Inc. and Kay Thomas and Jim Holthaus, Executive Director, Southern West Virginia Convention and Visitors Bureau made presentations regarding services of the Visitors Bureaus.

Jim Holthaus, Executive Director informed the Commission that the Southern West Virginia Convention and Visitors Bureau (SWVCVB) is set up as a membership association and that only member businesses are included in its directories and promotional advertising. Mr. Holthaus presented a packet with material of the Southern West Virginia Convention and Visitors Bureau for the Commission to review.

Kevin Burgess informed the Commission that the New River Convention and Visitors Bureau, Inc. receives 50% of the Fayette County hotel/motel occupancy tax which includes 15% that is forwarded to the Southern West Virginia Convention and Visitors Bureau.

Commissioner Carte questioned the legality of a motel/hotel owner paying the hotel tax but who is not a member of the Southern West Virginia Convention and Visitors Bureau and who is not benefiting from the advertising because they are not a member.

Sharon Cruikshank, New River Convention and Visitor Bureau, Inc. informed the Commission that the Fayette County Chamber of Commerce promotes all of the motels in the county whether they are members or not. Ms. Cruikshank presented to the Commission a packet of material of the New River Convention and Visitor Bureau, Inc. for the Commission to review.

Commissioner Witt thanked each group for coming in.

Ms. Holly presented to the Commission the minutes of March 18th and March 24th meeting; Commissioner Witt asked that future minutes from

each meeting be presented at the next Commission meeting for approval.

Commissioner Carte made a motion to approve the minutes of March 18th and March 24th; Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commission she received a letter from the Minden Community Meeting Center, Inc. requesting an advance from the Commission of the entire grant of \$3,500.00 from the Legislative Budget Digest. Commissioner Witt recommended paying the \$3,500.00 up front and asked that the Minden Community Meeting Center, Inc. present certified paid invoices and copies of vendor checks to the Commission for grant expenditures. Commissioner Witt made motion to grant request to pay \$3,500.00 in advance; Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commission that the Fayette County Commission has been approved for a Local Law Enforcement Block Grant. Ms. Holly informed the Commission she received a call from the Criminal Justice Office requesting that the Commission deposit the \$556.00 matching funds up front into the Local Law Enforcement Block Grant account. Ms. Holly informed the Commission that the County has never had to do this before but recommended the money be deposited to avoid further complications. The Commission agreed to deposit their matching funds of \$556.00 in the Local Law Enforcement Block Grant account.

The Commission signed letters to Senators Shirley Love, Randy Schoonover, Leonard Anderson, Oshel Craigo and Delegates Tom Louisos, John Pino, William Laird, IV, and Robert Kiss, Speaker asking for their assistance in gaining approval from the Governor and the West Virginia Department of Highways to make the needed improvements for the construction of a Northbound Exit from U S Route 19 to Mount Hope and for the installation of improved signs.

The Commissioners received check from Bank One, WV, NA for \$174.33 from the Cost of Issuance Fund for the 24-County Single Family Mortgage 1994 Bond.

The Commissioners received and reviewed letter from the Division of Highways informing that House Bill 4003 has created the opportunity for the Department of Transportation/Division of Highways to acquire and maintain roadways and bridges which were not under the jurisdiction of any governmental agency. The Division of Highways is asking the Commission for suggestions relative to conducting the survey for their orphan roads and asked the Commission to let the Division of Highways know about any specific roadways they felt should be included in the orphan road program.

The Commission received and reviewed material from the Secretary of State's Office informing of the 1998 Legislative Session election law changes.

Pat Coley with American Life Assurance Company made a presentation regarding a Pre-Tax Section 125 Program for employees. AFLAC would administer the Plan and file all required IRS Plan documents in a timely manner at no cost to the County. Commissioner Witt informed Mr. Coley that the Commission appreciated him taking the time to discuss with the Commission the Pre-Tax Section 125 Plan and asked Mr. Coley to work with Charlotte Holly, Administrator to check to see if the County is authorized by the State to participate in a 125 Plan.

Steve Cruikshank, Emergency Services Coordinator, appeared before the Commission with a request for the Commission to allocate \$5,000.00 each year for Emergency Preparedness. Mr. Cruikshank informed the Commission that \$1,000.00 of this money would be used for blankets, cots and supplies to have on hand to set up emergency shelters such as those that were set around the county during the recent blizzard.

Commissioner Lopez made motion to accept Steve Cruikshank's recommendation and to put \$5,000.00 in the budget for Emergency Preparedness; Commissioner Carte seconded. All approved.

Ron Walton and Delbert Coles appeared before the Commission with a

request for \$1,500.00 to tear down three abandoned houses and to request funds to install fire hydrants in the Whipple Community.

Commissioner Witt informed Mr. Walton to deal with the West Virginia American Water Company regarding the fire hydrants.

Commissioner Lopez informed Mr. Walton that if they would bear with the Commission until after July 1st there is a new bill that was passed in Legislature regarding dilapidated houses.

Commissioner Witt asked Mr. Walton to talk with Dave Pollard regarding the fire hydrants and again asked Mr. Walton to wait until after July 1st regarding the dilapidated houses because at this time the Commission does not have any funds available and the new law allows counties to recoup their costs.

JoAnn Treadway appeared before the Commission with a complaint regarding trash and sewage problem she is having with a neighbor on Huff Street. The Commission asked that a meeting be scheduled with Lee Massey and Mike Sales with the Fayette County Health Department.

Ms. Holly informed the Commission she had contacted American Office Systems regarding estimates to replace the copier in the Circuit Clerk's Office. Ms. Holly presented estimates for 3 copiers: 45 copies per minute \$5,822 plus additional cost for sorter, 55 copies per minute \$8,771 plus additional cost of \$2,997 for sorter/stapler, 65 copies per minute \$10,839 plus additional cost of \$2,997.00 for sorter/stapler.

Commissioner Lopez suggested talking with Thelma Kincaid, Circuit Clerk, to see what type of copier she is looking for; Ms. Holly informed the Commission that the cost to purchase the copier through the State contract would be between \$12,000 to \$14,000 depending on which copier the Circuit Clerk selected. The Commission approved the purchase.

The Commissioners signed a contract with Election Systems and Software, Inc. for the 1998 Primary and General Elections processing. The Commission asked Ms. Holly request that the same person be assigned

to process election night and the canvass. Commissioner Witt suggested asking if Joe McGinnis would be available.

The Commissioners received and reviewed letter from the Fayette County Board of Zoning Appeals informing that the terms of David Turner, Fayetteville, and Rupert Chuyka, Mount Hope expired in January, 1998 and recommended that they be reappointed to serve on Board. Commissioner Lopez made a motion to reappoint David Turner and Rupert Chuyka to the Fayette County Board of Appeals; Commissioner Witt seconded. All approved. Orders signed.

Ms. Holly informed the Commission she received a call from Earl Pauley, Park Superintendent, that the compressor on the walk-in cooler needed to be replaced at an estimated cost from Camco of \$1,100.00. Ms. Holly informed the Commission that she asked Earl about using the compressor from the cooler at the jail; Earl informed Ms. Holly that they were different and could not be interchanged. The Commission asked Ms. Holly to check on taking the cooler out of the jail and moving it to the Fayette County Park as a replacement.

The meeting was recessed. The Commission reconvened at 1:30 p.m.

The Commission signed letter to Gary Hough, Principal, Fayetteville Middle School informing it was decided that the Fayette County Deputy Sheriff's country music show being held July 25, 1998 did meet the public, non-profit guidelines and the \$500.00 rental fee will be waived.

The Commissioners signed letter to Gary Hough, Principal, Fayetteville Middle School informing it was decided that the Wellness Committee 50's dance being held April 18, 1998, did meet the public, non-profit guidelines and the \$500.00 rental fee will be waived; proceeds to go to the Cancer Society.

The Commissioners signed 1998 Camp letters to Camp Kismet, Fayette County 4-H, Black Diamond Girl Scouts, Shannon Jannell (Cubscouts),

Virginia Street Baptist, Gospel Hill Ministry, Hico Church Camp, Mountain View Church of God, St. Anthony, West Virginia Division of Culture and History. The Commission informed that all camp fees are \$650.00 except camp fees for Camp Kismet (\$300.00) and Fayette County 4-H (\$500.00).

John Witt signed Affidavit of County, Municipal, or other Public Official establishing facsimile signature to be filed with the Secretary of State's Office.

The Commissioners received and reviewed letter form Oak Hill Trail Foundation asking that the Commission be a sponsor and work with the Oak Hill Trail Foundation to build a trail from Summerlee to Oak Hill being about 3.7 miles long. The Commissioners denied request for funding but stated they may consider sponsorship if no money is requested from the Commission for the project.

The Commission signed letter to Bruce Blackhurst, Fiscal Officer with West Virginia Department of Health and Human Resources informing the Fayette County Commission has budgeted \$5,000.00 for the fiscal year July 1, 1998 - June 30, 1999 for local mental health services through Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc.

The Commissioners signed letter to Mountain Transit Authority certifying that the Commission has appropriated \$1,500.00 to Mountain Transit Authority for Fiscal Year 1998 -1999.

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 April.

The Commissioners approved and signed requests to combine or divide and segregate land as submitted by the Assessor's Office.

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

The Commissioners received and reviewed memorandum from Delegate

John Pino informing that he has joined others in submitting the Commissioners' requests for funding to the Legislative Digest Committee.

The Commissioners received and reviewed resume from Robert Kirk Wallace for position of Zoning Officer.

The Commissioners received memorandum from Tom Aiello, Assessor informing that Curtis W. Dotson will be employed in the Assessor's Office effective April 1, 1998.

The Commissioners received and reviewed Audit Report from Southern Appalachian Labor School Foundation, Inc. for the year 1996.

The Commissioners received and reviewed letter from Appalachian OH-9, Inc. informing they would be picking up their materials and equipment at 9:00 a.m. on Wednesday, April 1, 1998 from the Fayette County Health Department.

The Commissioners received and reviewed letter from the Department of Tax and Revenue giving a list of the various training meetings for the Elected Officials for the 1998 In Services Training Programs. Ms. Holly informed the Commissioners the training for County Commissions was scheduled for August 2 - 4 in Huntington.

The Commissioners received and reviewed letter from the West Virginia Development Office informing of public hearings being scheduled for the 1998 HUD Consolidated Action Plan; public hearings are scheduled for April 14, 1998 and April 16, 1998.

The Commissioners received and reviewed letter from the Department of Tax and Revenue informing that Tom Riley has been promoted to the position of Appraisal Manager in charge of their Appraisal Services Section effective April 1, 1998.

The Commissioners received and reviewed a list of "Subscribers Refusing to Pay the Emergency Telephone System Fee" for the month of January, 1998.

The Commissioners received and reviewed a check in the amount of

\$29,583.41 for the Emergency Telephone System Fee for the month of February, 1998.

Ms. Holly gave the Commissioners a copy of a newspaper article regarding the Raleigh County Emergency Operations Center requesting an increase in its 911 Fees.

The Commissioners received and reviewed copies of letters from the Fayette County Board of Education to Senators Shirley Love, Oshel Craigo, Leonard Anderson, Randy Schoonover, and Delegates Tom Louisos, John Pino, William Laird, IV, and Robert Kiss, Speaker informing they support the Fayette County Commission's request for assistance through the Legislative Digest for Fiscal Year 1998-99 for much needed capital improvements at the Soldiers and Sailors Memorial Building in Fayetteville,

The Commissioners received and reviewed a letter from PENCO informing that the Equipment Breakdown Coverage (Boiler and Machinery policy) is being combined with the Commissioners Hartford property policy.

The Commissioners received and reviewed check for \$444.00 from ITT Speciality Risk Services, Inc. to replace snow plow damaged on manhole during storm.

The Commissioners received and reviewed estimate from Crawford and Company to repair 1995 Ford Crown Victoria vehicle.

The Commissioners received and reviewed letter from Public Service Commission informing that W. Robert Wagner has been notified that he is to attend the mandatory Board Member Training Seminar.

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

The Commissioners received and reviewed letter from the Public Service Commission regarding Water Service for Sandstone/Meadow Creek Area of Summers County. Ms. Holly informed the Commission that a copy

of the letter was forwarded to Dave Pollard, Community Resource Coordinator.

Due to the resignation of Shirley Love from the Planning and Zoning Commission, the Commissioners signed an order appointing Ted Gray to replace Mr. Love as a Board member.

The Commissioners signed letter to Georgia-Pacific Corporation asking them to donate approximately 84 sheets of oriented strand board sheeting to help in the process of building additional shelters at the Fayette County Park.

The Commissioners received and reviewed letter from Chrysler Corporation regarding a recall replacement of the fuel gauge in the County's jeeps.

The Commissioners received and reviewed fax from Berkeley County Commission asking for a copy of the salary range for deputies in the Law Enforcement branch noting the beginning salary, the highest salary, and if there is any break down based upon rank.

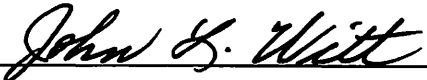
The Commissioners received and reviewed a copy of a letter from Summers County Commission regarding the Mercer/Summers Regional Water Phase III-Preapplication.

The Commissioners received and reviewed the Drug and Violent Crime Control Grant Program application for Fiscal Year 1998.

Ms. Holly informed the Commission she might be taking a couple of days vacation next week. The Commission approved.

Commissioner Lopez asked that the parking lot at the Smithers Detachment be covered with a sealer as soon as possible. Ms. Holly said that she would ask Bob Massey to schedule an employee to seal the lot.

The meeting was adjourned at 2:20. Next scheduled meeting is April 15, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 15, 1998
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, 1998.

Commissioner Witt called meeting to order.

Exonerations were signed and approved

The Commissioners received and reviewed a letter from Assessor Tom Aiello requesting the Commission to waive all interest and/or penalties for the 1997 real estate taxes for Cecil Kenneth Messer which had accrued due to a clerical error in the Assessor's Office and to authorize the Sheriff of Fayette County to collect said taxes for 1997 as requested by the tax payer. Approved; order to be prepared.

The Commissioners opened the ballot room as requested by Kelvin Holliday, County Clerk, to prepare for 1998 Primary Election.

The Commission approved to have a special meeting on April 21st at 10:00 to lay the levy for Fiscal Year 1998-99.

The Commissioners signed a letter to Paul M. Blake, Prosecuting Attorney, requesting him or his staff to prepare an ordinance for Senate Bill 228 (Demolition Bill) which grants plenary power and authority to a County Commission to adopt said ordinance regulating, among other things, the repair, alteration or improvement or the vacating and closing or removal or demolition or any combination thereof, of any dwellings or other buildings and to designate an enforcement agency.

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

The Commissioners signed invoices to the City of Smithers, Town of

Fayetteville, and the Town of Mount Hope for the confinement of inmates at the Southern Regional Jail.

The Commissioners accepted petition from local residents to the Department of Highways for road improvements on the Sun Mine Road.

Commissioner Lopez made a motion to approve the minutes of the April 8th meeting; Commissioner Carte seconded. All approved.

After reviewing the total number of registered voters and the number of registered voters of each party in each precinct and having determined the number of voting devices needed for the Primary Election, Commissioner Lopez made a motion to approve and to sign an order assigning the number of vote recording devices in each precinct; Commissioner Carte seconded. Order signed.

Kelvin Holliday, County Clerk, informed the Commissioners they are scheduled to inspect and test the votomatics and the tabulator on Tuesday, May 5, 1998 between 10:00 and 11:00 a.m.

The Commissioners received a fax from the Public Service Commission regarding the dispersal of the Wireless Enhanced 911 Fee; the first checks will be issued on July 10, 1998 to disburse revenues collected by wireless telecommunications utilities (cellular and PCS) for the months of January, February, March, 1998. Ms. Holly advised the Commission that this first check had been budgeted for receipt in April, 1998, and the delay in revenue will cause an additional financial burden on the E-911 Fund.

Ms. Holly informed the Commission that the Fayette County Park has received a permit to Operate the Swimming Pool for 1998; original permit forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from Fairplain Tractor Sales informing they are providing a new stronger component that will prevent field failure and update the 914A mid mount mower deck to

current production specification. Ms. Holly informed the Commissioners that she forwarded the original letter to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed minutes from Multi-Cap, Inc. for the month of March.

The Commissioners received and reviewed from the West Virginia Association of Counties summaries, by topic, of bills of interest to county government.

The Commissioners approved the request of Ms. Holly to purchase "What To Do About Personnel Problems?" handbook.

The Commissioners received an invitation to the Fayetteville Public Library Open House being held on Friday, April 24, 1998.

The Commissioners unanimously approved for Ms. Holly, Gene Carte and Bob Massey to attend different seminars being offered (Estate Planning and Probate for the Paralegal/Legal Assistant, WV Workers' Compensation Law, Employee Discharge and Documentation, Workplace Safety, Sales and Use Tax in WV, Cobra, HIPAA, and FMLA Compliance).

The Commissioners approved the request of Earl Pauley to buy a new starter for the Komatsu enloader at Fayette County Park at a cost of \$809.00; later Ms. Holly informed the Commission she talked with Earl and he informed her he had been able to have the starter repaired at a lower cost of \$109.00.

Ms. Holly informed the Commissioners she had relayed the message to Earl Pauley about moving the walk in cooler from the jail to the Fayette County Park; Ms. Holly informed the Commission she had not heard back from Earl regarding this matter.

The Commissioners approved to proceed with paving the parking lot

at the Courthouse as advertised previously; Ms. Holly informed the Commission she had received two bids: Southern West Virginia Paving for \$13,135 and Fayette Paving, Inc. for \$9,100. The Commissioners approved to accept the lower bid from Fayette Paving, Inc. Ms. Holly was directed to contact Lewis Shockey to schedule the paving and to have a curb included along back of parking lot.

Ms. Holly informed the Commissioners she had prepared a legal ad to get bids to repair the Courthouse sidewalks; Ms. Holly told the Commission that the bids are due on April 29, 1998.

Ms. Holly informed the Commissioners she received official word that the Montgomery Magistrate Office will be moving with the City of Montgomery to the new City Hall at 706 Third Avenue on May 1st.

Ms. Holly informed the Commissioners she will be taking a vacation day on Friday, April 17, 1998. Approved.

Tom Aiello, Assessor, introduced William "Bill" Forbes, Kanawha County Prosecuting Attorney to the members of the Commission.

Attorney Erwin Conrad appeared before the Commission to present the final hearing of Bernard Sharp to close and vacate a portion of the Old Laurel Creek Road as it intersects West Virginia State Route 16 at Beckwith; Kenneth and Bobbie Jean Treadway appeared before the Commission to oppose. Discussion was held, and Commissioner Lopez made a motion to deny application; Commissioner Carte seconded. All approved. Attorney Conrad to prepare and present order denying closure.

Attorney Pat Hamilton presented to the Commission the final hearing for annexation by minor boundary adjustment by the City of Oak Hill of tracts of real property owned by Adrian Goff and Diana McMillion containing 6.693 acres, situate in Plateau District. Tom Oxley, City Manager of Oak Hill was present; no opposition appeared. Commissioner Lopez moved that the annexation be approved; Commissioner Carte

seconded. All approved. Order signed.

The Commissioners received and reviewed general ledger with vendors, copy of budget, and minutes as requested by the Commission from Kanawha Falls Public Service District.

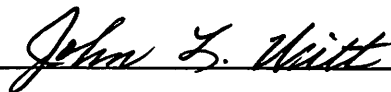
The Commissioners received and reviewed a notice from the Southern West Virginia Convention and Visitors Bureau informing the Commission of a Membership Mixer on Thursday, April 16 at the Holiday Inn in Oak Hill.

Commissioner Witt asked that a motion be made to go into Executive Session to discuss a legal matter related to a Public Service District. Commissioner Lopez made a motion to go into Executive Session; Commissioner Carte seconded. Unanimous.

The Commissioners reconvened from Executive Session. Commissioner Witt informed the meeting was to receive legal guidance regarding the status of a member of the Kanawha Falls Public Service District.

Payroll and outstanding invoices were approved for payment.

The meeting was adjourned at 11:25. Next scheduled meeting is April 21, 1998.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 21, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

John L. Witt, Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 21st day of April, 1998.

Commissioner Witt called meeting to order.

Ms. Holly presented notice of approval from the State Tax Department of Levy Estimate (Budget) for Fiscal Year 1998-99. Commissioner Carte made a motion to lay the levy for Fiscal Year 1998-99; Commissioner Witt seconded. All approved. Vote passed 2-0. Levy Order and rate sheet signed.

The Commissioners signed a letter to the United Way of Southern, West Virginia, Inc. advising of the Commission's appropriation in the amount of \$1,000 for Fiscal Year 1998-99.

The Commissioners signed letters to the Elected Officials approving their budgets for Fiscal Year 1998-99.

The Commissioners signed a contract agreement with the Fayette County Health Department for Fiscal Year 1998-99 in the amount of \$5,000.00.

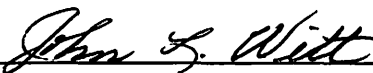
The Commissioners signed an order approving the request of Assessor Tom Aiello to waive the accrued interest and/or penalties on two tax tickets in the name of Cecil Kenneth Messer for tax year 1997 and authorizing the Sheriff of Fayette County to collect said taxes for 1997.

Commissioner Witt read a letter from Percy Mosley informing the Commission of his resignation as a member of the Kanawha Falls Public Service District.

Commissioner Carte moved to accept the resignation of Percy Mosley and to appoint Nancy K. Ferrell to replace Mr. Mosley; Commissioner Witt seconded. Unanimous. Order signed. Ms. Ferrell was sworn in by Kelvin Holliday, County Clerk.

The Commissioners received and reviewed notice from Central Appalachia Empowerment Zone (CAEZ) informing that a special meeting has been called by the majority of the CAEZ Board of Directors; meeting will be April 22, 1998 at Braxton County Courthouse.

The meeting was adjourned. Next scheduled meeting is April 29, 1998.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 29, 1998

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 April, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Outstanding bills and payroll were approved.

Commissioner Lopez moved that outstanding bills and payroll be approved and released; Commissioner Carte seconded. Unanimous.

Commissioner Lopez questioned about sending copies of budgets for fiscal year 1997-98 and fiscal year 1998-99 to the Town of Gauley Bridge, felt the Commission should charge for the copies. Ms. Holly informed the Commission that the budget is public record anyone can come in and ask for a copy. Discussion was held, Ms. Holly asked the Commission if they wanted her to send just the 4 sheets she sends to the paper to the Town of Gauley Bridge. The Commission approved.

The Commissioners signed letter to the Holiday Inn authorizing that the sleeping rooms, meals, room guarantees, and parking fees be charged to the Fayette County Commission while Thelma Kincaid, Circuit Clerk, and Judy Learmonth are attending the 1998 In-Service Training Program for the County/Circuit Clerks.

The Commissioners signed Tax Exemption Certificate for Lucent Technologies (formerly AT&T).

The Commissioners received/reviewed and signed from the Department of Tax and Revenue Renewal Application for Registration Certificate for the Fayette County Park.

Ms. Holly informed the Commission she received written description

on the Glen Jean Property and forwarded to Paul Blake, Prosecuting Attorney to prepare deed. Ms. Holly informed the Commissioners she received proposed deed from Paul Blake and sent copy of the proposed deed to Jim Lively, President of the Building Commission to review.

Kelvin Holliday, County Clerk, appeared before the Commission to discuss statewide voters registration. Mr. Holly asked about upgrading the software in Voter's Registration Office. Ms. Holly informed Mr. Holliday that she had talked with Tim Bucklew with Software Systems regarding the upgrade, Mr. Bucklew informed that Software System is preparing a proposal to send to the Secretary of State Office. Ms. Holly asked Mr. Holliday to talk with Mr. Bucklew. Ms. Holly informed the Commission that she felt the County should wait and see what Software Systems can offer and informed the Commission that getting other software would be more expensive.

Kelvin asked the Commission if they were aware of that the voting place at Fayetteville Middle School is being remodeled. Ms. Holly informed the Commission she had talked with the principal and the room where the voters were scheduled to vote was being remodeled; Ms. Holly informed the Commission that it was recommended by the principal that for the Primary Election they would move to the hallway. The Commission approved; Ms. Holly informed the Commission she had stopped in Mossy to check on Precinct No. 19 voting place; ms. Holly told the Commission she had received complaints from the poll workers regarding the smell. Ms. Holly explained the situation to the Commissioners. The Commissioners suggested to Ms. Holly to ask one of the poll workers and Linda Johnson, Deputy Chief from the County Clerk's office to go down and check voting place.

Ms. Holly presented to the Commissioners minutes of April 15th and April 21st meetings; Commissioner Lopez made a motion to approve the

minutes of April 15th and April 21st; Commissioner Carte seconded. All approved. Unanimous.

Commissioner Witt informed the Commission he received a letter from the Division of Highway informing that the Coal Heritage Trail Association (CHTA) has recently completed a draft Corridor Management Plan (CMP) for the Coal Heritage Trail. Commissioner Witt informed the Commission that the CMP project the extension of the Coal Heritage Trail through Fayette County so that it intersects with Midland Trail (US 60) and that the Division of Highway and the Midland Trail Scenic Highway Association is requesting any input or suggestions the Commission may offer on the provisional corridor routing. Commissioner Witt asked that this be referred to David Pollard, County Resource Coordinator; discussion was held, Commissioner Witt made motion to accept the recommendation of the Midland Trail Scenic Highway Association. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez informed the Commission he received a call from Mike Cobb, Supervisor with the Division of Highways asking the Commission if they could move the old structure owned by the State of West Virginia and located on the Department of Highways Oak Hill office to the property across the road at Harlem Heights owned by the Commission. Discussion was held, the Commissioners asked that a letter be sent to Mr. Cobb informing that the Commission do not have a designated use for the building, and the expense of moving the structure in addition to problems associated with a vacant building underlie their decision and that the Commission chooses not to participate in this matter.

The Commission signed letters to the Fayette County Solid Waste Authority, Fayette Humane Society, Beards Fork Community Organization, Inc., Whipple Community in Action, Women's Resource Center, Fayette

County Senior Program, RSVP, Town of Gauley Bridge, Fayette County Emergency Food Assistance Center, Mountain Resources Conservation and Development Area, Inc., Southern Appalachian Labor of School Foundation, Inc., REACT, advising of their appropriation for fiscal year 1998-99; Funds will be available to each organization after July 1, 1998.

Ms. Holly informed the Commission that she received answer from Jim Lively Insurance regarding the Fayette Humane Society request to allow non-county Shelter employee drive the County-owned truck used by the Dog Warden. Ms. Holly informed the Commission that Mr. Lively said that its not a good practice to let someone other than County employee drive;, would be a risk.

Ms. Holly informed the Commission that Bert Horrocks will resign as of May 15, 1998; Commissioner Witt asked Commissioner Carte to talk with Ms. Abbot and get recommendations.

Attorney F. Alfred Sines appeared before the Commission to request that a curator be appointed in the Estate of Odessa H. Scott. Commissioner Carte recused himself on the grounds that Attorney James C. Blankenship, II are co-owners of an office building and therefore a conflict may exist.

Attorney Sines asked Commissioner Witt and Commission Lopez if they had a conflict.

Commissioner Witt recused himself citing the fact that he knew the Warfield family.

Commissioner Lopez informed that there was no quorum and that the Commissioners could not grant the relief requested.

Attorney Carl Harris, Assistant Prosecuting Attorney, informed he would do research regarding the Commission not having a quorum to discuss matter and would get back with them. Upon Mr. Harris return he informed the Commission that based upon the set forth facts, the

Commission would have to deny the petition of Scott M. Hamilton and informed the Commission that this would have to go before the Circuit Court.

Upon the advise of Attorney Harris the Commissioners denied the petition of Scott M. Hamilton. Attorney Sines to prepare order.

Jack Thompson appeared before the Commission requesting that a letter of support from the Commission designating highway Route 16 between Bradley and Greenstown Hank Williams Memorial Highway. Mr. Thompson informed the Commission that he had received permission from Jett Williams to use Hank Williams name. Mr. Thompson informed the Commission they are planning to get permission to have music, an annual concerts in Fayette County.

Commissioner Lopez asked Mr. Thompson if the Commission can hold off until they receive the public's input. The Commission asked Mr. Thompson if he had talked with the City of Mount Hope and the City of Oak Hill regarding this matter. Mr. Thompson informed the Commission he would be talking with the City of Oak Hill and the City of Mount Hope. No decision made.

Due to the date to inspect votomatics and test tabulator, the Commissioners changed the May 6th meeting to May 5th.

Ms. Holly informed the Commission that within the last 2 weeks the 911 Center has had part-time and full time employees resign.

The Commissioners received and reviewed letter from David Neal E-911 Coordinator requesting that James Koone be paid for 20 hours accumulated leave. The Commission approved, check prepared and issued.

The Commissioners received and reviewed resignation letter form Andrew T. Bundshuh, part-time telecommunicator, effective May 17th.

The Commissioners received and reviewed letter from the New River Convention and Visitor Bureau requesting to place 4 port-a-pots on the

parking lot next to Blue Ridge Outdoors for the Captain Thurmond's Challenge being held on June 19th. Commissioner Carte and Commissioner Lopez approved. Commissioner Witt opposed. Letter signed giving permission.

The Commissioners received and reviewed letter from Stephen Smith requesting the use of the Fayette County Memorial Building for a Gospel concert on Sunday, May 24, 1998 at 4:00 p.m.

The Commissioners signed letter to Gary Hough, Principal, Fayetteville Middle School informing that the \$500.00 rental fee will not be waived for the Gospel concert.

The Commissioner received and reviewed letter from the Appalachian District United States Postal Service requesting the Commission comments regarding a new facility for the Lansing Post office. The Commissioners informed they had no comment.

Ms. Holly informed the Commission she received letter from David Neal, E-911 Coordinator informing that Rupert would like to be included in their 911 system. Commissioner Witt questioned why Rupert wanted to be included in the system. Ms. Holly informed the Commission she would talk with David Neal regarding the matter.

The Commissioners received and reviewed a copy of the Inspection Report from the West Virginia Division of Labor on the elevator at the Courthouse Annex.

The Commissioners received and reviewed letter from the Environmental Protection Agency inviting the Commission to participate in the Waste Prevention Pays: Business Cut Costs by Cutting Waste informing that a interactive satellite program will be broadcast live on June 17, 1998. The Commissioners asked that this be forwarded to Dave Pollard, member of the Fayette County Solid Waste Authority.

The Commissioners received and reviewed minutes from the Salem-

Gatewood Public Service District for the month of March.

The Commissioners received and reviewed franchise fee check from Master Telecable, Inc. for 1st quarter (\$1,414.58).

The Commissioners received and reviewed letter from NaCo National Association of Counties.

The Commissioners received and reviewed a copy of a letter from Dodd-Payne-Hess Funeral Home, Inc. to Larry Dotson, Sheriff informing they have developed the "Fallen Heroes Program"; this program provide to the family of any member of your department who dies in the line of duty or the result of injuries sustained in the line of duty a complete funeral without charge.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed letter from the Department of health and Human Resources regarding state funding for public health.

The Commissioners received and reviewed Application for Employment from F. Aaron Legg.

The Commissioners received and reviewed invitation from Southern Appalachian Labor School inviting the Commission to a special tribute for Helen M. Powell at Beards Fork on May 9th from 1-5 p.m.

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 Commission as required on the 1st day of June of each year.,

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 May.

Ms. Holly reminded the Commission that Know Your Government Day is Friday and the parking lot is scheduled to be paid on May 1st; the

Commissioners asked Ms. Holly to take care of each group on Know Your Government Day.

The Commissioners received and reviewed Reports from the Fayette County Solid Waste Authority.

Commissioner Witt made a motion to reappoint William Toney to the Fayette County Solid Waste Authority Board. Commissioner Carte seconded. All approved.

The Commissioners received and reviewed a copy of a letter to Mayor Tom Woodrum from Benjy Simpson, President, Passages to Adventures, Inc. and Playmore Ventures, Inc. informing they do not wish to be included in the annexation.

The Commissioners received and reviewed letter from CableVision informing that effective May 1, 1998 new offices hours are Monday through Friday, 9:00 a.m. to 5:30 p.m.

The Commissioners received and reviewed notice that the West Virginia Surplus Property is having a sale on selected items. The Commissioners asked that a copy be forwarded to Earl Pauley, Park Superintendent, and Larry Dotson, Sheriff.

The Commissioners approved for Ms. Holly to attend Seminars in Charleston on May 5th and May 7th. Ms. Holly informed the Commissioners that Friday, May 8 she has doctor appointment.

The Commissioners received and reviewed letter from Mary West requesting help in the removal of two old run down buildings in Turkey Knob, Mount Hope. The Commission asked to put on hold until the dilapidated bill is in effect. Commissioner Lopez suggested meeting and getting Ordinance started. Ms. Holly informed the Commission that Paul Blake, Prosecuting Attorney is working on Ordinance.

Ms. Holly informed the Commission that she received fax from Tammy Gill regarding WTNJ asking the Commission to sponsor the 1998 Graduation

Salute. Commissioner Witt informed County cannot sponsor.

The Commissioners received and reviewed bids from Coleman Construction and Gary Bailey for repair of flag stone works at the Courthouse.

Commissioner Witt asked Ms. Holly to review and get back with them.

Commissioner Carte made a motion to approve bid from Fayette Paving, Inc. (amount \$1,830.00) for 174 foot of 6 inch curb on Courthouse parking lot. Commissioner Lopez seconded; all approved.

The Commissioners received bid from Fayette Paving, Inc. to pave parking lot beside law offices on Wiseman Avenue, amount \$4,226.00. The Commission asked to hold.

Discussion was held regarding the flagstone walk. The Commissioners decided to have Commissioner Witt talk with Roy Coleman and report back on May 5th.

Earl Pauley, Park Superintendent appeared before the Commission to inform them of the cost for getting a repairman to repair copier in his office. Mr. Pauley informed the Commission he had received estimates on used copiers. The Commissioners suggested giving copier from the County Commission office to Fayette County Park.

Earl informed the Commission they would have to tear out wall at the jail and at the park to take compressor out and to put compressor in at the Park.

Earl informed the Commission that the Fayette County Fair Association is planning to have fireworks on August 1st, the Fair would buy own insurance, the Fayette County Park would be hosting the event; discussion was held concerning the Parks liability. The Commission asked Ms. Holly to check with Jim Lively Insurance about the cost of insurance for one day for fireworks.

Earl informed the Commission that on July 3rd and July 4th the Park would be hosting a Bullmania Rodeo. The Commission approved; Earl informed the Commission the Park would receive 30% from the show and 50% from T-shirt sale, proceeds from the canteen would be the Parks.

The Commissioners signed appreciation letter to Georgia-Pacific Corporation for their donation of sheeting for use in the construction of a shelter at the Fayette County Park.

The Commissioners received and reviewed a copy of a letter from ITT Specialty Risk Services, Inc. informing that coverage investigation is being done with a full and complete reservation of all rights afforded under the policy of insurance issued to the County regarding the damage done at the Mann Mountain Tower.

The Commissioners received and reviewed letter from the Regional Jail and Correctional Facility Authority regarding the raise in the per diem for housing prisoners at the regional jail from the current \$38.00 to \$40.50.

The Commissioners received and reviewed partial settlement regarding Commercial Explosives Antitrust Litigation.

The Commissioners received notice from Kelvin Holliday, County Clerk, informing that inspection of the voting machines will be held on May 5th at 10:00 a.m. and test for the automatic tabulating equipment would be at 11:00 a.m.

The Commissioners received and reviewed Incident/Offense Report regarding the break-in at the Smithers Detachment.

The Commissioners received and reviewed letter from Sheriff Larry Dotson advising that Fayette County Deputy B. L. Forren has been suspended without pay until further notice effective April 22, 1998.


The Commissioners signed letter to Allen Tackett, Major General, WVARNG with attached proposed deed to transfer the Glen Jean property

from the Commission to the State Armory Board and informed Major General Tackett they would like to have the deed fully executed during an upcoming meeting on May 27 or June 3rd, the Commission asked Major General Tackett to contact this office to schedule a time on one of these dates.

Commissioner Lopez made a motion to go into Executive Session to discuss personnel matter. Commissioner Carte seconded. Unanimous.

Upon reconvening from Executive Session. The Commission informed no decision was made regarding personnel matter.

The meeting was adjourned at 12:45. Next scheduled meeting is May 5, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 5, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 5th day of August, 1998.

Commissioner Witt called meeting to order at 9:45 a.m.

Exonerations were approved and signed.

Commissioner Witt read letter from Harold Bragg requesting the Commission to change portions of the Zoning ordinance regarding new and used mobile homes. The Commissioners voted 2 - 0 recommending sending mobile home zoning change to the Board of Zoning Appeals. The Commissioners asked Ms. Holly to send copy of letter to Gary Harding, Zoning Officer.

Commissioners Carte informed he had received complaint regarding dogs in the Beards Fork area.

The Commissioners received and reviewed letter from the Public Service Commission to Gerald Brown giving information regarding the Rules and Regulations for the Government Water Utilities for meters.

The Commissioners received/reviewed and approved to install computer cable to Judge John Hatcher's bench if the Supreme Court would reimburse the cost of the twinax cable and connectors.

The Commissioners signed the minutes of the Zoning hearing held on Wednesday, July 29, 1998.

The Commissioners signed Fire Levy Fire Protection Agreement from Danese Volunteer Fire Department for the period July 1, 1998 to June 30, 1999.

Ms. Holly informed the Commissioners that the County Annual Financial Statement is ready for publication as approved in a fax from

Lisa Thornburg, Director of the Chief Inspector Division, but she informed the Commissioners that there is a disagreement between the Chief Auditor and the Director of the Chief Inspector Division regarding what information the Commission should publish and what should not be published. Ms. Holly informed the Commission that as of this date she has not received any formal information, format, or instructions in writing from the State Tax Department and had been advised that it would be distributed at the County Clerk's Training Seminar. Ms. Holly informed the Commission that the time for publication is nearing and that the newspaper requires 2 weeks advance notice for this publication. The Commissioners approved publication of the financial statement for fiscal year 1997-98 as presented by Ms. Holly and as approved on July 29 by the Director of the Office of the Chief Inspector.

Ms. Holly informed the Commission that the Auditor would be working on the 3rd floor.

Ms. Holly informed the Commissioners she received a call from James Keenan, President of the Fayette County Bar Association asking if it would be okay to use the hall or courtroom of the courthouse for a non-alcoholic reception for the Courthouse Christmas Party. The Commissioners voted no, and asked Ms. Holly to refer Mr. Keenan to talk with Judge John Hatcher regarding use of the Witness Room or Courtroom.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing that an error had been made in the mineral assessment for Jane L. Echols and they would make the necessary corrections.

The Commissioners received and reviewed thank you letters from the Fayetteville Heritage Festival, Fayette County Senior Programs and Southern Appalachian Labor School (SALS) for their contributions for fiscal year 1998-99.

The Commissioners signed Office of Emergency Medical Services Legislative Projects Application requesting \$35,000.00 funding for purchase and installation of hardware and software for a mapping and addressing system for the Fayette County E-911 Center. The Commissioners asked Ms. Holly to proceed with project.

The Commissioners received and reviewed information from the West Virginia Association of Counties regarding the Year 2000 (Y2K) problem.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters regarding reimbursement to County Commission for office space of Family Law Master.

The Commissioners received and reviewed Application for Employment from Judith L. Wright.

The Commissioners received and reviewed Workers' Compensation report.

Ms. Holly informed the Commissioners she had received a recall notice on jeeps issued to the Assessor's Office. Original forwarded to Earl Pauley, Park Superintendent.

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

The Commissioners received and reviewed a list of "Subscribers Refusing to Pay the Emergency Telephone System Fee" for the month of May, 1998.

The Commissioners received and reviewed franchise tax fees for the period from April 1, 1998 through June 30, 1998 from Cable Equities of the Virginias, Ltd. And TWFanch-One Company.

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

Outstanding bills were approved.

Robey Berry appeared before the Commission to ask for assistance

in getting playground equipment to build playground for the kids in the Winona area. Commissioner Carte called Earl Pauley, Park Superintendent to see if he had any playground equipment in storage. Commissioner Witt suggested to Mr. Berry to form an organization to get funds and suggested he talked with the Fayette County Board of Education to see if they would have any playground equipment.

Commissioner Carte moved to cancel the August 14th County Commission meeting and to approve full-time and part-time payrolls for August 14th. Commissioner Witt seconded. Vote passed 2 - 0.

Carolyn Trent and several concerned citizens (see attached) from the Mossy area appeared before the Commission to inform them of the water situation in their area. Ms. Trent presented to the Commissioners a proposal from West Virginia American Water Company and asked the Commissioners for assistance.

John Pino, Delegate informed the Commissioners that the West Virginia Development Office could not help until the County Commission make application on behalf of the people.

Dave Pollard, Community Resource Coordinator informed the Commission that the Infrastructure Council will not accept block grant applications until current projects are completed.

Commissioner Witt asked Mr. Pollard to check with the State regarding grant applications.

The Commissioners received and reviewed motions for appointment for Sheriff Larry Dotson to be appointed Committee for David Ray Hubbard and Tommy Ray Cartwright while they are incarcerated. Katherine Mason, attorney with the Department of Health and Human Resources signed order.

The Commissioners approved four (4) radios for the Sheriff Department (2) for Law Enforcement and (2) for the Fayette County Park. Ms. Holly asked Sheriff Dotson to check with Steve Cruikshank, EMS

Coordinator since he handles purchasing of all radios.

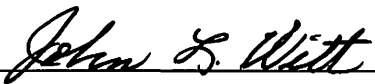
Larry Dotson, Sheriff informed the Commission he had received several proposals for monitoring services and lease of monitoring equipment for Home Confinement in Fayette County. Sheriff Dotson informed he had several problems with Strategic Technologies, Inc. Sheriff Dotson informed he recommended going with BI Incorporated because they provide the same service, better equipment and cost about the same. Commission approved.

Commissioner Witt signed the new agreement effective September 1, 1998. Ms. Holly informed the Commission that they would have to notify Strategic Technologies immediately of their termination in order to meet the 30-day cancellation notice of the current contract.

The Commissioners received and reviewed check in the amount of \$990.00 for rental of Family Law Master Office for the month of June.

The Commissioners received and reviewed a copy of a letter from the State Emergency Response Commission informing of their 4th Annual SERC/LEPC Conference being held September 14th and 15th, 1998. Copy forwarded to Steve Cruikshank, EMS Coordinator.

The meeting was adjourned at 11:52. Next scheduled meeting is August 26, 1998.



8/5/98

Paint Creek Proposed
State Project

- 1 ANTHONY KAVIA
2. Ted Williams
- 3 Ronnie Ashmore Jr.
- 4 Dale Kelly
- 5 RICHARD DALLEAVE
- 6 Frances Keel
- 7 Crystal Keel
8. Yelce Keel
9. Novella Keel
10. Jamie McNeely
11. Cawlyn Trent
- 12.

[Handwritten signature]

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 26, 1998
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 August, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office.

Commissioner Witt informed the Commission he received recommendations from the Fayette Transition Team to approve Denise McCutcheon, Lookout, Lisa Goode, Meadow Bridge, Kathleen Scott, Mount Hope, Cindy Martel, Fayetteville and Judson Wallace subject to his approval to accept as members of the Fayette Transition Team. The Commission approved the recommendation of the Fayette Transition Team.

The Commissioners signed order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank and does hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

Payroll and outstanding bills were approved, payroll to be released Friday.

The Commissioners signed a corrective order vacating and correcting the inaccurate description of the said Order entered on June 24, 1998 regarding the annexation by minor boundary adjustment of Lots 112, 113, 114, 115, 116, 87 and excluding Lots 88 and 89 of the Highlawn

Addition to the City of Oak Hill, part of High Street, part of Edgewood Avenue, part of Glendale Avenue and all of Orchard Street, situate in Plateau District, Fayette County.

The Commissioners approved and signed minutes of July 20th and August 5th, 1998.

Commissioner Lopez asked the Commissioners about helping with the Boomer Ballfield. Commissioner Witt questioned if the community is planning on assisting. No decision made.

The Commissioners signed letter to A & W Sanitation informing them that the Commissioners have received complaints of deteriorated service regarding trash pick-up in the Boomer, Alloy and Charlton Heights area.

Commissioner Lopez recommended preparing a letter to Mike Cobb, Supervisor, Division of Highways requesting they change the name of State Route 60/45 from "Hawk's Nest Road" back to "Downey Ridge Road"; approved. Copy to be sent to Mrs. Wendell Hoge.

The Commissioners signed letter to the Division of Highways requesting that the West Virginia Department of Transportation cut weeds and brush on their right-of-way in and around the Community of Minden, especially in the area of the "Old Minden bathhouse". Copy sent to Carolyn Jones.

Commissioner Carte made motion that \$400 be contributed to the Minden Community Center. All approved.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$1,200.00 for the month of August. Ms. Holly informed the Commissioners that the new agreement has not been returned to this office by Ted Philyaw, Supreme Court Administrator.

The Commissioners received, reviewed, and accepted \$900.00 check from the Family Law Masters for rent for the month of July. Ms. Holly

informed the Commissioners that in the 1996 agreement the rent amount would be decreased after 30 months to \$900; the additional sum of \$90.00 per month having been allocated to the remodeling of the premises, including a dias for the Family Law Master's hearing room. The Commissioners agreed to accept reimbursement of \$900 for July only with the new agreement of \$1,200 effective August 1.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the Town of Fayetteville, City of Mount Hope for the month of July, 1998.

The Commissioners received and reviewed a letter from the Arbuckle Public Service District recommending that John Harper be reappointed as a Board member.

The Commissioners signed order reappointing John Harper a member of the Arbuckle Public Service District, term to expire September 1, 2004.

Ms. Holly informed the Commission that during the County Clerk's Training seminar it was discovered that the State had increased the mileage from thirty-one cents (\$.31) to thirty-two cents (\$.32) effective January, 1998. Ms. Holly informed the Commission that she received a fax verifying the increase. Commissioner Carte made a motion to increase mileage from thirty-one cents (\$.31) to thirty-two (\$.32) effective September 1, 1998. Commissioner Witt seconded. All approved.

The Commissioners signed order reappointing Roger Wagner, II to the Kanawha Falls Public Service District, term to expire September 1, 2004.

The Commissioners signed Renewal of HVAC Service Agreement with Casto Technical Services, effective September 1, 1998.

Randall Boyd, Executive Director of the Upper Kanawha Valley Economic Development Authority and Lisa Green, Administrative Assistant

was introduced to the Commission and gave an update of the projects in their area.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to inform them that he had prepared a petition for removal of Roy Young as a member of the Kanawha Falls Public Service District.

Commissioner Carte and Commissioner Lopez authorized Mr. Harris to file petition for the removal of Roy Young as a member of Kanawha Falls Public Service District. Order signed.

Carl Harris appeared before the Commission to discuss the Demolition Ordinance. The Commissioners approved to appoint five members to the Enforcement Agency; Tim Richardson, Fire Chief representative, Larry B. Parsons, Fayette County Solid Waste Authority as engineer representative, Mike Sales, Health Department representative, Joe Tuholsky and Bill Caudill as citizen representatives, and Larry G. Dotson, Sheriff as ex officio member. The Commissioners asked Mr. Harris to prepare order. Discussion was held regarding giving ordinance a name; Harold Bragg suggested calling ordinance "Dilapidated Building and Beautification Ordinance". The Commission approved. Order to be prepared by Carl Harris.

William Caudill appeared before the Commission to present demonstration of the 3680 Beast Recycler machine.

Mr. Caudill informed the Commissioners that this machine would help with the tearing down of dilapidated buildings. The Commissioners reviewed video.

Ms. Holly informed the Commissioners she received memorandum from Ed Shiflett, Auditor, informing that during the audit review of the Fayette County Park certain internal control weaknesses were found to exist. Ms. Holly informed the Commission of Mr. Shiflett's recommendations. The Commissioners approved Mr. Shiflett's

recommendation and asked Ms. Holly to have Earl Pauley, Park Superintendent implement recommendations--1) to utilize safe at Park, 2) to schedule deposits to be made weekly in off season and biweekly in busy seasons, 3) to use a new report to reflect beginning and ending cash balance, and 4) to purchase cash registers for canteen and concession sales.

The Commissioners signed grant agreement with the West Virginia Department of Health and Human Resources regarding the mapping system for the 911 Center.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed decision from the Bureau of Employment Programs regarding Cynthia G. Epperly.

Ms. Holly informed the Commissioners that a speaker phone has been installed in Judge John W. Hatcher's Office as he had requested.

Ms. Holly informed the Commissioners she is working on completing the new format received on August 17, 1998, for the Annual Financial Statement as required by the WV Department of Tax and Revenue.

The Commissioners received and reviewed Salem-Gatewood Public Service District and Gauley River Public Service District minutes for the months of June and July, 1998.

The Commissioners received and reviewed thank you letters from Fayette County REACT and Women's Resource Center for contribution for fiscal year 1998-99.

The Commissioners received and reviewed letter from Thelma Kincaid, Circuit Clerk recommending that Paul McGraw, of the Democratic Party and David Bennett of the Republican Party be appointed Emergency Ballot Commissioners for the 1998 General and any Special Election for 1998. The Commissioners approved recommendation.

The Commissioners received and reviewed letter from Paul McClung regarding the 911 issue pertaining to public safety in northern Summers County; letter forwarded to the Summers County Commission.

The Commissioners received a copy of a letter to Fred Jesser, III from Mill E. Chambers regarding meeting to discuss books in record room of the County Clerk's Office.

The Commissioners received and reviewed letter from the Fayette County Weatherization Program requesting financial aid to hire a part time secretary. Commissioner Witt informed the Commission would take this request under advisement.

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

Donita Herr, Executive Director, Women's Resource Center appeared before the Commission with request asking the Commission to lower the rent of the office space to \$100 and informed the Commission they are interested in renting the space but the Center cannot afford the \$300.00 a month. Ms. Herr presented support letter of lowering the rent to the Commissioners. Ms. Herr informed the Commission that Nicholas County provided office space free.

Gene Larrick appeared before the Commission to request that the rent be lowered.

Discussion was held; the Commission informed Ms. Herr that another agency was interested in renting the office space. Ms. Holly informed the group that the Commission had agreed to rent the space on a first come basis. No decision was made; the Commission asked the Center to give them until September 9th to make a decision.

The Commissioners approved to pay the \$75 filing fee to the Circuit Clerk to file the petition for removal of Roy Young as a member of the Kanawha Falls Public Service District.

Ms. Holly informed the Commissioners she had prepared \$2,400 check to the U. S. Department of Labor in payment of the penalties for 4 child labor law violations at the Fayette County Park. Ms. Holly asked the Commission if they wanted to protest; the Commissioners informed no.

The Commissioners received and reviewed the finalized contract with BI Incorporated for Home Monitoring for the Sheriff Department.

The Commissioners approved to pay the annual lease for the Fayette County Solid Waste Authority to Rush Creek Land Company, amount \$4,500.00.

The Commissioners received and reviewed letter from the Citizen's Advisory Board informing that the next scheduled meeting will be September 15, 1998, at 4:00 p.m. in the front lobby of the Southern Regional Juvenile Detention Center.

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

The Commissioners received and reviewed letter from Michael Scime, Community Relations Manager informing that he will be leaving Conrail effective September 1, 1998, Bill Carper will be the new Community Relations Manager.

The Commissioners received and reviewed a check in the amount of \$29,864.38 for the Emergency Telephone System Fee for the month of July, 1998.

The Commissioners received and reviewed copies of letters from Congressman Nick J. Rahall, II and the West Virginia Development Office addressed to Vivian Wallace regarding getting water service to the Derryhale area of Fayette County.

The Commissioners received and reviewed letter from Rifkin and Associates, Inc. informing that Ben Todaro has resigned his position as Regional Manager; Keith Mains will assume position.

Ms. Holly informed the Commission that Betty Pullen stepped off the last step on the Wiseman Street side of the courthouse and twisted and/or broke her ankle on August 19, 1998. Ms. Holly informed the Commission that Ms. Pullen told her that her ankle "just gave way" on the last step. Ms. Holly informed the Commissioners that she forwarded this information to Jim Lively Insurance to determine liability.

Ms. Holly informed the Commissioners that Bob Massey is on vacation from August 17 through August 30.

Ms. Holly informed the Commissioners she received a letter from the Humane Society asking about the status of a vehicle for the Dog Warden.

Ms. Holly informed the Commission she was told by Earl Pauley, Park Superintendent, that the Tempo was not suitable for the Dog Warden and needed to be retired.

The Commissioners received telephone message from Earl Pauley informing that he he had found a 1992 GMC Pickup and 1985 Truck at Surplus Property. The Commissioners approved to purchase these vehicles for the Maintenance Department and the Dog Warden as Earl recommended.

Commissioner Witt suggested having an auction as soon as possible and questioned the status of labeling county cars.

Discussion was held regarding the money received from the Legislative Digest for putting in an elevator at the main Courthouse.

The Commissioners directed Ms. Holly to get the Officeholders together at the September 15 meeting to receive and discuss their input on where the elevator should be.

The Commissioners approved paying to the Fayette County Solid Waste Authority partial payment to cover payroll for Larry B. Parsons.

Ms. Holly advised the Commission of the Court Security Seminar being held October 19-23, 1998; seminar information forwarded to the

Sheriff.

The Commissioners received and reviewed a letter from the West Virginia Development Office granting extensions of the Courthouse Improvements and Fayette County Park Improvement Project and the Minden Community Building Restoration Project until June 30, 1999.

The Commissioners signed a renewal agreement for the West Virginia Surplus of Property and authorized the same representatives to make purchases.

Eddie Young from the Assessor's Office presented a tax ticket to the Commissioners from Damon Workman. Mr. Young informed the Commission that Mr. workman was questioning the class of the property which was vacant July 1, 1996; Mr. Workman felt he should not have to pay the 1997 ticket as Class 4. The Commissioners asked Carl Harris, Assistant Prosecuting Attorney to review. Mr. Harris informed the Commission that the classification and the tax ticket were correct and not clerical errors and that the taxpayer would have to pay tax ticket.

The Commissioners signed letter to the Department of Tax and Revenue confirming in writing the terms and objectives of work in conducting an audit of Fayette County for the fiscal year ended June 30, 1997.

The Commissioners received and reviewed legal guardianship appointment for Lateesha L. Lewis and Omar D. Lewis.

Ms. Holly presented to the Commission contract renewals for Danka copier at the Fayette County Park monthly rate \$116.55.

Commissioner Witt informed the Commission he had talked with Sterley Flanagan with the Danese Volunteer Fire Department and Rescue Squad, Inc. regarding the outstanding loan with the County. Commissioner Witt informed the Commission that Mr. Flanagan asked if the Commission would accept payment of \$2,900.00 as a final payment to clear

up debt. The Commissioners approved.

Ms. Holly presented to the Commissioners for their review a Schedule of Expenditures of Federal Awards for the Fiscal Year ended June 30, 1998.

The Commissioners received and reviewed letter from the Tucker County Commission asking for the Commission's support in getting the Recreation/Amusement Tax implemented into legislation. The Commission endorsed their support of the Recreation/Amusement Tax Bill.

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

The Commissioners received, reviewed, and approved invoice from Coleman Construction for work done on Courthouse flagstone sidewalk.

The Commissioners approved construction of a proposed bathroom at the Fayette County Park near the shelters.

The Commissioners received and reviewed memorandum from the Upper Kanawha Valley Community Center requesting that the Commission appoint a representative to serve on the Board of Directors.

The Commissioners received and reviewed fax from Southern West Virginia Convention Visitors Bureau informing they will have a membership mixer at North American River Runners will offer their ropes course sampler for \$15.00.

The Commissioners received and reviewed petition from concerned citizens of the Summerlee road area and/or members of the Oak Hill Christian Church regarding zoning hearing held on August 24, 1998, Case #Z-459-98-2. Ms. Holly informed the Commission that this case had been withdrawn per Gary Harding.

Commissioner Witt asked Ms. Holly to inform Earl Pauley, Park Superintendent to cease purchasing for the County from family members.

The meeting was adjourned at 12:45. Next scheduled meeting is

September 9, 1998.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 9, 1998
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 December, 1998.

Commissioner Witt called meeting to order at 9:45.

Exonerations were approved and signed.

Thomas Aiello, Assessor and the Commissioners briefly discussed the computer equipment needed for the Assessor's Office. Mr. Aiello informed the Commissioners that the lower bid would have to meet the state requirements and informed the Commission that he and Mrs. Holly would meet and discuss bids tomorrow.

Commissioner Carte informed the Commissioner he received a list of names requesting that they be added to the Paint Creek Water Project. Commissioner Witt suggested giving the list to Dave Pollard, Community Resource Coordinator.

Ms. Holly gave summary update she received from Software Systems regarding the status of the year 2000. Ms. Holly informed the Commissioners that a representative from Software System will be here this weekend or the next weekend to install the AS400 upgrade.

Ms. Holly informed the Commissioners that she did talk with David Neal, E-911 Coordinator regarding the mapping system and the upgrade of the 911 Center for the year 2000. The 911 computer system is under review by Motorola for Y2K compliance.

Ms. Holly informed the Commissioners she would be checking for any Y2K upgrade needed for the telephone system.

Ms. Holly reminded the Commissioners that before they could regulate basic cable rates they would have to adopt regulation guidelines. The Commissioners informed Ms. Holly they would discuss at their next meeting.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$1,200.00 for the month of December 1998.

The Commissioners received and reviewed letter from Gary Harding, Zoning Officer informing that Earl Wood has officially resigned from the Fayette County Planning and Zoning Commission as of November 23, 1998.

The commissioners signed letter of appreciation to Earl J. Wood for his service to the citizens of Fayette County as a member of the Planning and Zoning Commission.

Commissioner Witt recommended that Leon Cooper fill the unexpired term of Earl Wood.

Commissioner Lopez made motion to appoint Leon Cooper to fill the unexpired term of Earl Wood to the Fayette County Planning and Zoning Commission. Commissioner Carte seconded. All approved. Unanimous.

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

The Commissioners signed memorandum to all Elected Officials and Employees informing that the courthouse would be closed on Thursday, December 24, 1998 and Friday, December 25, 1998, in observance of Christmas and Thursday, December 31, 1998 and Friday, January 1, 1999 in observance of New Year's Day.

The Commissioners approved shopping day for County Commission

employees.

The Commissioners approved to cancel last meeting in December.

The Commissioners signed legal holiday list for the coming year 1999 to all Elected Officials and Employees.

Ms. Holly reminded the Commissioners that at their next meeting they would need to appoint the election officials for Special Election being held on February 6, 1999.

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

The Commissioners approved for the payroll clerk to pay part time and overtime checks on December 30, 1998.

Outstanding bills and payroll were approved.

Discussion was held regarding the bids for hardware for mapping at the 911 Center. Ms. Holly informed the Commissioners that the equipment bid for the hardware is \$16,000 excluding installation, and reported that David Neal, 911 Director, stated that he thought that County employees could install the hardware without any problems. Commissioner Witt informed he was in favor of letting our maintenance crew run cable for the equipment.

Commissioner Carte informed he is ready to back off on the mapping project and stated that the Commission could not afford it. Commissioner Carte suggested getting Steve Cruikshank and David Neal to come in and discuss the project on December 15.

Sally Hurst and Sarah Ashley with Fayette Family Resource Network appeared before the commission to request a living stipend of \$5,000.00 for a full time worker in Fayette County to work

exclusively on the America's Promise campaign for Fayette County youth.

Commissioner Carte moved to commit \$5,000 for a full time worker to work on the America's Promise campaign for Fayette County youth. Commissioner Lopez seconded. All approved.

The Commissioners recessed to open ballot room as requested by County Clerk Kelvin Holliday.

The commissioners received and reviewed Dog Warden Report for the month of November.

The Commissioner received and reviewed Fayette County Solid Waste Authority minutes and financial reports.

The Commissioners received and reviewed check in the amount of \$30,024.17 for the Emergency Telephone System Fee for the month of October, 1998.

The Commissioners received and reviewed approved request from Paul Blake, Prosecuting Attorney to issue a check in the amount of \$400.00 payable out of the "Investigation and Detection of Crime" line item to Sergeant Scott VanMeter, West Virginia State Police.

Ms. Holly reminded the Commissioners of the several meetings scheduled regarding the statewide internet being held at the Tamarack.

The Commissioners approved a fax machine as requested for the Circuit Clerk's Office. Ms. Holly informed the Commissioners she would check to see if it could be installed on one of the extension lines already in use.

Jim Bill Stover member of the Upper Kanawha Valley Little League Baseball Association appeared before the Commission to discuss the Boomer Ballfield.

Mr. Stover informed the Commission that Upper Kanawha Valley will continue to pay all utilities and sanitation and run the concession stand. The Commissioners informed Mr. Stover that the Commission had designated Bill Arthur to do the scheduling for the ballfield but that the ballfield would be run as in the past. Mr. Stover asked for a key. The Commissioner suggested he check with Larry Parsons to get a key.

The Commissioners received and reviewed letter from the West Virginia University informing a public meetings being held regarding the Safe Drinking Water Act Amendment of 1996.

The Commissioners received and reviewed letter from Thelma Kincaid, Circuit Clerk informing that the Ballot Commissioners have awarded the printing of the Ballots for the Special Levy Election to PDQ Print Shop, Inc., cost \$1,077.33.

The Commissioners received and reviewed a list of "Subscribers Refusing to Pay the Emergency Telephone System Fee" for the months of July, August, September, 1998.

The Commissioners received and reviewed letter from the Division of Criminal Justice Services acknowledging receipt of application for fiscal year 1998 Local Law Enforcement Block Grant funds.

The Commissioners received and reviewed copy of a letter from Stafford Consultants, Inc. to Phil Tissue, attorney regarding New Haven Public Service District Contract No. 3-Small Cities Block Grant.

The Commissioners received and reviewed letter from the U S Postal Service asking the Commissioners suggestions and comments regarding the expansion of the postal facility in Kincaid.

The Commissioners informed they have no objection to the U S

Postal Services expanding the existing postal facility located in Kincaid.

The Commissioners received and reviewed Happy Holiday greetings from the staff of the West Virginia Association of Counties.

The Commissioners received and reviewed notice from Paul Blake, Prosecuting Attorney, informing that effective December 7, 1998, Cathy Jo Fox was hired as a secretary in his office, salary \$13,000 per year.

Ms. Holly informed the Commissioners that she received the enrollment forms from the Public Employees Retirement System for the Deputies to transfer into the West Virginia Deputy Sheriffs' Retirement System. Ms. Holly gave the Commissioners a letter from Public Employees Retirement System stating that the Deputies would have to pay the additional 4% employee contribution difference.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding the Jennifer Settle law suit.

The Commissioners received and reviewed letter from Frank Hill resigning from the New Haven Public Service District. Commissioner Witt informed the Commission that Mr. Hill has reconsidered his resignation and will stay until water project is up and running.

The Commissioners received and reviewed Workers' Compensation letters.

Ms. Holly informed the Commissioners she will be attending the Labor and Employment Law meeting being held on Wednesday, December 16, 1998 in Charleston.

The Commissioners received and reviewed a copy of a letter from Gordon Billheimer, attorney to our Senators and Delegates regarding proposed legislation to remove unsightly buildings.

Commissioner Lopez made motion to send letter to local legislators supporting the proposal to establish a Central State Fund that could be financed by adding ten cents to the \$4.40 that is charged per thousand dollars of consideration on each deed for the cost of removal of unsightly building. Commissioner Carte seconded. Unanimous.

Ms. Holly informed the Commissioners she received an application for the Court Security Fund; Ms. Holly asked the Commissioners if they wanted her to send copies to each of the Elected Officials involved in the grant. Commissioner Lopez advised Ms. Holly that the Fayette County Commission would talk with Larry Dotson, Sheriff and get back with her regarding the application.

The Commissioners received and reviewed fax from the County Commission Association regarding recommendation from Task Force HCR 49 (study of the interrelationship of County Commissioners and other Elected Officials).

Joe Myers questioned the Commissioners about the situation along U S Route 19 south of Oak Hill at the Route 16 intersection at Pea Ridge. Commissioner Carte requested Ms. Holly to write another letter to the Division of Highways regarding the matter.

Mr. Witt directed that all vouchers be prepared for his review at least one day prior to a Commission meeting.

The meeting was adjourned at 11:45. The next scheduled meeting is December 15, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 15, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, John H. Lopez

The Fayette County Commission met in regular session on this 15th day of December, 1998.

Commissioner Witt called meeting to order 9:40.

David Neal, E-911 Coordinator and Steve Cruikshank, Emergency Service Coordinator, appeared before the Commission to discuss computer hardware/software for the mapping/addressing project.

Mr. Neal recommended to the Commissioners that Misco be awarded the bid for the hardware. The grant of \$35,000 would only be sufficient to cover most of the software cost estimated at \$39,000.00 plus training (as previously approved 11/4/98). Mr. Neal informed the Commissioners that the cost for hardware would be approximately \$16,000.00 based on the bid from Misco if the County did its own hardware installation. The cost of a distance measuring device would be about \$475.00 additionally dependent on the vehicle on which it would be installed.

Commissioner Witt questioned who would do the field work for the out of area addresses.

Mr. Neal advised the Commission that every structure in the County must be visited and given an address and street name and that part of the 911 staff, Assessor's Office, the Fire Departments would help; they plan to meet with each municipality.

Commissioner Witt informed he had talked with Larry Dotson, Sheriff, regarding getting a 4-wheel drive vehicle for the addressing.

The Commissioners approved purchase of the mapping and addressing system hardware from Misco and software from DMSC, Inc.

The Commissioners signed an order approving the list received of the Chairman of the Democratic Executive Committee and the Chairman of the Republican Executive Committee of Election Officials, including, Poll Clerks, Election Commissioners, Alternates and Emergency Absentee Voting Commission Democrat and Republican, they have desire to have appointed for holding the Special Election in Fayette County on the 6th day of February, 1999.

The Commissioners signed order to transfer the balance of the Fayette County General School Fund in the amount of \$72,558.10 for the calendar year 1998 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 approved request of Carolyn O'Dell to pay for December contracted service on December 15.

Ms. Holly informed the Commissioners that she had spoken with David Perry and he informed her that the Joe Aiello Basketball is scheduled during the Special Election being held on February 6. Ms. Holly informed the Commissioners that Mr. Perry agreed to move the 2 polling places to two of the classrooms and to mark off parking spaces for voters. Approved.

The Commissioners approved the request of Kelvin Holliday, County Clerk, to increase the number of alternates to be trained to a minimum of 10 and maximum of 12 for the Special Election.

The Commissioners received and reviewed thank you letter from John David, Director, Southern Appalachian Labor School, informing that the Youth Build proposal submitted in July was funded.

The Commissioners received memorandum from Dave Pollard informing that the New Haven Public Service District voted to request that the Fayette County Commission approve expanding the scope of the Small Cities Block Grant.

The Commissioners received and reviewed letter from Steptoe and Johnson informing that an Order entered by Judge John Hatcher wherein the claims against John Witt, John Lopez, Gene Carte, Jr., and Larry Dotson are dismissed but the claims against the Fayette County Commission, William Laird, IV, and Carey Vickers are still viable and have not been dismissed.

Ms. Holly reminded the Commissioners that a statewide internet meeting is scheduled for tonight at the Tamarack at 6:30 p.m.

The Commissioners approved for the Rupert exchange be added to the Fayette County 911 service area.

The Commissioners received a request for funding from the Upper Kanawha Valley Economic Development Corporation, Inc. The Commissioners agreed to hold the request for budget sessions in March.

The Commissioners received and reviewed invoice from Magistrate Dale Payne requesting that his basic home telephone bill be reimbursed. The Commissioners asked Ms. Holly to hold the request until a copy of his telephone bill is received.

The Commissioners received a notice from the West Virginia Association of Counties informing that John David Hoff, former Executive Director, died on December 11, 1998.

The Commissioners received and reviewed a letter from the Attorney General's Office regarding Commercial Tissue Products Antitrust Litigation.

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

The Commissioners received and reviewed a letter from Senator Randy Schoonover requesting assistance for Carol Trent on a water project. Mr. Witt stated that Pax could possibly provide water to Mrs. Trent.

As recommended by Assessor Tom Aiello, Commissioner Lopez moved to approve and accept bid from TMC Technologies, Inc. in the amount of \$31,360.00 for the purchase and installation of a Local Area Network (LAN) for the Assessor's Office to be compatible with the State of West Virginia new Valuation and Assessment Administration System. Commissioner Witt seconded; approved.

The Commissioners received and reviewed memorandum from the Consolidated Public Retirement Board regarding extending the deadline for the New Deputy Sheriff's Retirement System until June 30, 1999 to pay employee contributions due from July 1 thru December 31, 1998. The Commissioners asked Ms. Holly to talk with Larry Dotson, Sheriff and Paul Blake, Prosecuting Attorney regarding the matter.

Keith Mains, Technical Operations Manager and Lester "Buster" Errett, Regional Manager for CableVision appeared before the Commission for hearings on transfer of control of franchise agreements. No one appeared in opposition to the transfers.

Commissioner Lopez made motion to approve transfer of control of cable television franchise agreement from Interlink Communications Partners, L.P. to Interlink Communications Partners, LLLP. Commissioner Witt seconded. All approved. Order signed.

Commissioner Lopez made motion to approve a resolution and order for transfer of a cable television franchise and control in the

County of Fayette from Rifkin Communications Partners, L. P. d/b/a Cablevision to Interlink Communications Partners, LLLP. Commissioner Witt seconded. All approved. Order signed.

Keith Main and Lester Errett gave the Commissioners an update of the changes of the Cablevision system.

Ms. Holly informed the Commissioners that the Y2K upgrade on the AS/400 was done this weekend.

Ms. Holly reminded the Commissioners she would be attending a seminar in Charleston tomorrow as previously approved.

Ms. Holly informed the Commissioners they have until February 4th to adopt Rate Regulations for Cable service.

The Commissioners approved the issuance of checks for the remaining 1998 calendar year only in case of emergency since the Commission is not scheduled to meet until January 6, 1999.

The Commissioners received and reviewed a copy of a letter to Sean Snuffer from Sheriff Larry Dotson informing that Mr. Snuffer will be officially reinstated as a Fayette County Deputy Sheriff effective December 16, 1998 and informed Mr. Snuffer that he will be the lowest in rank in the Fayette County Sheriff Department next above the probationers within the Department.

The Commissioners received and reviewed a copy of a letter to Ted Philyaw, Administrative Director, West Virginia Supreme Court of Appeals, from Judge John W. Hatcher requesting payment of the invoice in the amount of \$757.20 to the Fayette County Commission for cable and materials to allow the Circuit Judges' offices computer access to the Fayette County Circuit Clerk's files.

The Commissioners received and reviewed a copy of a letter to Nancy Adams, with the Secretary of State's office from David Perry,

Chairman, Fayette County Democratic Executive Committee regarding election officials and election procedures.

Outstanding bills and payrolls for December 15 and 30 including part-time and overtime were approved.

The meeting was adjourned at 11:15. The next scheduled meeting is January 6, 1999.

John G. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 2, 1998
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 February, 1998 as Board of Equalization and Review of Property Assessment.

The Commissioners received and reviewed letter from Thomas Aiello, Assessor requesting that an order be issued giving permission to correct the errors caused by their office and giving the Assessor Office permission to contact the Department of Tax and Revenue and to request that all errors created by the Assessor's Office be corrected before the 28th day of February.

Commissioner Lopez moved that order be prepared. Commissioner Carte seconded. All approved. Order signed.

Exonerations were approved and signed.

Commissioner Carte made motion to approve payroll. Commissioner Lopez seconded. All approved.

There was one scheduled hearing for the Board of Equalization and Review.

Charles Puckett appeared before the Commission to discuss assessment of property. Eddie Young was present from the Assessor's Office. Carl Harris, Assistant Prosecuting Attorney was present. Eddie informed the Commission that due to the weather he hasn't had time to check property and informed the Commission that the Assessor's Office would like to review the property in question. Carl moved to continue hearing until the Assessor's Office check property. The hearing is continued for February 23, 1998 at 10:00 a.m.

Outstanding bills were approved.

Commissioner Carte suggested getting Steve Cruikshank, Emergency Service Coordinator a laser pointer. Commissioner Witt seconded. All approved.

Commissioner Witt asked Ms. Holly to check with Steve and get all the names who contributed in helping with the snowstorm.

The Commissioners received and reviewed letter from Mountain Transit Authority with request to reappoint Galen Horrocks on the Board of Directors. Commissioner Lopez made motion to reappoint Galen Horrocks to the Board of Directors. Commissioner Witt seconded. All approved.

Order signed.

Commissioner Witt informed the Commission that everything is on hold regarding the Court Security per Judge John Hatcher.

The Commissioners signed order notifying the executive committee of the democrat and republican parties of the number of nominations for each party which may be made for poll clerks, election commissioners, alternates and emergency absentee ballots commissioners for Primary Election.

Commissioner Carte made a motion that the budget revision for the General County Fund and the Coal Severance Fund for fiscal year 1997-98 be approved. Commissioner Lopez seconded. All approved. Order signed.

The Commissioners approved to transfer difference of Nancy Massie's salary from the County Commission budget to the Tax Department budget.

Discussion was held regarding the expenses of the Court Security. Commissioner Witt informed he would check with other Commissioners to see how they are handling their security.

Ms. Holly asked the Commission to approve transferring the

maintenance of the equipment of the 911 Center to the General County Fund until the county get the cellular phone moneys. The Commission approved.

Ms. Holly presented a list of all employees who assisted during the snowstorm.

The Commissioners received and reviewed Application of Employment from Tammy Louise Conley.

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

Ms. Holly informed the Commission that check to the New River Visitors Bureau for the 3rd quarter (Jul-Aug-Sep) an 4th quarter (Oct-Nov-Dec) have been prepared, amount \$1,100.00

The Commissioners asked Ms. Holly to call Raleigh County and get an update on the mapping project.

The Commissioners signed order increasing the Sheriff's fee to be charged for copies of accident reports.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,980.00 for the months of December, 1997 and January, 1998.

Ms. Holly informed the Commission she received from W. D. Smith, Executive Director, Region 4 Planning and Development Council a resolution formalizing a Fair Housing Program need the Commission to adopt resolution. Commissioner Lopez made motion to approve and authorize the Adoption of the Fair Housing Program Resolution. Commissioner Carte seconded. All approved.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed a list of "Subscribers

Refusing to Pay the Emergency Telephone System Fee" for the months of November and December, 1997.

The Commissioners received and reviewed check in the amount of \$29,581.79 for the Emergency Telephone System fee for the month of December, 1997.

The Commissioners received and reviewed 1998 Official Election Calendar from the Secretary of State Office.

The Commissioners received and reviewed letter from W. F. Drennen, Jr. expressing his views on the decision made by the Fayette County Commission concerning the rezoning of the Dunsford property located on Nickellvile Road.

Ms. Holly presented to the Commission a title prepared by the Town of Ansted for vehicle. The Commissioners asked Ms. Holly to hold.

The Commissioners received and reviewed 4th quarter franchise from Master Telecable, Inc.

Ms. Holly informed the Commission that the Public Service Commission received resolution setting the date for consolidation and public hearing.

Ms. Holly informed the Commission that she received status of the copier in the Circuit Clerk's Office from Appalachian Office Products, Ms. Holly informed the Commission that the technician had inspected the copier and he feel as long as they can cost effectively maintain the copier at a level that satisfies the customers needs, that there is no need to upgrade or replace the machine. No decision was made.

Ms. Holly informed the Commission she had talked with David Neal, E-911 Coordinator and he expressed to her that the number of non-emergency calls received since the switchboard was changed is starting to interfere with the emergency calls. Ms. Holly informed the Commission that she had changed the switchboard to her office, hopefully

the calls will decrease once the new telephone books come out in Marc.

The Commissioners received and reviewed letter from Thelma Kincaid, informing that she and the chairman of the Democrat Party and the chairman of the Republican party would like to continue with Erwin L. Conrad as Ballot Commissioner for the Democrat Party and Richard C. Meadows as Ballot Commissioner for the Republican Party for the Primary, General and any special election to be held in 1998.

The Commissioners received and reviewed letter from A. C. R. Promotions, Inc. informing that the Rough N' Rowdy Brawl is scheduled to be held at the Fayetteville Memorial Building on February 27th and 28th, 1998, certificate of registration with the U. S. Paten and Trademark Office was attached.

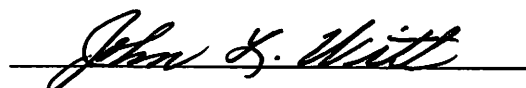
The Commissioners received and reviewed letter from Steptoe and Johnson regarding Civil Action No. 5:96-0436 (Frederick Shawnee Carter).

The Commissioners received and reviewed letter from the Department of Tax and Revenue recommending that the county issue back tax tickets for the year 1997 to Pennzoil Products Company for were they was not taxed for the minerals.

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

The Commissioners received and reviewed correspondence regarding Civil Action #97-C-437 Jennifer Lynn Settle v. FCC et al.

The meeting was adjourned at 12:02. Next scheduled meeting is February 4, 1998.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
FEBRUARY 3, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

John L. Witt, Gene Carte, Jr.

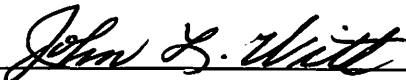
The Fayette County Commission met in special session on this 3rd day of February, 1998 to hold public hearing.

Commissioner Witt called public hearing to order.

Dave Pollard, Fayette County Community Resource Coordinator, Patrick Kelly with the Governor's Office, John Stump, attorney with Steptoe and Johnson and Doug Proctor were present.

Mr. Pollard informed the Commission the purpose of the public hearing. The State contemplates the insurance of its Infrastructure General Obligation Bonds, 1998 Series B (AMT) in the maximum aggregate principal amount of \$10,000,000 to assist in the financing of acquisition and construction of certain new water transmission and distribution facilities to provide water to currently unserved areas of Fayette County and to provide enhanced and more reliable water service to residents and business in presently served areas of Fayette County. The facility is to be owned by New haven Public Service District, a public corporation, and operated, administered and maintained by West Virginia-American Water Company a West Virginia corporation, as operator of the Project.

No one present to oppose the public hearing the meeting was adjourned.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 4, 1998
COURTHOUSE
FAYETTEVILLE, WV
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 4th day of February, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners received and reviewed Dog Warden Reports for the months of December, 1997 and January, 1998.

The Commissioners received and reviewed correspondence from Workers' Compensation.

The Commissioners signed order giving the Assessor's Office permission to correct the errors caused by their office and given the Assessor's Office permission to contact the Department of Tax and Revenue and a request that all errors created by them be corrected before February 28th.

The Commissioners received and reviewed check from TW Fanch-One and CableVision for 4th quarter franchise fees (Oct-Nov-Dec).

The Commissioners received and reviewed cumulative list of candidates filing in the Secretary of State's Office.

The Commission received and reviewed minutes from the Deepwater Public Service District for the month of December.

The Commissioners received and reviewed letter from the National Association of State Agencies for Surplus Property asking the Commission to become an Associate Member. The Commission decided not to join.

Ms. Holly presented to the Commission a letter from David Neal, E-911 Coordinator regarding overtime during the snowstorm.

Ms. Holly informed the Commission that a statewide Workers' Compensation Teleconference Seminar would be held on February 11, 1998.

Outstanding bills were approved.

The Commissioners approved to pay overtime for the employees of the Fayette County Park, Maintenance and 911 Center.

Commissioner Witt called public hearing to order. Loren Fox, Mike Miller, Dave Pollard, Tom Muncy, Britton Elkins, W. D. Smith were all in attendance. Commissioner Witt read legal that was advertised. Commissioner Witt asked Mike Miller to give purpose for public hearing. Mr. Miller informed, the purpose of the public hearing is to have the Commission sign Resolution expanding the New Haven Public Service District and merging Beckwith Public Service District and Mossy Public Service District into New Haven Public Service District to be known as "New Haven Public Service District" for the purpose of acquiring, constructing, operating, maintaining and improving a public water system or public sewage system, or both, for the resident of the service areas of these unincorporated communities of Fayette County.

Commissioner Carte questioned about the number of members that can be appointed to the Board.

Dave Pollard, Community Resource Coordinator informed the Commission that the board could be enlarged to a 5 member board. The Commission decided to stay with a 3 member board.

Commissioner Carte made motion to adopt Resolution. Commissioner Witt seconded. All approved. Unanimous.

Britton Elkins appeared before the Commission informing that he and other citizens were concerned with the U. S. 19 Planning process. He expressed to the Commission that the people who live in the New Haven District are like outcasts. Mr. Elkins told the Commission that they have formed the North Fayette Planning Committee and they would like to

be involved with the U. S. 19 Planning process. Mr. Elkins gave names of the Committee. The Commission suggested to Mr. Elkins to get with Dave Pollard and talk with him regarding the U. S. 19 upgrade.

Mr. Elkins told the Commission that he had been informed that Shirley Love had resigned from the Planning and Zoning Commission and requested to the Commission that they consider him a member of the Planning and Zoning Commission.

The Commissioners informed Mr. Elkins they would take request under advisement and get back with him.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Jennifer Settle, Civil Action #97-C-437.

The Commissioners received and reviewed correspondence from the Regional Community Policing Institute informing they are sponsoring a two day training course for law enforcement.

The Commissioners asked Ms. Holly to write a letter to Major General Allen Tackett and request that he provide the Commission with three dates for the purpose of scheduling a meeting with the Commission to discuss the deed preparation and property transfer of the Glen Jean property.

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

The meeting was adjourned at 11:05. Next scheduled meeting is February 9, 1998.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 9, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 9th day of February, 1998 as Board of Equalization and Review of Property Assessment.

The Commission convening as Board of Equalization and Review were scheduled to hear 2 hearings. Commissioner Witt called meeting to order.

Ron Taylor appeared before the Commission with application for Review of Property Assessment. Mr. Taylor was sworn in. Eddie Young and Donald Hogan from the Assessor's Office and Tom Steele from the Prosecuting Attorney Office were present.

Ron questioned the Commission about the increase of the assessment on their building.

Eddie Young explained the reason for the increase to Mr. Taylor, Mr. Taylor was satisfied with explanation.

Sandra Boardwine appeared before the Commission with an application for Review of Property Assessment. Ms. Boardwine and Christy Holliday were sworn in. Ms. Boardwine presented comparisons of taxes from other homeowners in the area. Donald Hogan inform the Commission that the reason Ms. Broadwine property tax was higher was because of the tax class it was in. Eddie Young informed the Commission that this would be exonerated and informed the Commission and Ms. Braodwine that this want change the value of the property just the tax class.

The Board of Equalization and Review was adjourned at 10:35. The

Commission reconvened for regular county commission meeting.

Commissioner Carte informed he had received several complaints regarding the smoke in the stairwell and suggested closing building to smoking effective immediately. Ms. Holly to prepare memorandum.

Ms. Holly informed the Commission she had advertised for the Lease of Automatic Tabulator Equipment for the Primary and General Elections for 1998, informed the Commission she received only 1 bid from Election Systems and Software (formerly business Records Corporation) amount \$6,500. The Commission approved.

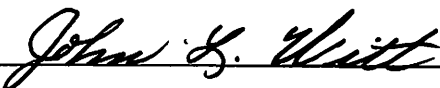
The Commissioners received and reviewed letter from Steptoe and Johnson regarding Jennifer Settle v. FC Civil Action #97-C-437.

The Commissioners received and reviewed Workers' Compensation updates.

The Commissioners approved to pay time and half for employees who worked overtime during the snowstorm.

Ms. Holly informed the Commission she received a grant application for Safe and Drug Free Communities, forwarded to Sheriff Larry Dotson.

The meeting was adjourned at 11:00. Next scheduled meeting is February 13, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 13, 1998
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 February, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Ms. Holly informed the Commission she received finalized material on the grant between Fayette County Commission and Minden Community Center. The Commission asked Ms. Holly to contact the Center and let them know that the funds are available.

Ms. Holly informed the Commission that contact has been made with various persons regarding the use of their facilities as polling places for the Primary Election. Commissioner Lopez to check with Mayor James Higgins regarding the polling place for the Montgomery precinct.

The Commissioners received and reviewed letter from Tom Aiello, Assessor regarding an error on last years assessment on three of Pennzoil's fee accounts; after further checking the Assessor's Office found another fee account that had not been linked for 1997; the Assessor's Office informed the Commission that Pennzoil Products Company will be back taxed in 1998 for 1997.

The Commissioners received and reviewed Survey from Monroe County Commission.

The Commissioners received and reviewed letter from Judge John Hatcher requesting the Commission to purchase a refrigerator and telephone for jurors use. The Commission approved.

Ms. Holly presented to the Commission State Tax Report for the

month of January for the Fayette County park.

The Commissioners received and reviewed letter from the West Virginia Cable Television Advisory Board informing that the transfer of Ripkin Communications partners, L. P. d/b/a Cablevision to Interlink Communication Partners, LLLP application is in compliance with their requirements.

The Commissioners received and reviewed transfer application for a cable television franchise from Master Telecable.

Ms. Holly informed the Commission that Steve Cruikshank Emergency Service Coordinator brought in a review of the status from the storm and the ongoing condition of the water.

The Commissioners received and reviewed letter sent to the staff of the Fayette County Office of Emergency Services from Steve Cruikshank expressing his pride and admiration of their performance during the blizzard of 1998.

Commissioner Witt suggested sending letter to everyone who participated during the storm. Commissioner Carte suggested sending letter to John Dragan.

Discussion was held regarding the increase in the Public Employees Insurance Agency (PEIA) premium (22%) and the Regional Jail increase (\$5.00 each inmate).

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 February.

The Commissioners informed they had received and reviewed resignation from Senator Shirley Love from the Planning and Zoning Commission.

Commissioner Lopez suggested replacing with Luther Toney. It was suggested to table until February 18th.

Outstanding bills and payroll were approved.

Ms. Holly presented overtime for approval. Commission approved overtime.

Commissioner Witt asked Tom Aiello, Assessor to give report on the status of the Deputies Retirement.

Ms. Holly asked the Commission if their were any particular projects they want to submit for the Legislature Digest. The Commissioners suggested: Elevator, sidewalks (cost estimate on total replacement and cost estimate on sharing the work), GIS mapping, propane generators for towers and courthouse.

The Commissioners received letters from Steve Thomas, Mayor of the Town of Gauley Bridge requesting funding for fiscal year 1998-99 for the Senior Center operation and repair-\$5,000; Gauneka Ruritans Falls View Community Center-\$10,000; and Little League Field-\$5,000. The Commission informed they would discuss during budget hearings in March.

The Commissioners received and reviewed Workers' Compensation Reports.

Since there were no Board of Equalization and Review of Property Assessment hearings scheduled, Commissioner Lopez made motion to adjourn. Commissioner Carte seconded. The meeting was adjourned at 11:09. Next scheduled meeting is February 18, 1998.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 18, 1998
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 18th day of February, 1998.

Commissioner Witt called meeting to order.

Commissioner Witt called Public Hearing to order, Ben Todaro, General Manager with Cablevision Communications appeared before the Commission requesting approval of transfer of control of Cable Television Franchise Agreement. Discussion was held. Commissioner Lopez made motion to approve transfer of control of Cable Television Franchise Agreement. Commissioner Carte seconded. All approved, vote passed 3-0. No one appeared for or against transfer.

Commissioner Witt asked Mr. Todaro to read the letter he submitted regarding the theft of cable services.

Commissioner Lopez informed the Commission that Tom Bowen has withdrawn his letter to resign as board member of the Armstrong Public Service District.

The Commissioners opened bids for the bathhouse at the Fayette County Park. Ms. Holly informed the Commission she received 3 bids-- Fayco Lumber and Supply Company (\$9,187.02), Means Lumber Company (\$7,787.91), and Raleigh Hardware Company (\$3,313.25).

The Commission suggested to Ms. Holly to have Earl Pauley, Park Superintendent compare purchasing plumbing material from Means Lumber to purchasing plumbing material from Raleigh Hardware.

The Commissioners approved to change regular meeting of March 25th to March 24th.

Commissioner Witt reminded the Commission that on March 23 the Planning Commission would hold meeting to discuss the U.S. Route 19 Plan.

The Commissioners signed letter to Master Telecable, Inc. acknowledging receipt of transfer application for a cable franchise and informed that the Commission will conduct a public hearing at 10:00 a.m. on Tuesday, March 24, 1998.

The Commission received and reviewed Amended Budget Statement from Thelma M. Kincaid, Circuit Clerk informing that Mary Ann Crist would be hired as a full time-part time employee with no benefits beginning February 17, 1998 through March 15, 1998 and that beginning March 15, 1998 through May 15, 1998 she will be paid out of the Election Expense Fund.

Ms. Holly informed the Commission that Falls View Armory and Glen Jean Bank building have been approved to be used as polling places for the upcoming Primary Election.

The Commission received and reviewed letter from Steptoe and Johnson regarding Civil Action #97-C-437, Jennifer Lynn Settle informing that Motion to Dismiss have been scheduled for Friday, April 10, 1998.

The Commission received letter from the Gauley River Public Service District recommending that Teddie Elliott be reappointed to serve on board. The Commission approved to reappoint Teddie Elliot to the Gauley River Public Service District. Order signed.

The Commissioners received and reviewed letter from Yvonne Synder, Extension Agent requesting matching funds for project. Ms. Holly suggested putting in budget material.

Ms. Holly informed the Commission that during the snowstorm the Mann Tower had fallen; talked with insurance agent and was informed that any claims filed due to the snowstorm will be combined to have one

deductible.

The Commissioners received and reviewed letter from the John Nuttall Estate, Trustee regarding the Route 19 Corridor Management Plan.

The Commission discussed checking to see if its feasible to get elevator, mapping 911, generators for towers through the Legislature Digest.

The regular meeting was adjourned. The Commission reconvened as Board of Equalization and Review of Property Assessment. Three hearings were scheduled, two called and withdraw their application this morning.

Commissioner Witt asked that Bill Keeney, Lynch Christian, and everyone from the State Tax Department be sworn in. The State Tax Department asked the Commission if they could have a few minutes to talk with the representatives of Imperial Colliery; upon return from discussion, the State Tax Department informed the Commission that there are some appraisements they would still have to check and informed they would rule whether or not amended appraisal have to be filed and they would let the Commission know by February 23rd.

Commissioner Carte moved to approve the recommendation of the State. Commissioner Lopez seconded. The Commission informed they will review and take under advisement and will make a decision prior to the end of the month.

The Board of Equalization and Review hearing was adjourned.

The Commission reconvened for regular Commission meeting.

The Commission asked Ms. Holly to write a letter to the West Virginia Regional Jail and Correctional Facility Authority protesting the per diem cost for the housing of prisoners in the Regional Jail.

The Commissioners received and reviewed letter from the Bank of Mount Hope regarding moderate income families in Raleigh and Fayette County.

The Commission approved an emergency purchase order for equipment for the Mann Mountain Tower.

The Commissioners received and reviewed fax regarding House Bill 4413.

The Commissioners received and reviewed Monongalia County Citizen's Handbook.

The meeting was adjourned at 12:12. Next scheduled meeting is February 23, 1998.



FAYETTE COUNTY COMMISSION
BOARD OF EQUALIZATION AND REVIEW
SPECIAL SESSION
FEBRUARY 23, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 23rd day of February, 1998 as Board of Equalization and Review.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

There were 3 hearings scheduled for Board of Equalization and Review, Eddie Young, Assessor's Office and Carl Harris, Assistant Prosecuting Attorney were present.

Charles Puckett, no show was scheduled for a continuance. Eddie Young informed the Commission that he felt they had worked everything out with Mr. Puckett and the assessed value and appraised value of the property would change.

Albert Nunley was sworn in. Mr. Nunley gave explanation on why he felt his property was assessed too high. Mr. Young informed the Commission that the property had been adjusted from \$62,000 to \$58,000 and that Steve Fox was reviewing the property this morning. Discussion was held; upon Mr. Fox return Mr. Young informed the Commission that per Mr. Fox his recommendation is to leave at \$58,000.00 The Commission informed Mr. Nunley they would take under advisement and let him know decision by the end of the month.

Commissioner Carte recommended lowering assessment. Commissioner Lopez informed the property had already been decreased from \$62,000 and recommended decreasing to \$57,000. Unanimous decision. All approved.

Attorney Mark Sadd, with New Tech Housing Services appeared before the Commission regarding Smithers, Limited, Smithers Elderly Limited,

Smithers II Limited Partnership, Ansted Limited Partnership, and Gauley Bridge Limited Partnership. Eddie Young from the Assessor's Office and Carl Harris, Assistant Prosecuting Attorney were present. Noel Richmond was sworn in and questioned. Mr. Sadd asked the Commission if they would consider the net income approach and presented to the Commission a copy of the tax payer's breakdown of each complex as Exhibit I. Mr. Sadd informed they would get information to the Assessor's Office so they could calculate by the next income approach.

The Commission informed they would take under advisement and get back with decision by the end of the month.

By unanimous decision that due to the lack of information need to calculate by the net income approach the Commission voted to deny New Tech Housing Services request.

The Commission adjourned as Board of Equalization and Review. The Commission reconvened for regular meeting.

Eddie Young with the Assessor Office presented letter from Tom Aiello, Assessor informing that petitions to the Fayette County Commission for Division and/or Consolidation of Real Estates for Assessment purposes for 1992 until the present time have not been entered in the Commission Order Book. The Commission approved to accept petitions. Ms. Holly asked Carl Harris, Assistant Prosecuting Attorney if each individual petition had to be typed. Carl suggested each petition should be indexed by property owner in Order Book and County Commission can approve with one blanket order by reference to petitions of property owners as attached and approved as requested by taxpayer and indicate on petition.

The Commission signed letters to Ron and Connie Taylor, Smithers Elderly Limited, Smithers Limited, Smithers II Limited Partnership, Gauley bridge Limited Partnership, and Ansted Limited Partnership

informing of their decision as Board of Equalization and Review for 1998 assessed valuations of their properties in question will not be changed.

The Commission signed letter to Albert K. Nunley, Inc. informing of their decision as Board of Equalization and Review for 1998 assessed valuation of the property in question will be--Assessed Value \$34,200, Appraised Value \$57,000.

The Commission signed letter to Charles E. Puckett informing of their decision as Board of Equalization and Review for 1998 Assessed valuation of the property in question will be--Assessed Value-Surf. 2.24 (1.79 acre residue) \$1,380, Appraised Value-\$2,300, Assessed Value-Surf 2.66--\$8,160, Appraised Value-\$13,600.

The Commissioners signed letter to Sandra Boardwine informing applicant the valuation of the property in question will not be changed, but the property has been changed to Class 33 by the Assessor's Office.

The Commissioners received letter from the Department of Tax and Revenue informing that William Kenney and Lynch Christian with Imperial Colliery Company and Eagle Land Company has withdrawn their application for Board of Equalization and Review for 1998.

New Land Leasing/Lightning, Inc. And Blazer Energy withdrew their application for Board of Equalization and Review for 1998 prior to hearing.

The Commission voted to change meeting of March 13th to March 11th, 1998.

The Commissioners received and reviewed Workers' Compensation correspondence.

The Commissioners received and reviewed letter from Attorney John Shumate regarding William C. Hamilton Workers' Compensation claim.

The Commissioners received and reviewed Audits for Fiscal Year ending June 30th from Gauley River Volunteer Fire Department, Pax

Volunteer Fire Department, Nuttall Volunteer Fire Department, Danese Volunteer Fire Department and Rescue Squad, Inc.

The Commissioners received and reviewed letter from ITT Specialty Risk Services, Inc. informing that the case of Kerrie Settle v. Fayette County Commission has been settled.

The Commissioners received and reviewed memo from Vivian Parson regarding House Bill 454 and Committee Sub. for Mandatory Trash Collection.

The Commissioners received and reviewed letter from the West Virginia Cable Television Advisory Board asking that the Commission provide them with a copy of the Notice for Public Hearing for transfer of Master TeleCable.

The Commissioners received and reviewed letter from the Public Service Commission informing that a decision would be rendered on or before August 18, 1998 regarding Case #98-0069-PSWD-PC, Fayette County Commission.

The Commissioners received and reviewed letter from the U. S. Bankruptcy Court regarding John Clifford and Yvonne Lynn Blankenship.

Ms. Holly informed the Commission that she gave Earl Pauley, Park Superintendent bids to review for the bathhouse at the Fayette County Park, Earl informed Ms. Holly that Raleigh Hardware would have the better plumbing for the bathhouse. Commissioner Carte moved to split the bid between Raleigh Hardware and Means Lumber Company. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commission that a representative came in Friday to check on place to install elevator at the Courthouse.

The Commissioners suggested to Ms. Holly to include improvements to the Memorial Building in the Legislature Digest.

Ms. Holly informed the Commission that she received a call from

Earl Pauley, Park Superintendent informing that several cars at the Park had less than \$500 worth of damage, want to know if the Commission would approve having repairs done at the garage. The Commission approved.

Ms. Holly asked the Commission how many estimates to get on the Assessor's Office jeep. The Commission asked Ms. Holly to get 3 estimates.

The Commissioners signed letter to General Major Allen Tackett informing him of a scheduled meeting with the Commission on Wednesday, March 11, 1998 at 10:30 a.m. regarding the transfer of the property located at Glen Jean.

The Commissioners signed letter to the Town of Gauley Bridge acknowledging receipt of their request for funding for Fiscal Year 1998-99.

The Commissioners signed approval of transfer of control of Cable Television Franchise Agreement order for Interlink Communications Partners, LLLLP.

The Commissioners received and reviewed letter from the Citizen's Advisory Board informing that the next scheduled meeting will be March 5 in the front lobby of the Southern Regional Juvenile Detention Center.

The Commissioners asked Thomas Aiello, Assessor to give update of Legislature Digest.

The meeting was adjourned at 12:15. Next scheduled meeting is February 25, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 25, 1998
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 25th day of February, 1998.

Commissioner Witt called meeting to order at 9:38.

The Commissioners signed letter to the West Virginia Regional Jail and Correctional Facility Authority and Board Members protesting the per diem for the housing of prisoners in the Regional Jail.

Exonerations were approved and signed.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney with request to get an Annual Maintenance Agreement on all their Dictaphone dictation/transcription equipment. Commissioner Carte moved to approve Paul's request. Commissioner Lopez seconded. All approved. Vote passed 3 - 0.

The Commissioners received and reviewed franchise fee quarterly check (Oct-Nov-Dec) from Helicon Group, L. P.

Outstanding bills and payroll were approved.

Ms. Holly presented to the Commission a copy of the month to date and year to date expenditures for the Fayette County Park. Ms. Holly informed the Commission that the maintenance/garage is \$9,032.29 in the red.

The Commissioners received and reviewed Workers' Compensation Report for the month of January, 1998.

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

year 1998.

Discussion was held regarding the Fayette County Memorial Building and the responsibility of the Board of Education.

The Commission received and reviewed letter from Governor Cecil Underwood approving the Local Law Enforcement Block Grant to the Commission for \$5,000.00. Copy forwarded to Sheriff Larry Dotson.

Ms. Holly informed the Commission that the Elected Official Budget request are due on March 2nd. Ms. Holly asked the Commission if they want to schedule the afternoon of March 4th at 1:00 p.m. for Budget hearing. The Commission approved. Letters signed.

Discussion was held regarding the Boomer ballfield. The Commissioners asked Ms. Holly to get figures from Eddie Young for bathhouse. It was suggested by Commissioner Lopez to include this in the Legislature Digest.

Ms. Holly informed the Commission that Coleman Company is to get back with her regarding the sidewalks.

Attorney Ralph Young for the City of Oak Hill appeared before the Commission with petition for annexation by minor boundary adjustment of 129.55 acres, situate in Plateau and New Haven Districts, Fayette County, West Virginia.

Commissioner Carte moved that said Petition does not constitute a minor boundary adjustment and order said Petition be rejected. Commissioner Carte informed that the following factors were considered in making his decision (area not contiguous to The City of Oak Hill and would result in a truly outrageous geographical result, ability to provide services to the area, which presently serviced for water, fire, mail, address, school, and telephone prefix by another neighboring municipality (the Town of Fayetteville), adverse impact on prospective annexation plans of the Town of Fayetteville, prior consideration in

1990 by the Commission of the petition of the Town of Fayetteville to annex the exact same portion of U.S. 19 as the instant petition requests, and that the petition represents a shoestring annexation contrary to the public policy applied by the Commission previously in rejecting shoestring annexation of highways (Petition of City of Mount Hope, 1997).

Commissioner Witt seconded. Commissioner Lopez abstained. Vote passed 2 - 1.

Attorney Young informed the Commission that these merits should be heard at a public hearing after the petition is filed.

Tom Oxley, City Manager for the City of Oak Hill request that he be scheduled for a hearing with the Commission at their next meeting. Meeting scheduled for March 4 at 10:45 a.m.

Gary Harding, Zoning Officer presented to the Commission for a disposition:

Z-448-98-2: Request of Round Eight Corporation, owner, by Lee Ann Navicki, for a change in land classification from P-D, Planned Development District, to B-3, Highway Business District, on approximately 46 acres located at the Glen Jean intersection along U. S. Route 19, Plateau District.

The Commissioners were informed by Gary that the Planning Commission did on Monday by a vote of 9 to 2 recommend that this request be approved to be changed to a B-3 classification. After a brief discussion a motion was made by Commissioner Carte that this be approved as recommended by the Planning Commission. Commissioner Lopez seconded motion. Vote passed 3 - 0.

The Commission was notified that Z-449-98-1 had been withdrawn by the applicant.

Z-450-98-1: Request of Lost Paddle, Inc., owner, by Class VI River

Runners, Inc., occupant, for a change in land classification from R-R Agricultural and Rural Residence to B-2, General Business District, on 4 tracts totaling 9.117 acres near Ames Heights located on Route 60/5, New Haven District.

The Commissioners were informed by Gary that this request to add additional property to an existing project was recommended by the Planning Commission by a vote of 11 - 0. Commissioner Carte made a motion that this be approved as recommended by the Planning Commission. Commissioner Lopez seconded. Vote passed 3 - 0.

Tim Richardson appeared before the Commission to inform them that the Fire Departments are checking into the legality of their department billing for fire suppression. Mr. Richardson informed they had sent material over to the Prosecuting Attorney Office for their opinion. Mr. Richardson informed the Commission that he just wanted the Commission to be aware that the department is exploring the ideal. The Commissioners advised Mr. Richardson to refer to the Firemen's Association and bring back to the Commission.

Evelyn O'Dell with Retired Senior Volunteer Program (RSVP) appeared before the Commission to request funds for the Fiscal Year 1998-99. The Commission informed Ms. O'Dell they would consider her request during the budget session.

Ms. Holly informed the Commission she received letter requesting that the Sheriff be appointed Administrator of an Estate. Ms. Holly informed the Commission that a copy has been forwarded to the Sheriff's Office but that she had not talked with the Sheriff regarding the matter. The Commission asked Ms. Holly to hold until she talked with Sheriff Larry Dotson.

Attorney F. Winston Polly appeared before the Commission with Petitions for Appointment of the Sheriff as Committee for Tommy Leon

Johnson, incarcerated prisoner and William Bragg, Jr., incarcerated prisoners.

Commissioners Carte made motion that the Sheriff be appointed Committee for Tommy L. Johnson and William Bragg, Jr., Commissioner Witt seconded. Vote passed 2 - 0.

Earl Pauley, Park Superintendent appeared before the Commission to present a list of the returning summer help and the new hires for the summer. The Commissioners approved.

The Commissioners approved Earl Pauley's request to purchase brochures for the Park, Mr. Pauley informed the Commission that he received 3 bids and Plateau Printing was the lowest, amount \$250.00.

The Commissioners approved Earl Pauley's request to purchase a lift and tire balancer for the garage. Mr. Pauley informed cost for the lift would be \$3,459.00 with 10% off.

Attorney F. Winston Polly appeared before the Commission with Joseph Ritchie and Dorothy Ritchie with Petition to close unused road, street, travel way. Commissioner Lopez made motion to abandon alley. Commissioner Carte seconded. All approved. Vote passed 3 - 0.

Attorney John Shumate appeared before the Commission with petition regarding annexation by minor boundary adjustment of 128.39 acre tract, situate on the waters of Sun Branch, Plateau District. No opposition

Commissioner Carte made motion to approve minor boundary adjustment of 128.39 acre tract for the City of Mount Hope. Commissioner Lopez seconded. All approved. Vote passed 3 - 0.

The Commissioners received and reviewed letter from Wallace Plum informing the Commission that the State and Department of Natural Resources are dumping toxic chemicals into the New Rive every year.

The meeting was adjourned at 11:53. Next scheduled meeting is March 4, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 7, 1998
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 January, 1998.

Commissioner Witt called meeting to order.

Commissioner Gene Carte, Jr. made motion to elect Commissioner John L. Witt as President and Commissioner John H. Lopez as Purchasing Agent and Deborah A. Berry designated Assistant Purchasing Agent for the year 1998; Commissioner John H. Lopez seconded; unanimous. The Commissioners signed Organization Order.

Commissioner Gene Carte, Jr. made motion that Commissioner John H. Lopez be a representative on the Planning and Zoning Commission.

Commissioner Witt suggested to the Commissioners to postpone consideration of a proposed U.S. Route 19 land use plan until March 23 to allow time to discuss problem of the plan.

Commissioner Witt made motion to put off consideration of proposed U. S. Route 19 land use plan until March 23. Commissioner Carte seconded. All approved.

Tom Oxley, City Manager for the City of Oak Hill was present and informed the Commission that the City Council had voted Tuesday to oppose plan.

The Commissioners agreed to call a series of meetings with various parties involved to try to work out differences.

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

January 28, 1998	Wednesday	1:30 p.m.
February 2, 1998	Monday	10:00 a.m.
February 4, 1998	Wednesday	1:30 p.m.
February 9, 1998	Monday	10:00 a.m.
February 13, 1998	Friday	10:00 a.m.
February 18, 1998	Wednesday	10:00 a.m. (mineral hearings)
February 23, 1998	Monday	10:00 a.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 hearings.

Ms. Holly informed the Commission that a Community Partnership grant award have been given to the Fayette County Commission for the Minden Community Meeting Center. Ms. Holly informed the Commission that contract and a formal resolution accepting the conditions of the contract and authorizing the president to sign was enclosed.

On a motion by Commissioner Carte and seconded by Commissioner Lopez the County Commission approve and authorize the adaption of the resolution. Resolution and agreement signed.

Ms. Holly informed the Commission that she had talked with them in May regarding number of voters in the precincts. Ms. Holly informed the Commission that Precinct 12 have 961 voters and asked if they fell that before the Primary Election that it would go over the allowed amount of 1,000 voters before the Primary Election. Discussion was held, the Commissioners asked Kelvin Holliday, County Clerk his opinion. Mr. Holliday informed the Commission he does not feel that Precinct 12 will go over 1,000 voters prior to the Primary Election.

The Commissioners informed their would be no change in any of the precincts.

Discussion was held regarding Polling Places for Glen Jean and Falls View Precincts. Commissioner Witt asked if county would be able

to use Falls View Elementary School for Primary Election. Commissioner Lopez informed he would check. Commissioner Carte suggested staying with the Falls View Armory.

The Commission agreed to use the Bank Building at Glen Jean for the Primary Election.

Commissioner Carte made motion to reappoint John Parrish to the White Oak Public Service District. Commissioner Witt seconded. All approved. Order signed.

W. D. Smith, Executive Director, Region 4 Planning and Development Council and Dave Pollard, Community Resource Coordinator appeared before the Commission informing the Commission they needed to take preliminary steps to consolidate four public services districts (Beckwith, Salem-Gatewood, Mossy Public Service District into New Haven Public Service District). Mr. Pollard informed the Commission they need to make a motion and prepare orders and set a date for a public hearing to expand the New Haven Public Service District and the merger of the Beckwith Public Service District and the Mossy Public Service District into the New Haven Public Service District.

Commissioner Carte made motion to have public hearing for merger of Salem-Gate Public Service District, Mossy Public Service District, Beckwith Public Service District and New Haven Public Service District. Commissioner Lopez seconded. All approved. Hearing is scheduled for 9:30 a.m., February 2, 1998.

Ms. Holly informed the Commission that the Court Security work has been completed, agreement signed.

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

Exonerations were approved and signed.

Attorney Paul Clay presented to the Commissioners an affidavit of lost certificate of sale from Robert Ellison. The Commissioners signed order.

The Commissioners signed letter authorizing to have sleeping rooms, meals, room guarantees and parking fees charged to the Fayette County Commission while Thomas Aiello, Assessor, Paul Blake, Prosecuting Attorney, John L. Witt, Commissioner, and Kelvin Holliday, County Clerk are attending the 1998 Annual West Virginia Association of Counties meeting at the Marriott Hotel, February 8th through February 10th.

Gary Harding, Zoning Officer presented to the Commission the following cases for a disposition:

Z-447-98-1: Request of Linda M. Lancianese, owner, by John L. Lancianese, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-3, Highway Business District, on Lot 7, Block 7, Armstrong Creek, located on 61/24, Valley District.

The Commission was informed by the Gary that the Planning Commission did by a vote of 11 to 0 recommend that this be approved to allow the construction of 35' x 80' storage building. After a brief 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 vote of 3 - 0.

Z-431-97-1: Request of Nancy R. Roles, owner, for a change in land classification from L-C, Land Conservation District to B-1, Neighborhood Business District, on .14/acre, near court House, located at 115 Hressan Boulevard near Fayetteville, New Haven District.

The Commission was informed by Gary that the Planning Commission did by a vote of 11 to 3 recommend that this request to locate a used car lot with an auto detail shop in a B-1 commercial area be approved. After a brief discussion a motion was made by Commissioner Carte that

this be approved as recommended by the Planning Commission. Motion was seconded by Commissioner Lopez and carried by a vote of 3 - 0.

Ms. Holly informed the Commissioners she received list of vehicles and equipment stored at the Fayette County Park that can be auctioned. The Commissioners asked Ms. Holly to get a list of equipment form Bob Massey, Maintenance Supervisor for auction.

The Commissioners received and reviewed insurance check from ITT Specialty Risk Services, Inc. for wrecked 1991 Ford Ltd Crown Victoria. Ms. Holly informed the Commission that car was totaled.

Ms. Holly reported to the Commission that conversion of the switchboard has been completed and that she have not received any complaints.

The Commissioners received and reviewed letter from Sheriff Larry Dotson advising that as of January 1, 1998 Nancy Massie will be employed with the Fayette County Sheriff's Department as a full time employee. Ms. Massie will be paid from the Tax Department Fund at an annual salary of \$14,820.00, \$1,235.00 a month.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed letter from Workers' Compensation regarding the premium rates for the County.

Ms. Holly informed the Commission they had approved purchase of 2 cruisers for the Sheriff Department but was informed by Chief Deputy Everette Steele that the cost for anti-lock brakes was overlooked and the additional cost t install anti-lock brakes is \$690.00 each. The Commission approved.

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

Ms. Holly informed the Commission that there is a possibility we

would be having a Special Election. The Board of Education will hold meeting Monday to discuss and they would get back with us.

The Commissioners received and reviewed letter from the Bank of Mount Hope requesting that a notice be sent to Wachovia Bank, Investment Services informing them that FHLB Floating Rates Notes, Cusip #313389AG3 is no longer pledged to the Commission.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent a list of material needed for a new shelter. Commissioner Witt asked Ms. Holly to hold until next meeting.

The Commissioners received and reviewed the 1997 Report on employees sick/vacation from Bob Massey, Maintenance and Kelvin Holliday, County Clerk.

The Commissioners received and reviewed letter from Ann Berry.

The Commissioners received and reviewed Quarterly Report from the Boomer Volunteer Fire Department.

The Commissioners received and reviewed letter form Mountain Transit Authority requesting funding for next fiscal year 1998-99.

Ms. Holly informed the Commission she received a revised Resolution from Steptoe and Johnson regarding the bond issue of Plateau Medical Center. Commissioner Witt informed Dave Pollard, had taken care of.

Senators Shirley Love, Randy Schoonover, Leonard Anderson, Delegates William Laird and John Pino presented insurance policy surcharge allotments to five Fayette County Fire Departments--Smithers Volunteer Fire Department, City of Oak Hill Fire Department, City of Montgomery Fire Department, Town of Ansted Fire Department and Town of Pax Fire Department.

Commissioners Lopez asked the Senators and Delegates if they would introduce to the legislators a head tax on whitewater rafter to fund

infrastructure and tourism promotion projects in Fayette, Nicholas, Raleigh Counties. Commissioner Lopez read resolution. Commissioner Lopez informed the Senators and Delegates that in the past discussions it had been suggested to charge \$1 or \$2.

The Senators and Delegates took the suggestion to tax whitewater rafters under advisement.

Senator Anderson suggested to the Commission to make it clear as to what the money would be used for.

Commissioner Witt asked the legislators if they would provide funding for State Police who direct the traffic during Bridge Day.

The Commissioners gave the approval for Dave Pollard, Community Resource Coordinator to work up presentation for the Internet.

The Commissioners approved for Kelvin Holliday, County Clerk to hire part-time worker to help with NCO mailing. Mr. Holliday informed the Commission it would only be for 40 to 80 hours of work. The Commission approved.

The Commissioners received and reviewed second request from the City of Mount Hope for reimbursement of the Policy Dog.

Ms. Holly informed the Commission she had talked with Sheriff Larry Dotson and he informed her that Mount Hope knows that the Commission does not want to purchase dog. The Commission asked Ms. Holly to write letter to the City of Mount Hope.

The Commission approved to purchase for the Sheriff's Office a cellular phone for transporter car.

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

The Commissioners received and reviewed correspondence regarding the Libertarian Party from the Secretary of States Office.

The Commissioners received and reviewed summons/complaint regarding auto accident (Casey Vickers). Ms. Holly informed the Commission that copy of complaint has been forwarded to the insurance company.

The Commissioners received and reviewed check in the amount of \$30,426.14 for the Emergency Telephone System for the month of November.

Commissioner Witt informed the Commission and Ms. Holly that the radiators have been taken care of.

The Commissioners received and reviewed letter from Mary Sears.

The Commissioners received notice from David Neal, E-911 Coordinator informing that in conjunction with the Meadow Bridge Post Office they have assigned road names and location address numbers in the Backus Mountain Road and Rural Routes 1 and 2 areas.

The Commissioners received notice from David Neal, E-911 Coordinator informing that Forrest Bragg, Debra Ferrell, Charles Kees and William Watts have satisfied the probationary requirements of the Fayette County-E-911 Center and ask that the Commission make changes to their payroll and position held. The Commission approved.

The Commission received and reviewed letter from Kelvin Holliday, County Clerk informing he would be attending the 1998 Annual West Virginia Association of Counties meeting being held February 8-10th.

The Commissioners received and reviewed letter from TW Fanch-one Company asking for an opinion regarding if the Commission believes that the franchise fee should increase based upon the court ruling or our franchise agreement. Ms. Holly informed the Commission she forwarded to the Prosecuting Attorney's Office.

The Commissioners received and reviewed letter from the Corps of Engineers informing that annual inspection of the Paint Creek Flood Protection Project at Pax was completed on September 25, 1997.

Earl Pauley, Park Superintendent appeared before the Commission with request to build bathhouse. Ms. Holly suggested to the Commission that the money left over from grant should be used for priority project at the Courthouse then what's left over build the bathhouse.

Commissioner Lopez suggested getting started on bathhouse. The Commission approved to start bathhouse asked Ms. Holly to advertise.

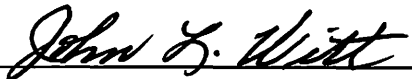
Commissioner Witt informed the Commission that travel vouchers from the Assessor's Office are not acceptable. Commissioner Lopez suggested having Tom Aiello, Assessor to come in and discuss.

The Commissioners received and reviewed letter from the Consolidated Public Retirement Board informing that Earnest K. Lester have been granted disability retirement benefits.

The Commissioners received and reviewed letter from John David, Director, Southern Appalachian Labor School asking the Commission to send a letter of support to AmeriCorps to be included in their proposal to continue the housing rehabilitation/weatherization program for another year.

The Commissioners received and reviewed correspondence from the West Virginia Department of Transportation informing they are seeking applications for funding under the Federal Highway Administrator's Federal Fiscal Year 1998 Transportation Enhancement Program. Ms. Holly informed she forwarded information to Dave Pollard, Community Resource Coordinator.

The meeting was adjourned. Next scheduled meeting is January 15, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 15, 1998
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 15th day of January, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Payroll and outstanding bills were approved.

Dianne Dyke from the Assessor's Office appeared before the Commission to ask if they would give her approval to back tax 3 mineral accounts. Ms. Dyke presented letter from the Department of Tax and Revenue. The Commission approved.

Ms. Holly informed the Commission she received reimbursement check from Court Security Grant, amount \$34,325.00.

The Commissioners received letter from Judge John Hatcher questioning why the Sheriff's Department had no knowledge of how to operate the two portable walk through metal detectors.

Ms. Holly informed the Commission that January 26 a representative would be here to appropriately train for the metal detectors.

The Commissioners received and reviewed memorandum from Dave Pollard regarding the Lochgelly Interchange.

The Commission signed letter to Attorney John Shumate regarding the City of Mount Hope police Dog.

The Commission signed letter to the Department of Transportation requesting they investigate and upgrade the road along Clay Street (off Gatewood) with gravel.

The Commissioners received and reviewed a copy of the Assessor's Projected PVC budget.

The Commissioners signed letters to the Elected Officials and Department Heads requesting that each office prior to March 2, 1998 submit to the Commission a detailed request for appropriations for anticipated or expected expenditures for its respective office, including the compensation for its assistants, deputies and employees for the ensuing fiscal year 1998-1999.

Sheriff Larry Dotson appeared before the Commission with letter to request that the Sheriff Department raise the fee for copies of reports from the current \$5.00 per copy to \$10.00 per copy. Commissioner Carte made motion to increase service charge fee for reports. Commissioner Lopez seconded.

The Commissioners signed appreciation letter to Thomas Aiello, Assessor and Larry Dotson, Sheriff for extending their assistance in providing the Commission use in recent months their staff members to provide temporary relief at the switchboard.

The Commissioners approved part-time employee for the Circuit Clerk's Office to help with the election, part-time to start March 15.

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

The Commissioners signed letter to Cable Equities of the Virginias, LTD informing they received transfer application and subject to receipt of their \$250 application fee by the County, transfer application will be accepted for filing a public hearing of the transfer application is Wednesday, February 18, 1998 at 9:30 a.m.

The Commissioner signed letters to Summers County, Nicholas County, Raleigh County and Preston County asking them to endorse the whitewater fee and ask that they contact their local legislators and ask for their support of this much needed financial assistance to counties.

Ms. Holly informed the Commission that the first Board of Equalization and Review hearing is scheduled for Wednesday, January 28, 1998 at 1:30 p.m.

The Commissioners received and reviewed letter from the Circuit Clerk Office giving a complete accounting of the Vacation and Sick days for her employees from January 1, 1997 to December 31, 1997.

The Commissioner received and reviewed a copy of the completed Financial Status Report for COPS Grant for the period of October 1, 1997 through December 31, 1997.

The Commissioners received and reviewed minutes of the Salem-Gatewood Public Service District meeting.

Sheriff Larry Dotson appeared before the Commission to inform the Commission that on March 4, 1998 Civil Service test will be given and after receiving and reviewing test scores he would hire 2 new deputies.

Sheriff Dotson presented letter to the Commission requesting \$6,000 additional dollars for overtime expenses. Commissioner Carte moved to supplement Sheriff Budget for transporting of prisoners. Commissioner Witt seconded. Vote passed 2 - 0.

Earl Pauley, Park Superintendent appeared before the Commission. Mr. Pauley recommended to the Commission to putting 2" water lines at the Fayette County Park, informing the Commission cost for water lines and material would be approximate \$2,500.00 Commissioner Carte moved to approve 2" water lines and material. Commissioner Lopez seconded. Ms. Holly asked the Commission if this could be included in the grant.

The Commissioners approved bathhouse plans.

The Commissioners approved 2 part-time employees for Park (Harry Philpott and Cindy Bennett).

Commissioner Witt suggest working with the Planning Commission and the municipalities to come up with a workable document to support the U.

S. Route 19 planning process before the next public hearing which is scheduled for March 23, 1998. Commissioner Witt asked that workshop be scheduled for January 26 at 3:00 p.m. and suggested that Dave Pollard Community Resource Coordinator prepare letter.

Kelvin Holliday, County Clerk presented to the Commission quotes for Election kits from Casto and Harris and Dayton Legal Blank. The Commission approved lower bid (Casto and Harris).

The Commissioners received and reviewed copy of letter from Lee Massey to Kurt Shingledecker asking the he or his insurance company (Gerelli Insurance Agency, Inc.) reimburse the Fayette County Health Department \$641.91 for the cost of repairing the damage done to building by his run-a-way car.

The Commissioners received and reviewed letter and photos from Hilda Smith regarding cleaning up property in Beard Fork.

Ms. Holly informed the Commission that she have not receive a list of old equipment from Bob Massey, Maintenance Supervisor.

The Commissioners signed order for the expansion of the New Haven Public Service District and the merger of the Beckwith Public Service District and the Mossy Public Service District into the New haven Public Service District to be known as "New Haven Public Service District".

Ms. Holly informed the Commission that Salem-Gatewood Public Service District would not be included in this order; Public hearing is scheduled for February 4, 1998 at 10:30 a.m. Ms. Holly informed the Commission that Amy Swan, Public Service Commission suggested posting order at the 2 locations.

The Commission signed letter to Freda Cincinnati regarding her request for payment for unused vacation days for calendar year 1997.

The Commission received and reviewed Workers' Compensation updates.

The Commissioners received and reviewed letter from the Department of Tax and Revenue informing that Deborah McCallister has been promoted to the position of Tax and Revenue Manager in charge of their Assessment Standards/User Services Sections in the Property Tax Division.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Frederick Shawnee Carter, Civil Action No. 5:96-0436.

The meeting was adjourned at 11:40. Next scheduled meeting is January 28, 1998.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 8, 1998
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 July, 1998.

Exonerations were approved and signed.

The Commission approved the recommendations of the Fayette County Planning Commission to reappoint Guy Dooley, Lee Massey, Sherman Bobbit and David Perry for an additional three year term to the Fayette County Planning Commission.

The Commission was advised by Kelvin Holliday, County Clerk that Roy Young has been removed from the Fayette County Voters' Registration records following the elapse of a 30-day notice to said voter regarding his challenged ballot.

Commissioner Witt made motion that immediate steps be implemented to remove Roy Young as a member of the Kanawha Falls Public Service District and the Fayette County Board of Zoning Appeals.

The Commissioners received and reviewed notice from the Board of Zoning Appeals informing that on January 1, 1999, Fred Waugh's term on the Board of Zoning Appeals will expire and Mr. Waugh has asked that he not be reappointed to serve.

Commissioner Lopez informed the Commission he had received several complaints regarding the use of county vehicles. Commissioner Lopez questioned about the Health Department vehicles on our insurance coverage. Ms. Holly gave explanation on how this came about. Commissioner Lopez asked Ms. Holly to check into.

The Commissioners received notice from the Fayette County Libraries informing that Connie Robertson, board member, has resigned

and recommend that Melba Carter fill Mrs. Robertson unexpired term.

Commissioner Lopez made motion to accept the recommendation of the Fayette County Libraries and appoint Melba Carter to fill the unexpired term of Connie Robertson. Commissioner Carte seconded. All approved.

Commissioner Lopez made motion that a letter be sent to Senators John Rockefeller, Robert Byrd, Congressmen Bob Wise, Alan Mollohan, Nick Rahall and Kenneth S. Apfel, Commissioner, Social Security Administration to object to the closing of the Social Security Office located in Montgomery, Fayette County. Commissioner Carte seconded. Unanimous. Ms. Holly informed the Commission that Delegate William Laird would be faxing a Resolution regarding this matter. Letters and resolution signed.

Tom Aiello, Assessor appeared before the Commission to ask the Commission if they could use a 1991 Ford Tempo. Mr. Aiello informed the Commission that he had talked with Earl Pauley, Park Superintendent, regarding the condition of the car; Mr. Pauley estimated the approximate cost would be over \$1,000. Discussion was held, Mr. Aiello informed the Commission that Mr. Pauley is not to do anything with the car until he get back with him.

Ms. Holly informed the Commissioners she received in today's mail a notice from Mossy Public Service District dated May 26, 1998 asking that Mark Aliff be reappointed to serve as a member. Discussion was held the Commission asked to hold off on appointment until Ms. Holly talk with Roma Lively.

The Commissioners signed order notifying the Executive Committee of the democrat and republican parties of the number of nomination for each party which may be made for poll clerk, election commissioners, alternate and emergency absentee ballot commissioners for the General Election.

The Commissioners signed Fire Levy Protection Agreements for Nutall Volunteer Fire Department and Mount Hope Fire Department for July 1, 1998 to June 30, 1998.

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

The Commissioners signed order and letter designating incorporated banking institution in the County of Fayette as depository of public monies for the United National Bank.

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 July, 1998.

The Commissioners received/reviewed and signed letter from Wachovia at the request an direction of One Valley Bank informing they have agreed to hold certain securities in escrow, and subject to the Commissioner's order that securities are not to be released without written authority from the Commission.

Commissioner Carte informed the Commissioners that the Board of Education will run their Excess Levy with the General Election in November.

The Commissioners signed minutes of the Planning Commission meeting held before the County Commission on June 24, 1998.

The Commissioners approved and signed five (5) request to combine or divide and segregate land as submitted by the Assessor's Office.

The commissioners received and reviewed 4th quarter Financial Report from the Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed letter from One Valley Bank confirming they are holding the securities as collateral to secure the counties deposits with Fayette County National Bank and One Valley Bank of Oak Hill.

The Commissioners received and reviewed three (3) written complaints of property that need to be cleaned up.

The Commissioners approved for Charlotte Holly or a representative if Ms. Holly would be unable to attend a one-day training program on Program Accessibility under the ADA.

The Commissioners received and reviewed Workers' Compensation Reports.

Discussion was held regarding the Demolition Ordinance.

Joe Myers asked the Commissioners about Larry Parsons situation. The Commissioners informed Mr. Myers that the County could not pay Larry the salary he's making. The Commissioners informed they would have to get with Larry Johnson, Chairman of the Fayette County Solid Waste Authority to discuss matter.

The commissioners approved to pay premium for the West Virginia Prosecuting Attorney's Institute, amount \$4,200.00.

The Commissioners received and reviewed from the West Virginia Cable Television Advisory Board the procedure for certification to regulate rates for cable television basic services. The Commissioners approved to proceed with application to regulate rates.

The Commissioners received and reviewed summary regarding the Minden Community Meeting Center, Inc.

The commissioners received and reviewed letter form the Public Service Commission informing that a check in the amount of \$7,898.91 will be disbursed for the Wireless E-911 Fees collected for the months of January, February and March, 1998.

The Commissioners received and reviewed letter from Deputy Garland E. Burke requesting that his retirement benefits be transferred to the new Retirement Plan for the Deputy Sheriff's. The Commissioners asked that a letter be sent to the Retirement Board and Payroll Office.

Letter signed.

The Commissioners received and reviewed notice of change of address for the Southern Soil Conservation District.

Ms. Holly reminded the Commission of the July 20th 3:00 p.m. hearing before Judge John Hatcher regarding the Deputy Sheriff's law suit.

The Commissioners received and reviewed Certificate of Liability Insurance from Rifkin Acquisition Partners, LLLP.

Ms. Holly reminded the Commission of the annual County Commissioners meeting being held in Huntington on August 2 - 4, 1998.

The Commissioners received and reviewed check in the amount of \$29,906.45 for the Emergency Telephone System Fee for the month of May, 1998.

Harold Bragg asked about the calls that are made to the 911 Center but they don't have street addresses. Ms. Holly informed the Commission that she had included the street address cost in the letter to the Legislative Digest.

Ms. Holly informed the Commission she received a copy of the Property Tax upgrade for the computer system in the Assessor's Office.

The Commissioners received and reviewed comments and concerns from the National Park Services and the Division of Highways regarding pedestrians jumping form the bridge across the New River at Fayette Station. The Commissioners had no response.

The Commissioners received and reviewed letter from the West Virginia University Extension Service informing that one agent would be staffed in every county.

The Commissioners received and reviewed letter from the United States Post Office informing they are proceeding with the new modular Main Post Office in Lansing.

Ms. Holly informed the Commission she received check from the Division of Tourism for \$50,000.00. Ms. Holly informed the Commission she was told that this money had to be used for tourism can not be used to repair or replace anything at the Memorial Building.

Ms. Holly informed the Commission she was told the Commission would need a letter of clarification getting authority from Senator Shirley Love to amend the agreement. Commissioner Lopez suggested having Senator Love to come in on July 15th to discuss.

The Commissioners received and reviewed letter from T. C. Monk, Chief Magistrate informing that the walls in the main lobby of the Courthouse Annex have become damaged due to the benches that are place against the wall. The Commissioners recommended putting skid/bumpers on bottom benches. Ms. Holly to check with Bob Massey, Maintenance Supervisor.

The Commissioners received and reviewed anonymous complaint regarding county owned vehicles.

The Commissioners received and reviewed thank-you letter from the New River Convention and Visitors Bureau for allowing them to hold the Captain Thurmond's Challenge and festival on the courthouse lawn.

Ms. Holly asked Commissioner Witt if he had talked with the Board of Education regarding the laptop computer for the Extension Office. Commissioner Witt informed the Board do not give out laptop computers but he would talk with them again.

The Commissioners received and reviewed letter from the Department of Tax and Revenue regarding House Bill 2415 Deputy Sheriff's Retirement Fund.

Ms. Holly informed the Commissioners she is planning on taking vacation August 10-14, 1998.

Ms. Holly informed the Commissioners that Coleman Construction

will start work on sidewalks within the next few days.

The Commissioners signed agreement to take Lacy's and Laurabell Smith lights for the Fayette County Park.

The Commissioners received and reviewed check and invoice for the cost of a pump for pool at the Fayette County Park.

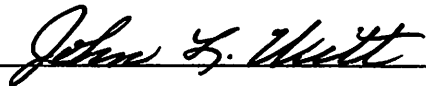
The Commissioners discussed complaint from Paul McClung regarding the Summers County 911 Center.

The Commissioners received and reviewed Application for Employment from Karen Michelle Byers.

The Commissioners received and reviewed complaint regarding Larry Parsons and work crew taking tires to Tom Louisos dump.

The Commissioners received and reviewed letter from the West Virginia Division of Culture and History with proposed Annual Work Program for its 1998-99 Historic Preservation Program informing it is available for public review and comment.

The meeting was adjourned at 11:45. Next scheduled meeting is July 15, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 15, 1998
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, 1998.

Commissioner Witt called meeting to order at 9:45.

Exonerations were approved and signed.

Attorney Gordon Billheimer appeared before the Commission to discuss problems and to discuss appointments to the Kanawha Falls Public Service District.

Outstanding bills and payroll were approved.

Ms. Holly informed the Commissioners she had prepared contributions checks to the different agencies for the fiscal year 1998-99. The Commissioners approved to release.

The Commissioners approved and signed three (3) request to combine or divide and segregate land as submitted by the Assessor's Office.

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

Ms. Holly reminded the Commission of the hearing on July 20th at 3:00 p.m. in Judge John W. Hatcher's Courtroom regarding reinstating the law suit by Robert C. Godsey, Jr. et al.

The Commissioners signed Fire Levy Fire Protection Agreement for Ansted Certified Fire Department, Town of Fayetteville, Pax Volunteer Fire Department, Armstrong Creek Volunteer Fire Department, Loup Creek Volunteer Fire Department, Montgomery Volunteer Fire Department and Gauley River Volunteer Fire Department for fiscal year 1998-99.

The Commissioners signed order appointing Melba Carter to the Fayette County Library Board of Directors to fill the unexpired term of

Connie Robertson.

The Commissioners signed orders reappointing Larry G. Dotson, Sheriff and March Tucker members of the Fayette County Emergency Advisory Board.

The Commissioners signed orders reappointing Guy Dooley, Lee Massey, Sherman Bobbit and David Perry members of the Fayette County Planning Commission.

Discussion was held regarding the appointment of Gary Davis to replace Fred Waugh on the Board of Zoning Appeals. Ms. Holly informed the Commission that Mr. Waugh's term is not up until January, 1999.

Commissioner Carte made motion to send a letter to Roy Young regarding his removal as a member of the Board of Zoning Appeals and to appoint Gary Davis to fill Mr. Young's unexpired term. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding Larry Parsons salary. The Commissioners informed they had discussed paying \$1,600.00 a month, but no decision have been made.

Ms. Holly informed the Commission she received a call from Central Appalachian Empowerment Zone requesting that the Commission sign Resolution and letter informing they support their decision to apply for the Empowerment Zone Round II funding.

Commissioner Lopez moved to sign Resolution and letter. Commissioner Carte seconded. All approved.

Fred Jesser, attorney, appeared before the Commission with complaint regarding the upkeep of the deeds and trust deed books in the County Clerk Office. Mr. Jesser suggested to the Commission that a committee be named to investigate ways in which to improve the upkeep on the public records. Mr. Jesser informed the Commission he would try to prepare a report.

Commissioner Carte moved to appoint Phil Tissue, Judy Hess, Fred Jesser, Kelvin Holliay to investigate the public records. Commissioner Lopez seconded.

Commissioner Carte made motion that subject to the approval of the State Tax Department that Budget Revisions for the General County Fund and the Coal Severance Fund for Fiscal Year 1998-99 be approved. Commissioner Lopez seconded.

Carl Harris, Assistant Prosecuting Attorney, appeared before the Commission to present draft of the Dilapidated Ordinance. Mr. Harris asked about any changes. The Commission questioned about the engineer. Mr. Harris informed the Commission he would put definition of engineer to include someone from the Fayette County Solid Waste Authority to assist. Commissioner Lopez made motion to adopt Dilapidated Ordinance with definition of engineer be someone from the Fayette County Solid Waste Authority to assist. Commissioner Carte seconded. All approved.

Ms. Holly informed the Commissioners that William Kettlewell from the Division of Labor stopped by to inform her of violations at the Fayette County Park.

Discussion was held regarding the 911 address system. Commissioner Lopez suggested meeting July 20th at 2:00 p.m. with the Advisory Board, David Neal and S. Cruikshank to discuss.

The Commissioners approved to hire part-time employer to help with the General Election in the Circuit Clerk's Office.

Ms. Holly informed the Commission she received and deposited check from the Division of Tourism for \$50,000.00. Ms. Holly informed the Commission she need revised agreement before anything can be down with the money.

The Commissioners received and reviewed letter from Attorney Phil Tissue, Fiduciary Commissioner regarding the Estate of Mildred Lesher.

Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed letter from the Board of Education regarding election bine held in November.

The Commissioners received/reviewed and approved recommendation of David Neal, E-911 Coordinator to change Robert S. Massey from Part-time Communications Specialist to Full-Time effective July 16, 1998 replacing Charles P. Kees.

The Commissioners received and reviewed request of \$15,000.00 from the Upper Kanawha Valley for West Virginia Housing Fund.

The Commissioners received and reviewed minutes from the Salem-Gatewood Public Service District and Gauley River Public Service District.

The Commissioners approved to release contributions to the Minden Community Center to repair roof.

The Commissioners received and reviewed letter from the Consolidated Public Retirement Board regarding Statewide uniform Fees Generated by Sheriff's Office to the West Virginia Deputy Sheriff's Retirement System.

The Commissioners authorized Ms. Holly to proceed with the upgrade for the year 2000 and approved to go to the maximum upgrade for \$6,865.00.

The Commissioners received and reviewed letter from the West Virginia Land Trust requesting the Commission to become a member. The Commissioners voted no.

The Commissioners received and reviewed letter from the West Virginia Unemployment Compensation Division with a copy of the West Virginia Unemployment Compensation Benefit Rate Table which will apply to new claims with a benefit year beginning within the one-year period of July 5, 1998 through July 3, 1999.

The Commissioners received and reviewed letter from the Vision Service Plan informing that Colleen A. Honey is the new Service Representative for the group insurance.

The Commissioners received and reviewed letter from King, Allen, Guthrie and McHugh regarding William R. Laird, IV, Sheriff v. Michael Scott McCormick law suit.

The meeting was adjourned at 11:25 a.m. The next scheduled meeting is July 29, 1998.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
JULY 20, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840

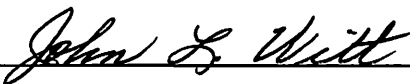
MEMBERS Present: John L. Witt, John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in special session on the 20th day of July, 1998 with Steve Cruikshank, OES Coordinator, David Neal, E-911 Coordinator and members of the E-911 Advisory Board to discuss the \$1.48 911 service fee, the financial situation, salary for the 911 employees for fiscal year 1998-99 and the need for implementing the street addressing.

The Commission agreed to treat the pay issue separately pending the information received from David Neal and Steve Cruikshank, applicable to current 911 employees only.

The Commissioners and all parties involved agreed to the crucial need for implementing the street addressing and agreed this was the priority project and to get this project on the move.

The meeting was adjourned. Next scheduled meeting is July 29, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 29, 1998
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 July, 1998

Commissioner Witt called meeting to order at 9:38.

Exonerations were approved and signed.

Ms. Holly presented to the Commission the Financial Statement for fiscal year 1997-98. The Commissioners approved by a vote of 2-0 to approve Financial Statement for publication.

Fred Jesser appeared before the Commission to give an update of the Committee's plan regarding the upkeep of the record books. Mr. Jesser informed the Commission he had received letter from Mill Chambers offering his assistance.

The Commissioners approved to pay \$20,000.00 a year salary plus benefits for Larry B. Parsons, Commission to reimburse Fayette County Solid Waste Authority.

Discussion was held regarding getting an engineer to oversee the Dilapidated Ordinance. Commissioner Carte suggested asking Bill Caudill or Joe Tuholsky.

The Commissioners signed letter to Roy Young advising that effective immediately he has been removed as a member of the Fayette County Board of Zoning Appeals based on residency (See attached Section 1503 of the Zoning Ordinance).

The Commissioners signed order appointing Gary Davis to serve the unexpired term of Roy Young as a member of the Fayette County Board of Zoning Appeals.

The Commissioners signed letter to the Division of Environmental Protection informing they support endorsing the efforts of the Monongalia County Commission opposing mountaintop removal of coal as an appropriate method of strip mining.

The Commissioners signed letter to the West Virginia Development Office requesting their approval to sell or lease 5.960 acres Harlem Heights Park to the City of Oak Hill.

The Commissioners signed Fire Levy Pump Replacement Agreement from Nuttall Volunteer Fire Department for fiscal year July 1, 1998 to June 30, 1999.

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

Commissioner Carte made motion to approve and authorize the adoption of Resolution to designate 4-C Economic Development Authority Fayette County's leading economic development. Commissioner Lopez seconded. Unanimous.

The Commissioner approved and signed several request to combine or divide and segregate land as submitted by the Assessor's Office.

The Commissioner approved request from the Circuit Clerk's Office to purchase time clock, amount \$513.00.

Ms. Holly reminded the Commission of the County Commission Training Session being held in Huntington, August 2 - 4.

The Commissioners received and reviewed a list of "Subscribers Refusing to Pay the Emergency Telephone System Fee" for the month of April, 1998.

The Commissioners received and reviewed a check in the amount of \$29,859.92 for the Emergency Telephone System Fee for the month of June, 1998.

The Commissioners received and reviewed a check in the amount of \$7,898.91 representing the first disbursement of Wireless #-911 subscribers fees for the 1st quarter (January, February, March), 1998).

Ms. Holly informed the Commission she had talked with the Department of Motor Vehicles regarding the various agency with county plates. Ms. Holly informed the Commission she was told that if any agency that has Fayette County in its title automatically is issued county plates.

Commissioner Witt made a motion to mark all county vehicles operating under County Commission (Fayette County Park) and suggested recommending to the other agencies (Fayette County Health Department) that they do the same.

Commissioner Carte recommended that all county vehicles be marked but to exempt the Sheriff's vehicle. Unanimous.

Commissioner Witt requested that any ambulances that are not using county vehicles should return the county plates.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received a letter from King, Allen, Guthrie and McHugh stating what Ms. Holly had reported to the Commission earlier regarding the McCormick law suit settlement.

The Commissioners received and reviewed franchise fee from the Helicon Group, LP, amount \$5,646.57 for the period April 1, 1998 to June 30, 1998.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Jennifer Settle v. Fayette County, Civil Action #97-C-437 law suit.

The Commissioners received and reviewed memorandum from the Consolidated Public Retirement board regarding accepting contributions

into the Deputy Sheriff's Retirement System prior to July.

The Commissioners approved request from Judge John W. Hatcher to install cable from his secretary's desk to the County's IBM AS400 which process the software for the Circuit Clerk's Office. The Commission asked Ms. Holly to prepare a letter to inform Judge Hatcher that all material costs of the twinax cable (\$.045) per ft. And the connectors (\$15 each) shall be reimbursed to the County by the Supreme Court's Administrative Office.

The Commissioners received and reviewed letter of thanks from the Fayette County Emergency Food Assistance Center for their contribution for fiscal year 1998-99.

Ms. Holly informed the Commission that the benches in the Magistrate Court Lobby has been taken care of by Bob Massey, Maintenance Supervisor.

The commissioners received and reviewed letters from Senator Robert C. Byrd and Congressman Nick J. Rahall regarding the closure of the Social Security Office in Montgomery.

The Commissioners received and reviewed Certificate to Operate incinerator for July 1, 1998 to June 30, 1999.

Ms. Holly informed the Commission she have not heard anything on the Demolition Order from Carl Harris, Assistant Prosecuting Attorney.

The Commissioners received and reviewed Agreement regarding the Lacy's Lights.

The Commissioners asked to table letter received from Upper Kanawha Valley Chamber of Commerce.

Ms. Holly informed the Commission she received a letter from the West Virginia Development Office requesting information concerning the scope of work to be accomplished regarding funds to Fayette County Commission (\$94,000), Fayette County Commission-Boomer Field (\$10,000),

Fayette County Commission-Sheriff's Department (\$10,000), and Fayette County Commission-Emergency Food Center (\$10,000) from the Legislative Digest.

Outstanding bills and payroll were approved.

Gary Harding, Zoning Officer, presented to the Commission for a disposition:

Z-458-98-1: Request of Paul Lansat, contract owner, for a change in land classification from R-R, Agricultural and Rural Residence to B-2, General Commercial on 2000 acres, Price heirs property located off of Route 19 behind Sun Mountain project near Mount Hope, Plateau District.

Mr. Harding informed the Commission that the Planning Commission did meet on this Monday and that there was a motion to approve this request with the vote being 4 for the motion and 4 against the motion with one member abstaining because of a possible conflict of interest.

Mr. Perry explained the reasoning for the additional zoning to move the amphitheater from the original site so that there would be less conflict with the sound. Mr. Perry went on to inform the Commission that an RV park was proposed on the site of the original amphitheater along with a driving range and that Mr. Lansat had an option on an additional 400 acres to build an 18 hole golf course with a housing development.

Dan Massey from the West Virginia Development Office spoke in support of this proposal stating what it could mean to tourism in this area.

After a general discussion a motion was med by Commissioner Lopez that this request be approved. Motion was seconded by Commissioner Carte and passed by a vote of 3 - 0.

Carolyn Jones, Minden Community Association appeared before the Commission to present pictures of dilapidated housing in the area and

asked for assistance with cleaning up in the Community. The Commissioners approved to contribute \$600.00 for project. Commissioner Lopez suggested sending letter to the Division of Highways to ask for assistance with the clean up project. Commissioner Witt asked Ms. Jones to give a report on where the money is spent.

Russell Dearing, Chairman, Gauley River Public Service District appeared before the Commission with request for funding regarding Bridge Fork Extension of a 2,800 ft. Waterline to five residents in the area. The Commissioners informed they would take under advisement and get back with him.

Jay Hannah with the Natural Resources Conservation Services and MSES Consultants Committee for the Fayette County Water Resource appeared before the Commission to give an update on what the Committee feel should have alternative water supplies (See attached for the Water Resource Plan).

Ruth Copley appeared before the Commission to complaint regarding West Virginia American Water has refused to include her an six other families water in the Beckwith area.

Dave Pollard, Community Resource Coordinator explained to Ms. Copley the reason they wasn't included.

Commissioner Carte informed the Commission of Carolyn Trent water project in the Mossey area.

The Commissioners signed petition of Denny R. Large and Ruth Marie Large to abandon an unnamed and unused street; hearing has been scheduled before the Commission on August 26, 1998 at 10:45 a.m.

Ms. Holly informed the Commission she received an addendum to the lease from Matt Edwards for the Family Law Master rent increase. Ms. Holly informed the Commission she had faxed a copy of lease to Penny Crandall, Director, Family Law Masters to review, Ms. Crandall informed

Ms. Holly that a new lease would have to prepared.

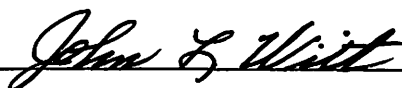
Ms. Holly informed the Commission that she had received 2 motions to have the Sheriff appointed Committee. Ms. Holly asked Sheriff Dotson if he had received the motion he informed yes and he would accept appointment.

Ms. Holly informed the Commission that Steve Cruikshank, Emergency Services Coordinator had send proposed rate increase for the 911 employees for their review.

The Commissioners asked Ms. Holly to inform Bob Massey, Maintenance Supervisor that any electrical classes he would like to attend let the Commission know.

The Commissioners received and reviewed letter from Thomas C. Knight, Assistant Vice President with the Bank of New York advising the Commission of his transfer to another area of the Corporate Trust Department.

The meeting was adjourned at 12:14. Next scheduled meeting is August 5, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 3, 1998
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 June, 1998.

Commissioner Witt called meeting to order at 9:40.

Exonerations were approved and signed.

The Commissioners received and signed oath and certificates for personal and real property Land Books from the Assessor's Office.

The Commissioners received and reviewed Kelvin Holliday, County Clerk request to open the ballot room to provide one ballot can for the City of Slithers election. Ms. Holly informed the Commission that some spare ballot cans are in storage in the jail.

The Commissioners signed minutes of Zoning Hearing held on Wednesday, May 27, 1998.

Ms. Holly informed the Commissioners she received request from Bob Massey, Supervisor/Maintenance to purchase air conditioner for Circuit Clerk's Office and to purchase 2 vacuum cleaners. The Commissioners approved air conditioner and approved the purchase of 2 vacuum cleaners with the understanding they purchase commercial.

Commissioner Witt read letter from Steve Cruikshank, OES Director regarding the collection of E-911 fees from persons who have refused to pay. Discussion was held, the Commission asked that it be referred to the Prosecuting Attorney's Office to get their advise and opinion.

The Commissioners received and reviewed the Agreement of Understanding dated May 29, 1998 between the Fayette County Office of Emergency Services E-911 Center and the Plateau Amateur Radio Association for the purpose of establishing and maintaining an amateur

radio repeater transmission site located at the "Valley Tower Site" near Smithers.

The Commissioners received and reviewed letter from David Neal, E-911 Coordinator with recommendation to rehire George C. Campbell and James E. Koone as Part-time Communications Specialists; recommending they began employment under a 30 day probationary period at the current full-time probationary pay rate of \$5.85 per hour and at the end of the 30 day probationary period the hourly rate is to be adjusted to the regular full-time rate (which would include the rate increase effective July 1, 1998). Mr. Neal requested that this recommendation specifically apply to Mr. Campbell and Mr. Koone and may not necessarily be extended to other former employees or individuals. The Commission approved recommendations.

The Commissioners approved purchase of chlorine pump for pool at the Fayette County Park, cost \$739.00.

Ms. Holly asked Commissioner Witt if he would inquire about the Deputy Sheriff's Retirement Program at the West Virginia Association of Counties meeting. Ms. Holly informed the Commission she needed to provide material to the Deputies before July 1st.

The Commissioners signed letter to the Fayetteville Historic Landmark Commission Convention and Visitors Bureau, Inc. approving their request to use the grounds of the Fayette County Courthouse on July 3-4 for the Fayetteville Heritage Festival with the condition that no vehicles and no amplification are permitted on Courthouse lawn; the request to have the Courthouse open September 4-5 for the Battle of Fayetteville Civil War Re-enactment was taken under advisement.

James Blankenship appeared before the Commission to suggest to the Commission that the new flag pole that's being installed should have a planter around it. Commissioner informed if had no problem with that,

will talk with Coleman Construction regarding matter. The Commission approved flag stone be put around flag pole.

The Commissioners signed letters to the West Virginia Development Office requesting that extensions of the contract period for Community Partnership Grant #98-203 for the Courthouse Improvement and Fayette County Park Improvements and Community Partnership Grant #98-284 for the Minden Community Building Restoration.

Commissioner Witt read letter from Arbuckle Public Service District requesting emergency funds for electrical upgrades at lift stations.

Senator Shirley Love informed the Commission that Arbuckle Public Service District is requesting emergency funds through the Governor's Office and asked if the Commission would appropriate a local matching fund.

The Commissioners approved to appropriate an amount up to \$5,000.00 as local matching funds to support Arbuckle Public Service District request to the Governor's Office. The Commission asked Ms. Holly to inform Arbuckle Public Service District that this appropriation from the County is contingent upon their request of other funding.

The Commissioners received and reviewed letter from Armstrong Public Service District recommending that Judson Wallace be reappointed as Commissioner of Armstrong Public Service District.

The Commissioners signed order reappointing Judson Wallace as Commissioner on the Armstrong Public Service District.

The Commissioners received and reviewed letter from the Fayette County Board of Health recommending that Jack Tamplin be reappointed to serve on Board.

The Commissioners signed order reappointing Jack Tamplin to the Fayette County Board of Health.

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

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

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed letter from the Workers' Compensation Division regarding Fiscal Year 1999 Rate Notification.

The Commissioners received and reviewed letter from Steptoe and Johnson informing Civil Action #5:96-043 Frederick S. Carter was dismissed.

The Commissioners received and reviewed a check in the amount of \$29,822.22 for the Emergency Telephone System Fee for the month of April, 1998.

Ms. Holly informed the Commissioners that the hotel/motel occupancy taxes quarterly checks had been prepared.

The Commissioners received and reviewed expenditures for the Fayette County Park and the garage for the month of May.

The Commissioners received and reviewed letter from CableVision informing they will be adding a new Country music video network July 4, 1998. Discussion was held regarding the Governor's vetoing Cable Advisory Board bill.

Ms. Holly informed the Commissioners she had talked with Jim Lively Insurance regarding renewal application. Ms. Holly informed the Commission that Mr. Lively had suggested that the County increase property value by 3%. The Commission approved.

Outstanding bills were approved.

Senator Shirley Love appeared before the Commission to discuss a

Public Port Authority in Fayette County. Senator Love informed the Commission that this project would create jobs for Fayette County. Senator Love introduced Tom Johnson and asked him to give a general view of the project.

Mr. Johnson informed the Commission the Commission that a 30 acre tract known as Longacre Bottom in Smithers would be an ideal location for such a facility. Mr. Johnson informed the Commission that Public Port Authorities are formed for a variety of reasons, usually including but not limited to the enhancement of Intermodal transportation access as an import component of the overall economic development strategy. Mr. Johnson informed the Commission the port would create a number of jobs and would be a tremendous asset. Mr. Johnson presented to the Commission a preliminary plan of the possible site.

Senator Love and Mr. Johnson asked the Commission to appoint a Port Authority Committee, this Committee would develop detailed strategies and plans to accomplish both short term and long term goals; the short term goals of Port Longacre planning Committee would parallel those outlined in the West Virginia Public Port Authority (WVPPA) 1991 annual report but specific they would include, seeking federal funds, as well as others for port research and development and conducting economic/engineering feasibility studies. The Port Committee would initiate various meetings with the public, private and political subdivisions. Commissioner Carte moved to form and appoint a Fayette County Port Authority Committee and suggested that Senator Shirley Love, Tom Johnson, Dave Pollard and Judy Radford be appointed. Commissioner Lopez seconded. All approved.

The Commissioners approved for Charlotte Holly to attend two (2) Workers' Compensation seminars.

The Commissioners received and reviewed Annual Reports from Paul

Blake, Prosecuting Attorney and Kelvin Holliday, County Clerk for the period beginning June 1, 1997 through May 30, 1998.

The Commissioners approved overtime from Kelvin Holliday, County Clerk for Linda Johnson.

The Commissioners received and reviewed amended Policy from the Fayette Humane Society regarding 911 Center calling the Humane Society employees at home after hours regarding dog complaints.

Ms. Holly informed the Commissioners that Ms. Abbot had called her this morning regarding contribution check.

Ms. Holly asked the Commission if they would approve paying 4th quarter insurance payment for the Fayette County Solid Waste Authority balance in their account, and informed the Commission the cash on hand expenses are equal.

The Commissioners approved Website for the Fayette County Park, cost \$100.00.

The Commissioners approved to release check for invoice from Plateau Printing and Office Supplies for office identification and direction signs.

The Commissioners received and reviewed a copy of a letter from Ford Motor Company informing that a no-charge Service Program #98B19 to owners of certain 1995-97 Crown Victoria.

The meeting was adjourned at 11:58. Next scheduled meeting is June 15, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 15, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 15th day of June, 1998.

Exonerations were approved and signed.

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

The Commissioners signed order transferring \$100,000.00 from the Fayette County General Fund to the Fayette County Building and Improvement Fund.

The Commissioners signed order transferring \$17,492.96 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 \$95,519.74 from the Fayette County General School Fund to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by Magistrate.

The Commissioners signed order pursuant to statute and Revised Rule 19 of the Administrative Rules for West Virginia Magistrate Courts to transfer the sum of \$48,041.81 for fiscal year 1997-98 from Magistrate Court Fund to the Fayette County General Fund.

Payroll for June 15 and outstanding bills were approved.

The Commissioners signed order, increasing that the fee charged by the Sheriff of Fayette County, effective July 1, 1998 to \$20.00 for each traffic accident report, criminal investigation report, incident report and property report, and ordering that \$10.00 of said charges be

deposited by the Sheriff into the Deputy Sheriff's Retirement Fund.

The Commissioners signed order creating that a special revenue fund be entitled Deputy Sheriff Retirement Fund and that only those funds collected from certain dedicated fees or proceeds from investments of funds be deposited in said fund and that the County Clerk and Sheriff of Fayette County take whatever action necessary and proper to perfect this order.

The Commissioners received and reviewed the 1997 Financial Audit for the Southern West Virginia Convention and Visitors Bureau.

The Commissioners received and reviewed invitation from Yvonne Harper, Extension Agent inviting the Commission to attend the 4-H Camp VIP dinner being held Thursday, June 18, 1998 at the Fayette County Park Dining Hall.

The Commissioners received and reviewed letters from the Secretary of State with information regarding any questions about the 1998 General Election Ballot and the 1998 General Election Calendars.

The Commissioners received and reviewed Application for Employment from Vanessa Lea Browning.

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

The Commissioners received and reviewed letter from Attorney Travers Harrington, Jr. informing that the Public Service Commission grants the consolidation of the requested areas into the New Haven Public Service District.

The Commissioners received and reviewed letter from Steptoe and Johnson informing that Frederick Shawnee Carter has filed a Notice of Appeal to the Fourth Circuit Court.

The Commissioners received and reviewed letter from Mary Lou Schmidt, Extension Agent informing the Commission that the Extension

Office has scheduled camping programs at the Fayette County Park for June 15-19, 1998 and request that the facility be inspected before the camping season begins.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed Summary Report to Shareholders from the American Electric Power Company.

The Commissioners received and reviewed Water Bacteriological Report for the Fayette County Park from the Fayette County Health Department.

The Commissioners received and reviewed check in the amount of \$475.64 from Master Telecable, Inc. for franchise fee.

The Commissioners received and reviewed check in the amount of \$33,716.18 from the Secretary of State's Office to reimburse the County for the Statewide Special Election.

The Commissioners received and reviewed petition from Earl D. Gray for consolidation of Real Estate from the Assessor's Office.

The Commissioners signed and filed negative Report of Unclaimed Property to the State Treasurer's Office.

The Commissioners received and reviewed memorandum from the County Commission Association of West Virginia with updates regarding the Infrastructure Bond Money, Ordinance Language for the removal of abandoned structures as required in Senate Bill 228 and notice to Deputy Sheriffs summarizing the new Deputy Sheriffs' Retirement Program as required by House Bill 2415.

Earl Pauley, Park Superintendent, informed the Commission that the Fireworks display that was scheduled to be held during the Fayette County Fair will not be held this year.

Ms. Holly informed the Commission that the quarterly allotment had

been made to the Fayette County Solid Waste Authority for the West Virginia State Board of Risk and Insurance Management 4th quarter insurance premium.

The Commissioners received and reviewed letter from William G. Humphrey regarding an error in classification on his real estate tax tickets. Ms. Holly informed the Commissioners she had forwarded copy of letter to the Assessor's Office and the Assessor recommended that the Taxpayer receive credit in the amount of \$1,040.99 for Tax years 1993, 1994, 1995, 1996, and 1997. Approved.

Lee Massey appeared before the Commission regarding smoking in the employees' lounge in the Courthouse. Bob Massey was requested by the Commission to install an exhaust fan in the lounge.

The June 30 payroll for full-time employees was approved.

The Commission hired April Belcher and Dana Jones as part-time workers for the County Commission to be paid \$5.50 per hour and including a paid hour for lunch.

Deanna Saxton appeared before the Commission and thanked them for their support of the DARE program, and she presented a DARE T-shirt and cap to each Commissioner.

The Commissioners discussed the Fayette County E-911 fees and the recent increase of said fee in Putnam County from 50¢ to \$1.50.

The Commission approved the release of the \$5,000 check as requested by the Arbuckle Public Service District for emergency sewer repair.

Earl Pauley, Park Superintendent, appeared before the Commission and requested approval to purchase lightning detectors for the pool (\$110) and to purchase 100 T-shirts at \$6 each for Park employees. Approved.


Earl Pauley advised the Commission that the Park would receive a

30/70 split of money collected at the gate for "Bull Mania" and that posters for the event would be placed in business locations.

Earl Pauley advised the Commission that the pool would be open to the public from 11:00 a.m. til 6:00 p.m. and that swimming lessons would be held from 6:00 p.m. til 7:00 p.m. beginning June 22, 1998.

Earl Pauley requested permission to purchase Caller ID for the Park due to numerous hang ups or prank calls. Approved.

The meeting was adjourned. Next scheduled meeting is June 24, 1998.



To The Fayette County Commissioners,

Public Port Authorities are formed for a variety of reasons, usually including but not limited to, the enhancement of Intermodal transportation access as an important component of the overall economic development strategy in a state, county or local jurisdiction for new jobs.

Port Longacre would work to promote economic development of Fayette County and the region by expanding the volume of West Virginia trade with both foreign and domestic markets as well as reducing the cost of transportation.

It is important to note that the promotion and enhancement of transportation infrastructure and facilities mentioned in the WVPPA mission statement is in the context of promoting "economic development". There is a great difference between having a mission to move goods and commodities versus a mission to enhance state economic development.

The short term goals of Port Longacre planning committee would parallel those outlined in the WVPPA 1991 annual report but specific to this presentation they would include, seeking federal funds, as well as others for port research and development, and conducting economic/engineering feasibility studies.

The Port planning committee would develop detailed strategies and plans to accomplish both short term and long term goals which in part would flow from the previously mentioned paragraph. We would as well initiate various meetings with public, private and political subdivisions.

We would explore further new opportunities such as foreign trade zones, export trading company issues regarding timber resources as a major priority. Inland container facilities for the facilitation of rail/Intermodal freight movements, and other opportunities which will develop as we draw jobs in relation to developing world markets.

Sectors of the Fayette County economy which would receive direct short term benefit from lower transportation costs brought about by river access would include, natural resources (NON COAL) such as timber as well as manufacturing, processing and warehousing. I feel that tourism is also a viable commodity as well.

This committee, if appointed, would be a highly interactive group of public interest and industry representatives concerned with transportation and the transition needed to embrace the shifting global economic conditions taking place in America and around the globe today. At the request of Senator Love I prepared a pre - feasibility study to bridge the areas abundant transportation modes of river, five railroads and multiple highways in what is called a Intermodal port considered for the Longacre Bottom.

Gentleman, history is marked by great divides which tend to be unspectacular and hardly noticed when first crossed. But,....once traversed, the social and political landscape changes significantly and swiftly. In appointing a port planning committee Fayette County and Southern West Virginia will have crossed such a divide ,.. one that will transform the economic culture as profoundly as did the industrial revolution or the coal boom. This process is designed to deliver, up-to-date information to the public and others interested in the process and decision making issues.

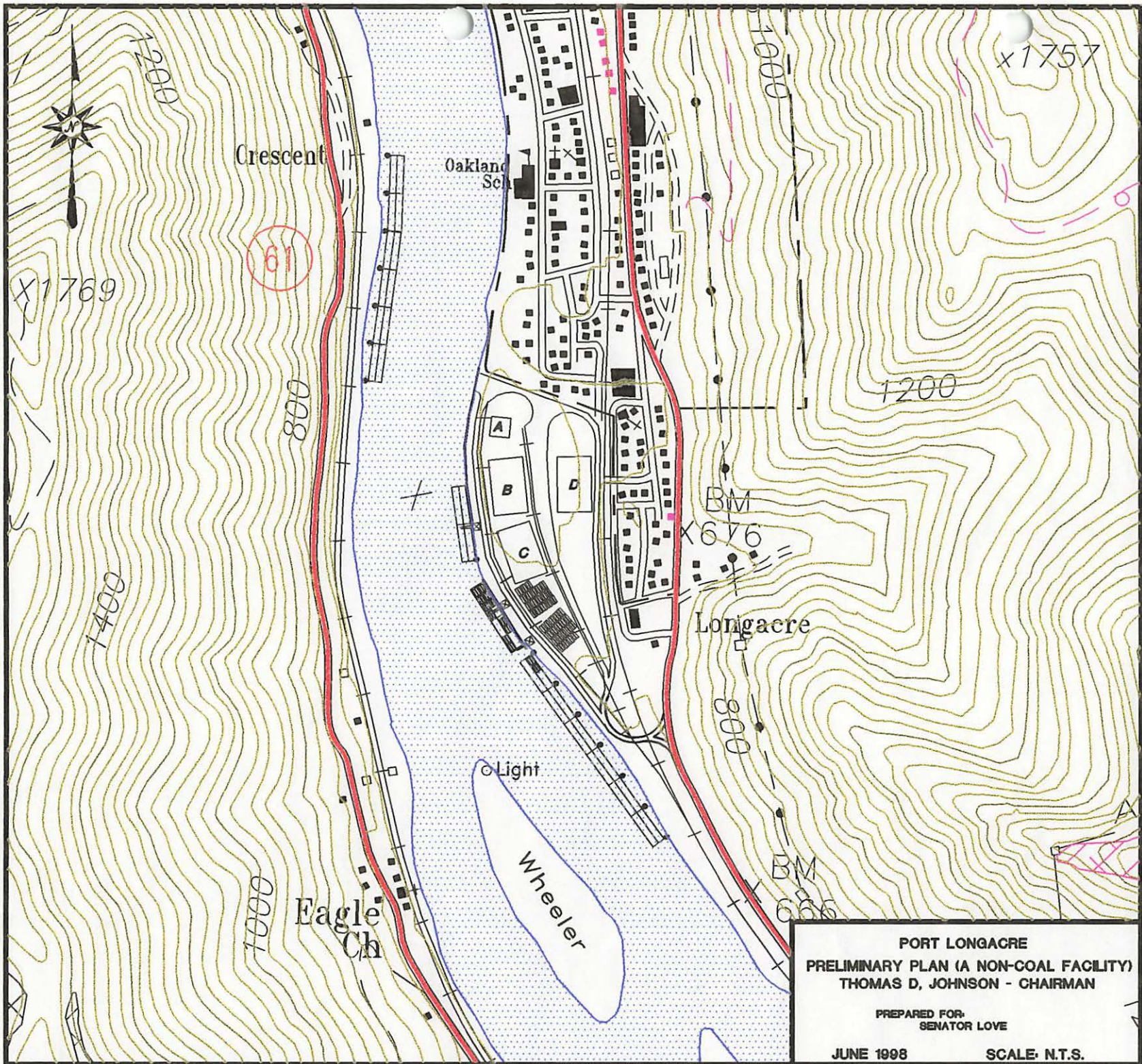
Rather than the capitol investments that built the smokestack factories of yesteryear and the raw materials that fed them, in this new era, today, knowledge combined with Intermodal transportation is the core of the global concept and has become the true capitol and would be the premier wealth- producing resources for Fayette County and Southern West Virginia.

The exchange of information and information - related products now occurs in a global and increasingly fragmented marketplace, defined less by geography and requires we place transportation and technology as our top priorities. Networks of computers have turned the world into something akin to global village. This new world economic reality will be the focus of this grass roots process and further feasibility study.

The purpose of the feasibility study is to analyze the design parameters and address the issues of integration of a Intermodal port into all aspects of regional transportation, land use and economic development.

It has been a major goal of mine to develop a concept which will provide for integration of transportation and joint developments of river, rail and highway to complement the regions industries either existing or start-up along with aspects of tourism as a major functional design of the facility. Special attention should be devoted to maintain the cultural character and standards of living in the Smithers area. This project must be a "good fit" and support local and regional needs and satisfy local concerns. This is what Thomas Jefferson meant when he discussed true democracy.

This concludes a general over view of the process and now I would like to share with you a preliminary plan of possible site configurations.



SCALE 1:50,000

REVISED 1968

ДЛЯ ЦЕЛЕЙ ВОЕНА - ОБЩЕГО
ИСПОЛЬЗОВАНИЯ
И НЕОБЩЕГО
ИСПОЛЬЗОВАНИЯ



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 24, 1998
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 June, 1998.

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

Exonerations were approved and signed.

Commissioner Witt asked that clean-up letter be sent to property owners in Glen Jean, pictured submitted to the Commission by Harold Bragg.

Discussion was held regarding the removal of the old house owned by the Division of Highways. Commissioner Lopez informed the Commission that the Division of Highways is asking the City of Oak Hill if they would lease property from the Commission to put house on. Commissioner Witt asked Ms. holly to check for any conflicts since the property they are referring to is under a Recreational grant. Commissioner Lopez suggested getting in touch with Mike Cobb after Ms. Holly check regarding leasing of the property. The Commissioner asked Tom Oxley, City Manager of Oak Hill about the councils plan. Mr. Oxley informed the Commission that he had not presented the proposal of Mike Cobb to the Council.

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, 1998 (Fayette County National Bank, Bank of Mount Hope, Inc. And One Valley Bank of Oak Hill). Letters signed.

The Commissioners signed order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County

National Bank, does hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

The Commissioners approved June 15, 1998 minutes.

The Commissioners signed order to William and Joan Humphrey subject to the approval of the Assessor, the Petitioner be afforded tax relief for tax years, 1993, 1994, 1995, 1996, and 1997 in the total amount of \$1,040.99 in the form of a credit against taxes owing for the following years or years with said tax relief being spread over the year or years until the debt is paid.

The Commissioners approved to reimburse Tom Johnson, \$131.00 for the Port Longacre Local Port Plan.

The Commissioners approved and signed request to combine or divide and segregate land as submitted by the Assessor's Office.

The Commissioners signed letter of support of the plan by the Southern Appalachian Labor School (SALS) to develop a low-income housing project in Page.

The Commissioners received and reviewed Workers' Compensation Report.

The Commissioners received and reviewed Dog Warden Report for the month of May. Ms. Holly informed the Commission that Bert Horrocks, Dog warden will be on vacation next week.

Attorney Pat Hamilton and City Manager Tom Oxley, City of Oak Hill presented to the Commissioners four (4) final petitions for annexation; 1) Annexation by minor boundary adjustment of Lots 177, 178, 179, 180, 181, 182, 221, 222, 223, 224, 225 and 226 of the revised Belvoir Addition and a portion of Butler Street, situate in Plateau District, Fayette County; 2) Annexation by minor boundary adjustment of real

property owned by Thomas E. Law and Kathryn L. Law, situate in Plateau District, Fayette County; 3) Annexation by minor boundary adjustment of Lots 112, 113, 114, 115, 116, 87, 88, 89 of the Highlawn Addition to the City of Oak Hill, part of High Street, part of Edgewood Avenue, part of Glendale Avenue and all of Orchard Street, situate in Plateau District, Fayette County; 4) Annexation by minor boundary adjustment of Lots 1 and 2, owned by Mary E. Hubacher, and a 20' portion of Lot 12, owned by Robert K. Sarver, of Belvoir Addition; a portion of Parrish Street; and a portion of Terry Avenue, situate in Plateau District, Fayette County. Commissioner Lopez made motion to approve final annexation of the four (4) petitions but to delete Lots 113 and 114 owned by the Sears. Commissioner Carte seconded. All approved.

Ms. Holly informed the Commission she received notice that a hearing has been scheduled for July 20th at 3:00 p.m. before Judge John Hatcher regarding the Motion for Reinstatement Civil Action #95-C-0194 Robert C. Godsey, Jr., et al v. Larry Dotson, Sheriff et al. Ms. Holly informed the Commission that the Prosecuting Attorney is requesting the Commission to attend.

Ms. Holly informed the Commission that the check to Arbuckle Public Service District has been prepared and the Commission if it was okay to release. The Commissioner approved to release check.

Ms. Holly informed the Commission that the Fayette County Domestic Violence want to know if the Commission had available 2 rooms they could rent was told that there was a vacant office on the 1st floor. The Commissioners suggested to Ms. Holly to show them the 2 rooms below the Voters Registration Office, rent would be \$300.00.

The Commissioners received and reviewed letter of thanks and receipts of expenditures from previous Fiscal Year from the Beards Fork Community Organization.

Gary Harding, Zoning Officer presented to the Commission for a disposition the following cases: Z-456-98-1: Request of Karen E. Calvert, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to P-D, Planned Development, on .64 acre, Chestnutburg, Route 85/9 at Corridor "L" near National Park Service, New Haven District.

Mr. Harding informed the Commission that the Planning Commission did by a unanimous vote recommend that this be approved for the use of administrative offices for an existing rafting company. Commissioner Lopez made a motion that this be approved as recommended by the Planning Commission. Commissioner Carte seconded. Unanimous.

Z-457-98-1: Request of Dennis and Joan Workman, owners, for change in land classification from L-C, Land Conservation, to I-1, Light Industrial, on Lots 179, 180, 264 and 265, New River heights Subdivision located on Route 16 between Beckwith and Oak Ridge, New Haven District.

Mr. Harding informed the Commission that this was a request to locate a 40' x 120' equipment repair and machine shop and that the Planning Commission did unanimously recommend that this be approved. After a brief discussion, Commission Lopez made motion that this be approved as recommended by the Planning Commission. Commissioner Carte seconded. Unanimous.

The Commissioners received and signed agreement form the West Virginia Development Office-Division of Tourism agreeing to pay over to the Fayette County Commission on or before June 30, 1998 \$50,000 for the purposes of the promotion and advertising of county attractions, the Commission informed this money would be used for improvements to the Fayette County Soldiers and Sailors Memorial Building.

The Commissioners received letters of thanks and request of funds from the Town of Gauley Bridge for contribution for various funds for

Fiscal Year 1998-99. Ms. Holly informed the Commission that funds would be available after July 1, 1998.

The Commissioners approved for the Fayette County Jail Museum Committee to put up sign to museum.

Commissioner Witt signed signature card for the New Deputy Retirement Fund account.

The Commissioners received and reviewed Annual Audit Report from the Kanawha Falls Public Service District for the calendar year ended December 31, 1997.

The Commissioners received/reviewed and approved hourly rate increase letter from David Neal, E-911 Coordinator informing that Charles P. Kees, Frank Cafego and William Watts have satisfied the probationary requirements for Full-time Status.

The Commissioners received request for payment for local health services for fiscal year 1997-98 from the Fayette County Health Department, amount approved \$5,000.00.

Ms. Holly informed the Commission that Judson Wallace with the Upper Kanawha Valley had requested that the telephone used during the elections at the Kimberly Community Building be transferred to Upper Kanawha Valley. Ms. Holly informed the Commission that the transfer has been made.

The Commission received and reviewed the Yearly Dog Tax Report for Fiscal Year 1997-98. The Commission approved to issue check in the amount of \$756.80 to the Assessor.

The Commissioners received and reviewed letter from the Environmental Protection Agency informing of Amendments to Hazardous Chemical Reporting Thresholds, Streamlining Requirements. Copy forwarded to Steve Cruikshank, Director, Office of Emergency Services.

The Commissioners received and reviewed from the Secretary of

States Office the Primary Election Results for 1998.

The Commissioners received and reviewed Housing Development Fund Annual Report.

The Commissioners received and reviewed Certificate of Liability Insurance from cable Equities of the Virginias, Ltd and Ripkin Communications Partners, L.P.

The Commissioners received and reviewed Application for Employment from Sherry Miller and Katrinka Perdue.

The Commissioners received and reviewed proposed settlement in the McCormick, et al v. Fayette County Commission law suit.

Commissioner Carte made motion that the budget revisions for the General County Fund and the Coal Severance Fund for fiscal year 1997-98 be approved. Commissioner Lopez seconded. All approved.

General Allen Tackett, Jim Lively, Bill Janney appeared before the Commission to sign the deed to the 35 acre tract of property located at Glen Jean to the State Armory Board of West Virginia. Judy Radford with 4-C Economic Development Authority was present. General Tackett gave an update to the Commission of the project.

Senator Shirley Love, Robert Honaker, Dan Pauley with the Kanawha Falls Water Service appeared before the Commission to request a commitment from the Commission to help with the extension of water service to the Community of Kanawha Falls and Boonesborough. Commissioner Carte made motion that the Commission pledge \$10,000 match on the contingent upon receipt of total project funding. Commissioner Lopez seconded. Unanimous.

The Commissioners approved part time and overtime payroll for July 1, 1998.

Commissioner Lopez made motion to go into Executive Session to discuss personnel matter. Commissioner Carte seconded.

Upon reconvening to regular session Commissioner Lopez informed that Larry Parsons would have to work at a reduced salary. It was suggested that the Commission met with Larry Johnson, Chairman of the Fayette County Solid Waste Authority to discuss.

The Commissioners approved and signed the Commission Budget for Fiscal Year 1998-99, .

The Commissioners approved to send a copy of June 3, 1998 minutes to Tom Johnson regarding the Port Authority Plan.

The Commissioners received and reviewed a copy of a letter to Congressman Nick J. Rahall from Ed Cohen, Vice Chairman, WV Port Authority regarding the Commission desire to create a port in Fayette County.

The Commissioners received and reviewed Workers' Compensation Claims for the month of May, 1998.

The Commissioners forwarded to Jim Lively Insurance (PENCO) a renewal application and update of the new vehicles and deletions.

The Commissioners signed order appointing Sheriff Larry Dotson Administrator of the Estate of Cecil Edward Dowell.

The meeting was adjourned at 12:03. Next scheduled meeting is July 8, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 4, 1998
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 March, 1998.

Exonerations were approved and signed.

The Commissioners signed forms to combine or divide and segregate land as submitted by the Assessor's Office.

Outstanding bills were approved and signed.

Ms. Holly presented to the Commission an Order where the Commission rejected the City of Oak Hill petition to annexation by minor boundary adjustment of 129.55 acres, situate in Plateau and New Haven Districts. Order signed by Commissioner Witt and Commissioner Carte, Commissioner Lopez abstained. (See attached order)

The Commissioners signed Zoning hearing minutes.

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

The Commissioners received and reviewed letter from the Division of Criminal Justice Services congratulating the Commission on their recent award for a Local Law Enforcement Block grant. Agreement and resolution signed. Commissioner Lopez made motion to authorize Commissioner Witt to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice to receive and administer grant funds pursuant to provisions of the Local Law Enforcement Block Grant Program. Commissioner Carte seconded. Vote passed 3 - 0.

The Commissioners signed invoices to the Town of Ansted, City of

Mount Hope, and the Town of Fayetteville for the confinement of inmates at the Southern Regional Jail for the month of January.

Ms. Holly informed the Commission she received telephone call from Debbie Laird requesting to use the courthouse lawn, Friday, June 19th for Captain's Thurmond Challenge. The Commissioners informed Ms. Holly they could use the courthouse lawn, but no amplified music and no vehicles are to park on courthouse lawn.

The Commissioners signed letter to Gary Hough, Principal, Fayetteville Middle School informing it was decided that the Gospel Sing Benefit scheduled for Saturday, March 28th did meet the public, non-profit guidelines and the \$500.00 rental fee will be waived.

The Commissioners received and reviewed the publication of the Assessor's Directory for 1998.

The Commissioners received and reviewed a copy of the insurance binder from ACR Promotions (Rough n' Rowdy Contest). Ms. Holly informed the Commission she received rent check from ACR Promotions.

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

The Commissioners received and reviewed Audit Report for the Ansted Certified Fire Department, Inc. For the year ended June 30, 1997.

The Commissioners received and reviewed letter from Dave Pollard requesting that the public hearing on Route 19 meeting be moved from 1:00 p.m. to 6:30 p.m. on March 23rd. The Commission approved.

Judy Radford, Executive Director with 4-C Economic Development Authority requesting that the Commission signed resolution to construct access road to the new Sun Mountain Resort in Mount Hope. Commissioner Lopez made motion to type resolution. Commissioner Carte seconded. All approved. Resolution Order signed.

Mary Abbot, Bert Horrocks with the Fayette County Humane Society

appeared before the Commission to request funding for fiscal year 1998-99. Bert asked the Commission for another full time employee and another truck. The Commission asked if any of the towns were assisting in catching the stray dogs. Commissioner Lopez suggested that a letter be sent to the Towns asking them for their assistance in catching the stray dogs. The Commission approved for Bert to have his vehicle maintained at the Fayette County Park.

Ms. Abbot informed the Commission of the complaints they received and informed the Commission of the complaints that are called on the 911 number regarding stray dogs.

The Commission informed Ms. Abbot they would take their request under advisement and get back with them.

Attorney Pat Hamilton appeared before the Commission with an application for annexation by minor boundary adjustment of a portion of Young Street containing .339 acres, situate in Plateau District. Commissioner Witt presented a list of citizens opposing annexation. Commissioner Carte made motion to accept petition. Commissioner Lopez seconded. All approved, public hearing is scheduled for March 24, 1998 at 1:30 p.m.

Tom Oxley appeared before the Commission to tender his resignation from the Fayette Transition Team and the Water Resource Committee. Commissioner Witt asked Mr. Oxley to read his letter. The Commission accepted Mr. Oxley resignation.

Robert Wayne Bragg, in person and by his counsel, Carl L. Harris, Richard Halstead, Administrator of the Estate of Harold Campbell, in person and by his counsel, Philip J. Tissue, and Garnet Campbell, in person and by his counsel, James C. Blankenship, III. Attorney Carl Harris informed the Commission that Robert Bragg is her to ask that the Richard Halstead be removed as Administrator of the Estate. Attorney

James Blankenship informed the Commission that Garnet Campbell is making a motion for the appointment of a curator, and on the joint demand of the parties requesting that the Commission refer this matter to a Special Fiduciary Commissioner. Discussion was held, Commissioner Carte made motion to appoint Paul Clay, Special Fiduciary Commission to hear all matters in controversy arising in connection with the Estate of Harold Campbell; and that Richard Halstead, Administrator of the Estate be removed and Tom Fast be appointed curator of the Estate of Harold Campbell and he is to serve without bond or securities. Commissioner Lopez seconded. All approved. James Blankenship to prepare order. (See attached)

The Commissioners received/reviewed and approved recommendation of David Neal, E-911 Coordinator to fill the two full-time positions (Charles P. Kees and Frank Cafego) and that William Watts fill the other full-time position on a provisional full-time basis pending Barbara Hull's return. Ms. Holly informed the Commission that William Watts is aware that this is a provisional full-time position and have signed the agreement.

Ms. Holly informed the Commission she received a call from Fayette County National Bank advising of the need to substitute certain securities pledged on behalf of the Fayette County National Bank. Ms. Holly informed the Commissioners that Fayette County National Bank have been told that the Commission need a follow up letter.

Ms. Holly informed the Commission that a representative from AFLAC was here to answer any questions the employees might have and present the new Personal Cancer and Hospital Intensive Care Expense Protection plans.

The Commissioners received and reviewed Accident Report on Clarence Martin vehicle.

The Commissioners received and reviewed letter from the Public Service Commission informing that a hearing has been scheduled for Tuesday, April 14, 1998 at 10:30 a.m. regarding petition to expand the boundaries of New Haven Public Service District and to merge Beckwith Public Service District and Mossy Public Service District into New Haven Public Service District. Ms. Holly informed the Commission that publication have to be made 14 days of the hearing.

The Commissioners received and reviewed letter form Steptoe and Johnson regarding the Frederick Shawnee Carter law suit (Civil Action #5:96-0436).

The Commissioners received and reviewed letter form Attorney John Shumate regarding Harold Wayne Conner.

Ms. Holly informed the Commission she received from Earl Pauley, Park Superintendent 3 bids for the Assessor's Jeep; Custom Autobody Works--\$625.00, Lewis Pontiac Buick GMC Jeep--\$810.90 and Mirror Image Collision, Inc.--\$851.75. The Commissioners voted 2 -0 to accept the lower bid (Custom Autobody Works).

Ms. Holly informed the Commission she received from earl Pauley 3 bids on the Transport Van; custom Autobody Works--\$200.00, Lewis Pontiac Buick GMC Jeep--\$354.39, and Mirror Image Collision, Inc.--\$302.52. The Commissioners unanimously voted to go with lower bid (Custom Autobody Works).

Ms. Holly informed the Commission she received two bids on the lift and wheel balancer. Discussion was held, the Commissioners asked Ms. Holly to check with Earl Pauley to see if NAPA would lower his bid.

The Commissioners recessed until 1:00 p.m.

The Commissioners reconvened to met with Elected Officials to discuss their Budget for the Fiscal Year 1998-99.

Sheriff Larry Dotson appeared before the Commission to discuss his

budget for the Fiscal Year 1998-99. Sheriff Dotson asked the Commission for a \$100 increase for his employees, five new vehicles. The Commission informed they would take under advisement and get back with him.

Thomas Aiello, Assessor appeared before the Commission to discuss his budget for the Fiscal Year 1998-99. Mr. Aiello asked for a \$100.00 increase for employees, asked that the amount for part-time employees be increased to \$1,000.00, travel amount \$500.00, training and education be the same. Mr. Aiello asked the Commission about going on/line with Internet, informed he could pay half and the county pay half. Mr. Aiello informed the Commission that for the entire county to go on line the cost would be \$10,000.00, Mr. Aiello told the Commission he could assist with the cost through the PVC fund. The Commission informed they would take under advisement and get back with him.

The Commission having been advised of the need to substitute certain securities pledged on behalf of the Bank of Mount Hope and the Fayette County National Bank signed orders releasing said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

Paul Blake, Prosecuting Attorney appeared before the Commission to discuss his budget for the Fiscal Year 1998-99. Mr. Blake informed the Commission the position of Allan Workman had not been filled and at this time he like to take Mr. Workman's salary and give the secretary's a decent raise; would like for his extra help to be increased to \$4,000.00. The Commissioners informed Mr. Blake they would take under advisement and get back with him.

Thelma Kincaid, Circuit Clerk appeared before the Commission to discuss her budget for the Fiscal year 1998-99. Ms. Kincaid informed

the Commission that everything is the same but request that her employees be given a raise of \$100.00. The Commissioners informed Ms. Kincaid they would take under advisement and get back with her.

The Commission would meet on Monday, March 9th at 1:00 p.m. to discuss budget. The Commissioners would meet on March 11 at 1:00 p.m. to discuss budget.

The meeting was adjourned at 2:05. Next scheduled meeting is March 9, 1998.



IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: ESTATE OF HAROLD CAMPBELL

**ORDER APPOINTING SPECIAL FIDUCIARY COMMISSIONER
AND CURATOR OF THE ESTATE OF HAROLD CAMPBELL**

On March 4, 1998 came Robert Wayne Bragg, in person and by his counsel, Carl L. Harris, Richard Halstead, Administrator of the Estate of Harold Campbell, in person and by his counsel, Philip J. Tissue, and Garnet Campbell, in person and by his counsel, James C. Blankenship, III, upon the Motion of Robert Wayne Bragg for the removal of Richard Halstead as Administrator of said Estate, and upon the Motion of Garnet Campbell for the appointment of a curator, and on the joint demand of the parties requesting that the County Commission refer this matter to a Special Fiduciary Commissioner pursuant to the provisions of Chapter 44, Article 3, Section 7 of the West Virginia Code.

Whereupon, the County Commission considered the documents filed herein and the representations of counsel, all parties by and through their respective counsel having consented to the appointment of a curator and the joint demand of the parties as aforesaid for reference of the controversy regarding the appointment and qualification of the Administrator of this Estate herein, it is the **ORDER** and **JUDGMENT** of the County Commission as follows:

1. Paul O. Clay, Jr. is hereby appointed as Special Fiduciary Commissioner to hear all matters in controversy arising in connection with the Estate of Harold Campbell who shall hear proof on the same, to make findings thereon and to advise the

Commission on the law governing the decision on the matters in controversy.

2. Richard Halstead, Administrator of the Estate of Harold Campbell, is hereby removed as Administrator of said Estate, and Thomas K. Fast, is hereby appointed as curator of the Estate of Harold Campbell pursuant to the provisions of Chapter 44, Article 1, Section 5 of the West Virginia Code, and he shall be qualified as such without the necessity of posting bond or security to carry out his faithful performance of his duties as curator of the Estate of Harold Campbell.

Entered this 11th day of March, 1998.

John S. Witt

JOHN WITT, PRESIDENT

John Lopez

JOHN LOPEZ, COMMISSIONER

Gene Carte, Jr.

GENE CARTE, JR., COMMISSIONER

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 9, 1998
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 9th day of March, 1998.

Commissioner Witt called the meeting to order at 1:20 p.m. for the purpose of working on the budget.

The Commissioners discussed the Deputy Sheriff Retirement bill and the increase in the per diem for Regional Jail costs.

The Commission tentatively approved subject to Charlotte Holly's final budget figures the budget requests of Paul Blake, Prosecuting Attorney, Thomas Aiello, Assessor, Thelma Kincaid, Circuit Clerk, Kelvin Holliday, County Clerk, Mary Lou Schmidt, Extension Agent and the Zoning Office with \$75.00 per month per employee salary increase.

Commissioner Witt read recommendation from the Fayette County Enhanced Emergency Telephone System Advisory Board for salary increases for 911 personnel in an effort to reduce employee turnover and requesting the Commission to consider an increase in the E-911 fee to cover expenditures for needed major purchases in the next year.

Ms. Holly informed the Commission that she had not started calculations on the 911 Fund budget. Ms. Holly advised the Commission of how closely the revenues and expenditures of that fund run and asked the Commission to shift 911 equipment maintenance costs to the Coal Severance Fund for 1 year until the Cellular phone fees started coming in regularly.

Commissioner Lopez asked the Commission to stress to each officeholder that in addition to the proposed \$75.00 monthly raise per employee, the county is picking up the entire 22% premium increase for

Public Employees Insurance Agency (PEIA).

The Commissioners tentatively approved Sheriff Larry Dotson's budget with the exception of his request for 5 vehicles.

Commissioner Carte made a motion to purchase 4 vehicles out of the Coal Severance Fund. The Commission approved.

The meeting was adjourned at 3:15. Next scheduled meeting is March 11, 1998.

John D. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 11, 1998
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 11th day of March, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Commissioner Witt and Commissioner Carte approved the request of the Fayette County Solid Waste Authority to pay the authority's insurance premium for the quarter in the amount of \$2,844.00.

Outstanding bills and payroll were approved. The Commissioners approved for the payroll to be released.

The Commissioners signed a Resolution regarding Madge Skagg's 100th birthday.

The Commission signed Proclamation proclaiming April, 1998 as Fair Housing Month.

The Commissioners received and reviewed a notice from the Attorney General regarding misleading sales practices by companies selling satellite dish system.

The Commissioners received and reviewed a notice that Know Your County Government Day is scheduled for Friday, May 1, 1998.

Ms. Holly informed the Commission that she received a fax this morning of an estimate for the purchase and installation of an elevator at the Courthouse, cost \$106,000 including the construction of an elevator shaft beside the fire door exit shaft to the Circuit Clerk's Office. Ms. Holly informed the Commission that she would include this project cost in the Legislative Digest request.

Ms. Holly advised the Commission that she had received a letter from the Supreme Court of Appeals informing that Fayette County was not among those selected for funding under the Court Security Fund.

The Commission received and reviewed a letter from Delegate William R. Laird, IV informing he received a copy of the letter written by the Commission to the West Virginia Regional Jail and Correctional Facility Authority regarding the \$2.50 increase in the per diem cost for the housing of inmates in the Regional Jail. Mr. Laird informed the Commission he wrote a letter to Steven D. Canterbury, Executive Director asking that he be kept appropriately informed on this matter.

The Commissioners received and reviewed a letter from Judge John Hatcher requesting that some thought be seriously given to replacing the Xerox machine in the Circuit Clerk's Office. The Commission asked Ms. Holly to get bids from the State contract.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney, informing that the computer system in his office is currently linked up to Technet services and that effective March 31, 1998 the only way that a Technet subscriber will be able to sue the Technet System is by having an Internet connection. Mr. Blake request that the Commission approve for his office to subscribe to the Internet so that the Prosecuting Attorney's Office can continue to be linked up to Technet. Ms. Holly informed the Commission that Mr. Blake has called and got some quotes. The Commission approved.

The Commission received/reviewed and signed invoices to the Town of Fayetteville, City of Oak Hill, City of Smithers, and the City of Mount Hope for the confinement of inmates at the Southern Regional Jail for the month of February.

The Commissioners approved to accept bid from NAPA Auto Parts for the lift and wheel balancer.

The Commissioners approved to have a Budget meeting on Wednesday, March 18, 1998.

Major General Allen Tackett appeared before the Commission to discuss the Glen Jean Property. Commissioner Witt asked what there plans are for the property and what type of time frame the Commission should expect.

Mr. Tackett informed the Commission it would be the year 2001 before any construction is started.

Discussion was held regarding how the property would be used and if the property would be utilized for any National Guard training. Tackett informed the Commission the design work wouldn't start until the year 2000. Mr. Tackett asked the Commission to put something in writing regarding the use of the property.

Commissioner Carte authorized the Building Commission to convey 35 acres to the National Guard; National Guard is to pay for survey. Commissioner Lopez seconded as long as there's no problem with the 12 acres. All approved.

Gene Larrick, Donita Herr and Theresa Carr with the Women's Resource Center appeared before the Commission to request funds for the fiscal year 1998-99. Ms. Herr gave a brief summary of the Center and asked the Commission if they would consider funding \$10,000 to support the Center. The Commission informed they would consider their request during their budget session.

Ms. Holly presented to the Commission Lee Massey's budget request of \$5,000.00 for fiscal year 1998-99 for the Fayette County Health Department.

Kelvin Holliday appeared before the Commission regarding his budget for fiscal year 1998-99. The Commissioners informed Mr. Holliday they had tentatively approved his budget as presented.

The Commissioners informed Paul Blake, Prosecuting Attorney they have tentatively approved his budget as presented.


Discussion was held regarding appointment of Roy Young as member of the Kanawha Falls Public Service District. The Commissioners asked Paul his opinion on how to handle the situation. Mr. Blake suggested to the Commission to write letter to Mr. Young asking him to resign. Ms. Holly to prepare letter.

Charlie Biggs appeared before the Commission to request help in getting a north bound exit ramp off U. S. Route 19 and more signs to recognize the Mount Hope area. A letter from the Division of Highways stating they would prepare a design report associated with the feasibility of constructing interchange across ramps on U. S. Route 19 and from Mount Hope. Mr. Biggs informed nothing has been done. Mr. Biggs asked the Commission if they would endorse and send letters to the delegates regarding this matter. Commissioner Carte suggested asking the Division of Highways about the results of their 6 month study.

The Commissioners received and reviewed check in the amount to \$29,539.35 for the Emergency Telephone System for the month of January, 1998.

The Commissioners approved for Ms. Holly to attend Drafting and Enforcing Sound Personnel Procedures and Policies Seminar being held March 31, 1998.

The meeting was adjourned at 1:30. Next scheduled meeting is March 18, 1998.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 18, 1998
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 18th day of March, 1998.

The Commission and Ms. Holly reviewed and discussed each Elected Official's budget and outside contributions; final decision would be made on March 24, 1998.

The Commissioners were reminded of the Planning and Zoning Commission Route 19 public meeting being held on March 23, 1998 at 6:30 p.m. Mr. Witt stated that Dave Pollard was taking care of the meeting and arrangements.

Commissioner Witt informed the Commission he would be out of town and unable to attend the meetings of March 23rd or March 24th.

Ms. Holly informed the Commission she received notice of the Governor's Summer Youth Program and asked the Commission if they planned to participate. The Commission informed no. Ms. Holly informed the Commission that she had forwarded a copy of the application forms to John David.

The Commissioners discussed holding the County Excess Levy Election in February, 1999.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed letter from Yvonne Harp, Extension Agent confirming the 4-H Leader's Association camp dates at the Fayette County Park.

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

Commissioner Witt informed the Commission he had been asked if the County had any plans for the jail. Discussion was held; Commissioner Lopez suggested sending letter to the Fayette County Historical Society to terminate lease agreement or to limit usage to the first floor only. No decision made.

The Commissioners approved check for registration of 2 deputies to attend training class as requested by Sheriff Dotson. Ms. Holly informed the Commission that Sheriff Larry Dotson informed her that this training was recommended by the Prosecuting Attorney.

The Commissioners received and reviewed a copy of a letter to Senator Randy Schoonover from West Virginia American Water regarding possible water service to the residents of the Hilton Village-Corliss area.

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

The Commissioners approved and signed request to combine or divide and segregate land as submitted by the Assessor's Office.

The Commissioners received and reviewed fax from John David requesting the Fayette County Commission to be the local governmental sponsor for a West Virginia Emergency Shelter Grant for the Southern Appalachian Labor Schools (SALS) Community Center Building. Discussion was held; Ms. Holly informed the Commission she asked Dr. David to talk with Steve Cruikshank, Emergency Service Coordinator, regarding this matter. The Commission asked Ms. Holly to hold the request and to get assurances that the County would have no financial obligation to the project.

The Commissioners received and reviewed thank you letter from Sharon Cruikshank for giving permission to use the Courthouse lawn for the Captain Thurmond's Challenge for the Fayetteville in Motion Festival

(FIM). The Commission reiterated that no amplification and no vehicles (even to unload) were to be allowed on the courthouse lawn.

The Commissioners received and reviewed letter from Dave Pollard, Fayette County Community Resource Coordinator, informing that the Regional Tourism Conference is scheduled for March 31st and April 1, 1998. Commissioner Witt informed the conference was full.

The Commissioners received and reviewed a letter from the Division of Environmental Protection (Office of Abandoned Mine Lands and Reclamation) informing they have scheduled a "Budget Information Meeting" for March 17 and March 18, 1998.

The Commissioners received and reviewed a letter and a copy of an order from the Public Service Commission extending the Staff Report due date until June 10, 1998 (from March 11, 1998) in the case of the West Virginia American Water Company and Salem Gatewood Public Service District (Case #96-0317-WPWD-PC) and West Virginia American Water Company, County Commission of Fayette County and New Haven Public Service District (Case #96-1477-W-PWD-PC-CN).

The Commission approved funding for two additional deputies for fiscal year 1999 from the Law Enforcement Levy Fund.

The Commissioners approved the proposal made by Charlotte Holly, County Administrator, to reduce the current amount of county employee's share of the premium for Public Employees Insurance beginning with fiscal year 1998-99. Employees hired after January 1, 1991 who currently pay a greater amount will have receive greater reductions. Funding for the premium reductions will be paid from the salary and benefit amount of a vacant position on the commission's staff.

The Commissioners approved to pay the equipment maintenance cost for the 911 Center from the Coal Severance Fund for 1 year in fiscal year 1998-99 until the Cellular phone fees began to offset the monthly

911 expenditures that have increased due to increased staffing and salaries and other costs not originally budgeted to be paid from the E-911 Fund.

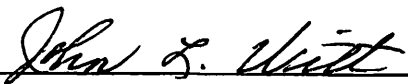
The Commissioners stated that they plan to talk to Earl Pauley, Park Superintendent, about curtailing his expenditures at the Fayette County Park.

The Commissioners received and reviewed a letter from Ruby Winebrenner requesting that David Jones, Sr. be considered for appointment as a member on the Kanawha Falls Public Service District.

The Commission scheduled a meeting for 10:00 a.m. on April 8 with Kaye Thomas of the Southern West Virginia Convention and Visitors Bureau and Kevin Burgess of the New River Convention and Visitors Bureau to discuss the Hotel Occupancy Tax and services related to Fayette County.

Due to the unintentional error by the Payroll Clerk in calculating the Public Employees Insurance Agency (PEIA) payroll deduction for Everette Steele for the months of January, February, and March, 1998 the Commission decided not to require Everette to reimburse the County the amount of \$88.95 paid by the County as a benefit and which should have been an employee deduction.

The meeting was adjourned at 12:28. Next scheduled meeting is March 24, 1998.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 24, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in Special Session on this 24th day of March, 1998.

Commissioner Carte called meeting to order.

Exonerations were approved and signed.

Commissioner Lopez informed that the cost of Public Employees Insurance 22% premium increase for all health plans was included in each elected officials budget but the Commission will move those amounts to contingency prior to submitting the budget if Ms. Holly is advised by Public Employees Insurance Agency (PEIA) of a change in the 22% increase. Ms. Holly had inquired of Public Employees Insurance Agency (PEIA) whether the recent appropriation to the Agency by the Legislature offset the premium increase or if it applied strictly to employee deductible and co-payment amounts; however, no response had been received to date from Public Employee Insurance Agency (PEIA).

Commissioner Carte moved that outstanding bills and payroll be approved and released; Commissioner Lopez seconded. Unanimous.

The Commissioners signed letter to Roy Young, member of the Kanawha Falls Public Service District asking for his resignation from the District on or before March 31, 1998 or asking him to contact the Commission on or before March 30 to schedule a hearing if he has evidence to present to document his residency within said district.

The Commissioners approved and signed budget for fiscal year 1998-99 subject to the State Tax Department approval.

Commissioner Carte made motion that the Commission prepare an order/resolution that the U S Route 19 Corridor Management Plan be

adopted as an amendment to the County Comprehensive Plan. Commissioner Lopez seconded. Commissioner Carte asked Dave Pollard, Community Resource Coordinator to continue working with the same committee.

Commissioner Carte made motion that Ted Gray replace Shirley Love and Leon Cooper be appointed if another vacancy exists on the Planning and Zoning Commission. Commissioner Lopez seconded. Unanimous.

The Commissioners signed order appointing the Democratic Executive Committee and the Republican Executive Committee lists of Election Officials for holding the Primary Election on May 12, 1998.

The Commissioners received and reviewed list of Polling Places for Primary Election.

Commissioner Carte called Public Hearing to order to consider and to receive written and oral public comment on the application for the transfer of the cable franchise from Master Telecable, Inc. to Bradley's, Inc. Gerald Chandler, Charlie Bradley and Robert Legg were present and presented their comments. No opposition appeared. Commissioner Carte moved that the transfer be approved; Commissioner Lopez seconded. All approved; order signed.

Attorney Erwin Conrad appeared before the Commission to present an application of Bernard Sharp to close and vacate a portion of the old Laurel Creek Road as it intersects West Virginia State Route 16 at Beckwith.

Commissioner Carte made motion to accept application. Commissioner Lopez seconded. Unanimous; order signed setting hearing.

Attorney John Shumate appeared before the Commission to present annexation by minor boundary adjustment by the City of Mount Hope of 128.39 acre tract, situate on the waters of Sun Branch, Plateau District, Fayette County.

Commissioner Carte questioned if area to be annexed included any

of Route 19. Attorney Shumate informed no; roadway is strictly for use and further development of Sun Mountain Resort.

Commissioner Lopez made motion to approve annexation. Commissioner Carte seconded; motion carried. Order signed approving annexation.

Judy Kessler appeared before the Commission to ask for their assistance in getting the surrounding property owners (whose property is in bad need of cleaning up, including the removal of all refuse and debris) to clean up their property.

The Commissioners asked Ms. Kessler to give the names of the property owners to Jackie Hickman so that clean-up letters can be mailed. The Commissioners asked Gary Harding, Zoning Officer to get description of property; Mr. Harding informed the Commission he would talk with Lee Massey.

Gary Harding, Zoning Officer presented to the Commission for disposition the following cases:

Z-451-98-1: Request of Donald F. And Bethel Ballard, owners, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-3, Highway Business District, on 24.10 acres, Davis lands and Wolf Creek Gardens located between Route 16 and Route 19 near Nickelville Road, New Haven District.

Gary Harding informed the Commission that the Planning Commission did by a vote of 11 to 0 recommend that this request be approved. Commissioner Carte made a motion that this be approved as the Planning Commission recommended. Commissioner Lopez seconded and carried by a vote of 2 to 0.

Z-452-98-1: Request of Alfred H. Cox, owner, for a change in land classification from RR-1, Agricultural and Rural Residence District, to R-2, Residence District, on 1.02 acres, Wolf Creek, located off of

Gatewood Road near Tincher Road, New Haven District.

Gary Harding informed the Commission that the Planning Commission did by a vote of 11 to 0 recommend that this request be approved. Commissioner Lopez made a motion that this be approved as recommended. Commissioner Carte seconded, motion passed 2 to 0.

The Commissioners discussed the Kanawha Falls Public Service District with Attorney Gordon Billheimer. Mr. Billheimer informed the Commissioners that effective April 1, 1998 Lyle Blackwell will resign as a board member. The Commissioners accepted Mr. Blackwell's resignation effective April 1, 1998. The Commissioners appointed Robert Wagner, II of Charlton Heights to fill the unexpired term of Mr. Blackwell; order signed.

Attorney Pat Hamilton appeared before the Commission for final hearing for annexation by minor boundary adjustment by the City of Oak Hill of a portion of Young Street containing .339 acres, situate in Plateau District. Attorney Hamilton presented a map and affidavit of legal advertisement to the Commissioners.

Commissioner Carte informed Mr. Hamilton that the exact petition for annexation had been filed and denied several times before with the Commission. Commissioner Lopez informed that a petition had been brought to and denied by the Commission to abandon the same area. Commissioner Lopez stated that since there was such split opposition of property owners who wanted the annexation and who didn't want the annexation, he had no choice but to vote to deny the petition. Commissioner Lopez made a motion to deny the annexation; Commissioner Carte seconded. Unanimous. Order denying annexation to be prepared by Pat Hamilton and presented to the Commission.

Attorney Pat Hamilton presented to the Commission an application for annexation by minor boundary adjustment by the City of Oak Hill of

tracts of real property owned by Adrian Goff and Diana McMillion containing 6.693 acres, situate in Plateau District. No opposition. Commissioner Lopez moved to accept petition as filed; Commissioner Carte seconded. Unanimous. Public hearing on the annexation was scheduled at 10:45 a.m. on April 15; order signed setting final hearing.

The Commissioners received, reviewed and signed the agreement and the deed from Elkem Metals Company, L.P. regarding transfer of the Boomer Ballfield to the Fayette County Commission.

Commissioner Lopez moved to adjourn; the meeting was adjourned at 1:45. Next scheduled meeting is April 8, 1998.

John G. Witt

3/24/98

Young St.

City of Oak Hill

Luch Arrington

Sells Stanley

David Smith

Melton Gorman

Jason King

Billy Murphy

Verne Kales

Arnold Treadway

JoAnn Hendrick

Calvin Treadway

Louise Bragg

Harold Garrett

Kaye Treadway

Green Stewart

W. H. Stewart

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 5, 1998
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 5th day of May, 1998.

Commissioner Witt called meeting to order at 9:37 a.m.

Exonerations were approved and signed.

Assistant Prosecuting Attorney Carl Harris appeared before the Commission to discuss the dilapidated Ordinance. Mr. Harris informed the Commission they would have to create a separate agency, and the Board would have to consist of a fire chief, county engineer, 2 citizens and the Sheriff as ex officio. Mr. Harris explained to the Commission that this ordinance still do not say how the Commission would recoup their loss when they go in and tear down these dilapidated places. Mr. Harris informed the Commission that he was just their to receive input on what to include in the Ordinance.

The Commission received and signed final order regarding the Petition of Scott M. Hamilton v. Edwin H. Warfield, II.

Commissioner Lopez informed the Commission that Debbie Aliff, Payroll Clerk had requested that the Commission approve May 15th payroll to be paid on May 13th. Discussion was held, Commissioner Witt questioned why and asked to have Ms. Aliff come before the Commission to give reason. Commissioner Lopez informed no he would not have Ms. Aliff to appear. Request was denied.

Commissioner Carte informed the Commission he had talked with Earl Pauley, Park Superintendent, he informed Commissioner Carte that Laura Bell Smith had died and that her heirs had made and offer to give all the Lacy's Christmas lights to the County. Discussion was held

regarding working out the details for the lights. No decision was made.

The Commissioners recessed to go up on the 3rd floor to test votamatic machine for the Primary Election.

Upon reconvening to the Commission room, the Commission approved for 5 part-time employees to bring votamatics down Wednesday to the Commission Room for distribution to the Election Officials for the Primary Election.

Kelvin Holliday introduced Garland Gates with the Election Systems to the Commission.

The Commissioners recessed to go up on the 3rd floor to test tabulating machine equipment.

Upon reconvening to the Commission room, the Commissioners received and reviewed sidewalk bids. The Commission accepted bid from Coleman's Construction. Commission Carte made motion to approve the flag stone method and to do turn key job. Commissioner Lopez seconded. All approved.

Commissioner Witt informed the Commission that the parking lot paving has been rescheduled for Friday, May 8th.

Commissioner Witt presented to the Commission a deed for the State Armory Board. Commission Witt asked the Commission if they should include a clause regarding starting in 2001. Commissioner Carte and Commissioner Lopez asked that deed stay as is. The Commissioners agreed to have no revision clause added to the State Armory Board deed. The Commissioners signed letter asking that a representative come to finalize.

The Commissioners signed order and letters designating incorporated banking institution in the County of Fayette as depositories of Public Monies for the Fayette County National Bank, Fayette County National Bank, Oak Hill Branch, Fayette County National

Bank, Ansted Branch, Bank One Beckley, WVNA (formerly Merchant and Miners National Bank), Bank of Mount Hope, Inc., One Valley Bank of Oak Hill, Inc., United National Bank (formerly Montgomery National Bank), United National Bank (formerly National Bank of Ansted), United National Bank, Smithers, United National Bank (formerly First Empire Federal Bank), Merchant National Bank, Merchant National Bank (formerly Gauley National Bank), Bank of Raleigh.

The Commissioners signed letter to Fayette County Solid Waste Authority informing that on April 29th it was the unanimous decision to reappoint William Toney a member of the Fayette County Solid Waste Authority.

The Commissioners received and reviewed thank you letter from the Fayette County Emergency Food Assistance Center thanking the Commission for their allocation of \$4,000.00 for fiscal year 1998-99.

Commissioner Witt reminded the Commission of the Cellular phone fee for 1st quarter.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed check from TWFanch-One, The Helicon Group, L.P. CableVision Company for franchise fee for the 1st quarter.

Pat Tygrett appeared before the Commission on behalf of the Town of Fayetteville and the Fayetteville Convention Visitors Bureau Center with request to use courthouse lawn and main parking lot for an Antique Car Show being held June 6th from 6:00 p.m. to 10:00 p.m. Commissioner Witt asked about the oil informing Mr. Tygrett that the Main Parking lot is getting paved. Commissioner Witt informed Mr. Tygrett that no vehicles are allowed on courthouse lawn. The Commission informed they had no problem with Antique Car Show, approved.

The Commission received and reviewed list of participating doctors in the Vision Seminar Plan. Original forwarded to Payroll Clerk.

The Commissioners received and reviewed letter from Gauley River Power Partners, L. P. Regarding the Summersville Hydroelectric Project.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Frederick Shawnee Carter law suit.

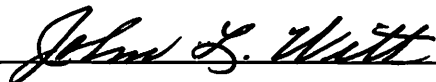
The Commissioners received and reviewed letter from the West Virginia Development office regarding the 1998 Small Cities Block Grant Application and Resubmission Procedures for the fiscal year 1998 funding cycle.

The Commissioners approved for commissioner Carte to attend the NaCo annual Conference being Held July 17-21 at Portland, Oregon.

Commissioner Witt informed the Commission that check has been prepared for 2 new cruisers for the Sheriff's Department.

Outstanding bills were approved.

The meeting was adjourned at 11:35. Next scheduled meeting is May 15, 1998.



FAYETTE COMMISSION MEETING

REGULAR SESSION

MAY 15, 1998

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 May, 1998.

Commissioner Witt called meeting to order at 8:05.

Exonerations were approved and signed.

James Blankenship, attorney for the Town of Fayetteville appeared before the Commission to inform the Commission that the Town of Fayetteville had adopted an Ordinance providing for the annexation of Nickelville Road. Mr. Blankenship filed certificate and ordinance with the Fayette County Commission. Mr. Blankenship informed the Commission that he had Assistant Prosecuting Attorney Carl Harris review and he did approve.

Tom Oxley, City Manager for the City of Oak Hill asked if he could review map and questioned about the acres.

Charles Toombs, Chairman, Wolf Creek Public Service District questioned and complained to the Commissioner Witt that the annexation would take about most of his customers and that this would kill Wolf Creek Public Services District chances of obtaining funding for a sewer system.

Commissioner Witt informed Mr. Toombs that the Wolf Creek Public Service District had not made any progress in years.

Mr. Toombs informed the Commission that allowing the Town of Fayetteville this annexation the \$20,000 grant that the Wolf Creek Public Service District obtained to fund an engineering study is wasted.

Commissioner Carte moved to accept certificate and ordinance and

approved annexation. Commissioner Witt seconded. Vote passed 2 - 0.

Outstanding bills and payroll were approved.

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

The Commissioners received letter from the Danese Public Service District requesting that Gary Holcomb be reappointed to serve on the Board.

The Commissioners signed order reappointing Gary Holcomb to serve as a board member of the Danese Public Service District.

The Commissioners received invitation to attend the Retired and Senior Volunteer Program Luncheon being held Thursday, May 28, 1998 at 10:00 a.m at the Camp Washington-Carver in Clifftop.

The Commissioners received a letter from Kelvin Holliday, County Clerk with request to attend the NaCo Annual Conference on July 17-21 at Portland, Oregon and asked the Commission to do a budget revision for Fiscal Year 1997-98. The Commission approved.

The Commissioners received invitation from the National Park Service inviting the Commission to attend a signing ceremony for the Coal National Heritage Area being held Tuesday, May 26, 1998 at Tamarack.

The Commissioners approved for Charlotte Holly and Gene Carte to attend two Workers' Compensation seminars.

Ms. Holly reminded the Commission of the amount the Cellular phone fee they would be receiving for the 1st quarter.

Ms. Holly informed that she have not heard from General Allan Tackett regarding setting up appointment to sign the Glen Jean Property deed.

The Commissioners received and reviewed letter from Don Grunenberg

with Oak Hill Trail Foundation informing the Commission that this letter is to keep them informed on the possible trail from (abandon NS rail corridor) Summerlee to Jones Avenue Oak Hill connecting with (abandoned CSX rail corridor) the old Whipple mine to Glen Jean. Mr. Grunenberg has called several times asking if the Commission want to sponsor project. The Commissioners informed Ms. Holly to prepare letter to Mr. Grunenberg and inform him that the Commission can not sponsor project at this time.

The Commissioners received and reviewed a check in the amount of \$29,730.68 for the Emergency Telephone System for the month of March, 1998.

The Commissioners received and reviewed a list of "Subscribers Refusing to Pay" the Emergency Telephone System Fee for the month of March, 1998.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Frederick Carter law suit.

The Commissioners received and reviewed a copy of a letter from Sheriff Larry Dotson informing that Deputy B. L. Forren will be reinstated to the Fayette County Sheriff payroll effective May 11, 1998.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Service awarding the Local Law Enforcement Block Grant check, amount \$5,000.00.

Commissioner Witt informed the Commissioners that O. V. Vande Linde is scheduled to be here at the next Commission meeting.

Ms. Holly informed the Commissioners that Senator Jay Rockefeller is scheduled to be in Oak Hill, Thursday, May 28, 1998.

The Commissioners received and reviewed Annual Report from Thomas Aiello, Assessor for the period beginning June 1, 1997 through May 30, 1998.

The Commissioners received and reviewed Resume from Ritchie Plumley.

The Commissioners received and reviewed Fayette County Landmark Commission minutes for the month of January.

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

The Commissioners received and reviewed notice from the Central Appalachia Empowerment Zone asking that a notice be posted of a special meeting of the CAEZ Board being held on Monday, May 18, 1998 at the Clay County Courthouse.

The Commissioners approved to pay \$150.00 to John Barnhart for sealing of the newly black topped road, marking the parking spaces and the handicapped parking for the Smither's Detachment.

The Commissioners received and reviewed a letter from the West Virginia Institute of Technology acknowledging receipt of co-sponsorship for the Eastern Kanawha and Fayette Counties Regional Economic Outlook Conference on May 19, 1998.

Ms. Holly informed the Commission she had talked with David Neal, E-911 Coordinator, regarding the request to add Rupert exchange to our 911 System. Ms. Holly informed the Commission that this would cover Fayette County residents who live around the Springdale area; one time charge would cost \$270.00. Commissioner Witt informed he would like a little more information.

The Commissioners convened as Board of Canvasses to conduct Canvass of Primary Election held on May 12, 1998. The Statement of Ballots Used were verified, the challenged ballots were determined, and the results of the election were disclosed. Results are to be certified on Wednesday, May 20, 1998. The Commissioners adjourned as Board of Canvassers.

The meeting was adjourned. Next scheduled meeting is May 20,
1998.

John L. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 20, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, John H. Lopez

The Fayette County Commission met in special session on this 20th day of May, 1998.

Commissioners Witt informed the Commission that One Valley Bank is donating flag pole to the County Commission. Commissioner Witt and Commission Lopez approved to replace flagpole on courthouse lawn.

Commissioner Lopez made motion that the canvass of the 1998 Primary Election be certified. Commissioner Witt seconded. All approved. The Commissioners signed order certifying the results of the canvass for the Primary Election.

The Commissioners signed letter to the Elected Officials and Courthouse Employees informing that the main parking lot located on Wiseman Avenue serving the Courthouse has been tentatively rescheduled to be paved beginning at 4:30 p.m., Thursday, May 29 and on Friday , May 29, 1998.

The Commissioners received and reviewed Board of Health Audit Report for the fiscal year ended June 30, 1995 and 1996.

The Commissioners received and reviewed County Audit Report for the fiscal year ending June 30, 1995 and June 30, 1996. Ms. Holly informed the Commission of the non-compliance reported.

Commissioner Lopez asked about the status of the 911 Center. Ms holly informed the Commission that they still have vacancies.

The Commissioners received and reviewed Workers' Compensation Reports.

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

The Commissioners received and reviewed letter from the State Auditor's Office regarding House Bill 4713.

The Commissioners signed letter to Ken Hechler, Secretary of State informing of the Board of Canvasses Certificates of Votes cast for candidates at the Primary Election held on May 12, 1998.

The Commissioners received and reviewed a copy of a letter from the Office of the Governor to Mrs. Vivian Wallace informing they have forwarded her request regarding public water for the Derryhale area of Fayette County to Director Tom burns at the West Virginia Development Office for consideration.

The Commissioners received and reviewed a copy of a memorandum from Tom Oxley, Manager of the City of Oak Hill regarding a letter from the Fayette County Chamber of Commerce regarding concerns of the Chamber with respect to safety, economic growth etc., and specifically the planned Lochgelly interchange as it would effect the Appalachian Drive Intersection.

The Commissioners received and reviewed Application for Employment from Stanley Zane Miller.

The meeting was adjourned at 10:20. Next scheduled meeting is May 27, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 27, 1998
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 May, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

The Commissioners approved and signed request to combine or divide and segregate land as submitted by the Assessor's Office.

Ms. Holly informed the Commissioners of the 22% increase in the monthly premium effective July 1, 1998, for all health care coverage plans including the traditional PEIA indemnity plan and the managed care plan. Ms. Holly informed the Commissioners that the PEIA indemnity plan was \$07.26 Family Coverage increased to \$491.54; Ms. Holly informed the Commission they had estimated in the budget for \$96.86 an for single cost was \$192.60 increased to \$243.74 estimate in the budge for 234.97. Commissioner Lopez made a motion to approve increase and that order be prepared to revise its policy dated June 14, 1991 regarding health insurance coverage for the County. Commissioner Carte seconded. Unanimous. Order prepared and signed.

The Commissioners signed letter to the West Virginia Public Service Commission and the Secretary of State giving a list of the Public Service Districts, the current board members and the date term ends.

The Commissioner received and reviewed Annual Report from Larry Dotson, Sheriff for the period beginning June 1, 1997 through May 30, 1998.

Larry Johnson, Chairman, Fayette County Solid Waste Authority appeared before the Commission with concerns about the amount of money they have in their accounts. Mr. Johnson informed the Commission that the Authority did not get the Litter Control Grant approved. Commissioner Lopez informed Mr. Johnson that he had talked with Senator Shirley Love and Mr. Love informed him that the grant was still on the table.

Mr. Johnson asked the Commission if he should give notice of lay-off to Larry Parson or if the County was going to include him in their budget. Commissioner Lopez informed Mr. Johnson that the county can not fund his salary at what Larry is getting now.

Mr. Johnson informed the Commission that the Authority might need money to help pay salary in June. The Commissioners approved to pay the difference of Larry Parson's salary for the month of June; Mr. Johnson informed the Commission that if they receive the assessment fees check from the State they might not need the help with the difference.

The Commissioners approved to writ check for airfare for Kelvin Holliday, County Clerk, for the NaCo Annual meeting being held in Portland, Oregon.

Ms. Holly informed the Commissioners she had received notice from ITT Specialty Risk Insurance informing that the claim for the breaking and entering at the Smithers Detachment did not met deductible. Ms. Holly informed the Commission that one of the property owners are requesting that they be reimbursed for their merchandise that was stolen. Discussion was held, the Commission asked that this be forwarded to the Prosecuting Attorney's Office for an opinion.

The Commissioners approved to replace telephone equipment at Magistrate Court Office in Montgomery, cost would be \$1,015.00.

The Commissioners received and reviewed letter from Pat Coley,

District Sales Coordinator with AFLAC regarding implementing a Section 125 Pre-Tax Cafeteria Plan to the County employees.

Gary Harding, Zoning Officer, appeared before the Commission and informed the Commission two cases (Z-453-98-1 and Z-454-98-2) had withdrawn.

Mr. Harding presented to the Commission for a disposition: Z-455-98-1: Request of James D. Craft, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to I-2, Heavy Industrial District, on 2 parcels totaling 8.5 acres, located on Red Star Road, Plateau District.

Mr. Harding informed the Commission that this was a request to place the classification on the property to match the existing non-conforming uses there and that the Planning Commission did by a vote of 10 to 0 recommend that this be approved. Commissioner Carte made motion that this be approved as recommended by the Planning Commission. Commissioner Lopez seconded. Vote passed 3 - 0.

Ms. Holly informed the Commission that the meeting scheduled for June 3, 1998 with Jim Lively, Fayette County Building Commission and General Allan Tackett has been rescheduled for June 24, 1998.

Ms. Holly informed the Commission she had received preliminary estimate on Coal Severance allotment, approximately \$69,200.

Ms. Holly informed the Commission that the parking lot paving has been rescheduled for Thursday at 4:00 and Friday.

Ms. Holly informed the Commission she received from Paul Blake, Prosecuting Attorney a copy of a Motion for Reinstatement regarding R. C. Godsey, Jr., et al v. William R. Laird, IV et al Civil Action 95-C-0194.

Ms. Holly asked the Commission if they want to take Mr. Blake's recommendation to file a motion to oppose reinstatement of action. The

Commission approved to take recommendation to file a motion to oppose reinstatement.

Commissioner Carte made a motion that the budget revision for the General County Fund and the Coal Severance Fund for fiscal year 1997-98 be approved. Commissioner Lopez seconded. All approved, order signed.

The Commissioners received and reviewed letter from the Regional Jail and Correctional Facility Authority informing that the Board members voted to raise the per diem rate \$1.50 from \$38.00 to \$39.50 effective July 1, 1998.

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

Ms. Holly ask the Commission to approve for her to send memorandum to the Elected Officials asking that all invoices for fiscal year end June 30, 1998 be turned in to Debbie Berry, Bookkeeper by July 2, 1997. The Commission approved.

The Commissioners received thank you letter from the Fayette Humane Society thanking the Commission for their contribution for fiscal year 1998-99, request for the Commission to send letter to the municipalities regarding assessment fees and complaint regarding calls from the 911 Center to their employees after business hours regarding dogs.

Ann Skaggs appeared before the Commission to get input on the Old County Poor Farm house owned by the Division of Highways; Ms. Skaggs informed the Commission that Mike Cobb, Superintendent, Division of Highways had talked with Daniel Wright, Chairman, Fayette County Landmark Commission regarding preserving as an old historic sight. Commissioner Lopez informed Ms. Skaggs that the Commission had already be approached about the building. Commissioner Witt informed Ms. Skaggs that the County don't have the funds and suggested to Ms. Skaggs to

check with the City of Oak Hill.

O. V. Vande Linde, Director, Erase Foundation appeared before the Commission. Mr. Vande Linde informed the Commission that Erase help residents of West Virginia enhance and restore the beauty, economy, and sense of pride in their communities through a cleaner environment with Welfare-To Work opportunities. Erase is a non-profit organization. Mr. Vande Linde informed the Commission that the Governor had awarded a \$75,000 grant to start organization. Discussion of the Demolition Bill was discussed, but no decisions were made. Commissioner Witt informed he would try to get more information regarding the Demolition Bill at the WV Associates of County Board of Directors Spring Board meeting being held on June 7th in Martinsburg.

Outstanding bills and payroll were approved. The Commission moved to release payroll today.

Attorney Pat Hamilton and City Manager Tom Oxley, City of Oak Hill, presented to the Commissioners four (4) petition for annexation;

- 1) Annexation by minor boundary adjustment of Lots 177, 178, 179, 180, 181, 182, 221, 222, 223, 224, 225 and 226 of the revised Belvoir Addition and a portion of Butler Street, situate in Plateau District, Fayette County, West Virginia. Commissioner Lopez moved to accept annexation as presented. Commissioner Carte seconded. Unanimous.
- 2) Annexation by minor boundary adjustment of real property owned by Thomas E. Law and Kathryn L. Law, situate in Plateau District, Fayette County, West Virginia. Commissioner Carte moved to accept annexation as presented. Commissioner Lopez seconded. Unanimous.
- 3) Annexation by minor boundary adjustment of Lots 112, 113, 114, 115, 116, 87, 88, 89 of the Highlawn Addition to the City of Oak Hill, part of High Street, part of Edgerwood Avenue, part of Glendale Avenue and all of Orchard Street, situate in Plateau District, Fayette County, West

Virginia. Commissioner Lopez moved to accept annexation as presented. Commissioner Carte seconded. Unanimous.

4) Annexation by minor boundary adjustment of Lots 1 and 2, owned by Mary E. Hubacher, and a 20' portion of Lot 12, owned by Robert K. Sarver, of Belvoir Addition; a portion of Parrish Street; and a portion of Terry Avenue, situate in Plateau District, Fayette County, West Virginia. Commissioner Carte moved to accept annexation as presented. Commissioner Lopez seconded. Unanimous. The final hearings are scheduled for Wednesday, June 24th at 10:00 a.m.

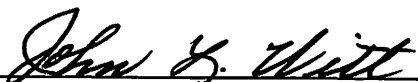
The Commissioners received and reviewed reminder to the Fayette County Sheriff's Department from Division of Criminal Justice Services regarding the Local Law Enforcement Block Grant (97-LL-98) informing that the first financial and progress reports for the quarter of March 1, 1998 through May 31, 1998, must be received no later than June 20, 1998.

The Commissioners received and reviewed notice from the Department of the Treasury that the County is due a refund on their tax deposit for the tax period May 31, 1998.

Ms. Holly informed the Commission she received request from Mary Lou Schmidt for a laptop or notebook computer with carry case and a desk top computer and monitor. Commissioner Witt asked to hold until he checked with the Board of Education.

The Commissioners approved for Ms. Holly to get started on the upgrading of the computers for year 2000.


The meeting was adjourned at 12:05. Next scheduled meeting is June 3, 1998.



BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, W. VA.

CITY OF OAK HILL,
a municipal corporation,

PETITIONER

 ANNEXATION BY MINOR BOUNDARY ADJUSTMENT OF LOTS 1 AND 2, OWNED BY MARY E. HUBACHER, AND A 20' PORTION OF LOT 12, OWNED BY ROBERT K. SARVER, OF BELVOIR ADDITION; A PORTION OF PARRISH STREET; AND A PORTION OF TERRY AVENUE, SITUATE IN PLATEAU DISTRICT, FAYETTE COUNTY, WEST VIRGINIA

ORDER

This the 27th day of May, 1998, came the City of Oak Hill, a municipal corporation of the State of West Virginia, by Ralph C. Young, its attorney, upon motion for leave to file herein its Petition, duly verified, seeking the authority of this Commission to make a minor boundary adjustment in its corporate boundary and to annex to the said City of Oak Hill the area embraced within the proposed minor boundary adjustment, as described in said Petition, all in accordance with the provisions of Chapter 8, Article 6, Section 5, of the *Code of West Virginia*, as amended, which said Petition is hereby **ORDERED** filed.

Whereupon, evidence was adduced in support of said Petition and the Fayette County Commission being satisfied that the annexation applied for is a minor boundary adjustment, does hereby **ORDER** that the matters arising upon said Petition be set for final hearing before the Court on the 24th day of June, 1998 at 10:00 A. .m., at which time and place all persons interested therein may appear in support of or in opposition of said Petition, and Petitioner may proceed further in support of its application and Petition.

It is further **ORDERED** that due notice be given that this cause has been set for hearing, as aforesaid, which notice shall specify the metes and bounds of the area proposed to be annexed and shall be published in *The Fayette Tribune*, a newspaper published in the said municipality and the contiguous territory, once a week for two (2) successive weeks, the first publication thereof to be at least fourteen (14) days prior to the date of the hearing date set, as aforesaid; furthermore, that a copy of said notice shall, likewise, be prominently posted in not less than five (5) public places in the area proposed to be annexed not less than fourteen (14) days prior to the hearing; and that a return, duly certified by an appropriate and responsible authority that publication and posting were accomplished, as aforesaid, be filed with the Clerk of the Fayette County Commission on or before the date of said hearing.

This action is hereby continued for such other and further proceedings as required by law and as shall appear appropriate.

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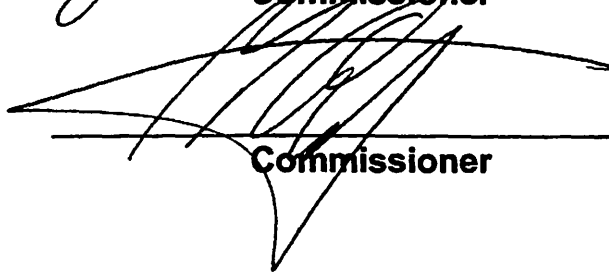
FAYETTE COUNTY COMMISSION



President



Commissioner



Commissioner

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, W. VA.

CITY OF OAK HILL,
a municipal corporation,

PETITIONER

ANNEXATION BY MINOR BOUNDARY ADJUSTMENT OF LOTS 112,
113, 114, 115, 116, 87, 88, 89 OF THE HIGHLAWN ADDITION TO THE
CITY OF OAK HILL, PART OF HIGH STREET, PART OF EDGEWOOD
AVENUE, PART OF GLENDALE AVENUE AND ALL OF ORCHARD
STREET, SITUATE IN PLATEAU DISTRICT, FAYETTE COUNTY,
WEST VIRGINIA

ORDER

This the 27th day of May, 1998, came the City of Oak Hill, a municipal corporation of the State of West Virginia, by Ralph C. Young, its attorney, upon motion for leave to file herein its Petition, duly verified, seeking the authority of this Commission to make a minor boundary adjustment in its corporate boundary and to annex to the said City of Oak Hill the area embraced within the proposed minor boundary adjustment, as described in said Petition, all in accordance with the provisions of Chapter 8, Article 6, Section 5, of the *Code of West Virginia*, as amended, which said Petition is hereby **ORDERED** filed.

Whereupon, evidence was adduced in support of said Petition and the Fayette County Commission being satisfied that the annexation applied for is a minor boundary adjustment, does hereby **ORDER** that the matters arising upon said Petition be set for final hearing before the Court on the 24th day of June, 1998, at 10:00 A.m., at which time and place all persons interested therein may appear in support of or in opposition of said Petition, and Petitioner may proceed further in support of its application and Petition.

It is further **ORDERED** that due notice be given that this cause has been set for hearing, as aforesaid, which notice shall specify the metes and bounds of the area proposed to be annexed and shall be published in *The Fayette Tribune*, a newspaper published in the said municipality and the contiguous territory, once a week for two (2) successive weeks, the first publication thereof to be at least fourteen (14) days prior to the date of the hearing date set, as aforesaid; furthermore, that a copy of said notice shall, likewise, be prominently posted in not less than five (5) public places in the area proposed to be annexed not less than fourteen (14) days prior to the hearing; and that a return, duly certified by an appropriate and responsible authority that publication and posting were accomplished, as aforesaid, be filed with the Clerk of the Fayette County Commission on or before the date of said hearing.

This action is hereby continued for such other and further proceedings as required by law and as shall appear appropriate.

ENTER:

FAYETTE COUNTY COMMISSION



President



Commissioner



Commissioner

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, W. VA.

CITY OF OAK HILL,
a municipal corporation,

PETITIONER

(1) ANNEXATION BY MINOR BOUNDARY ADJUSTMENT OF LOTS 177, 178, 179, 180, 181, 182, 221, 222, 223, 224, 225 & 226 OF THE REVISED BELVOIR ADDITION AND A PORTION OF BUTLER STREET, SITUATE IN PLATEAU DISTRICT, FAYETTE COUNTY, WEST VIRGINIA

ORDER

This the 27th day of May, 1998, came the City of Oak Hill, a municipal corporation of the State of West Virginia, by Ralph C. Young, its attorney, upon motion for leave to file herein its Petition, duly verified, seeking the authority of this Commission to make a minor boundary adjustment in its corporate boundary and to annex to the said City of Oak Hill the area embraced within the proposed minor boundary adjustment, as described in said Petition, all in accordance with the provisions of Chapter 8, Article 6, Section 5, of the *Code of West Virginia*, as amended, which said Petition is hereby **ORDERED** filed.

Whereupon, evidence was adduced in support of said Petition and the Fayette County Commission being satisfied that the annexation applied for is a minor boundary adjustment, does hereby **ORDER** that the matters arising upon said Petition be set for final hearing before the Court on the 24th day of June, 1998, at 10:00 A.m., at which time and place all persons interested therein may appear in support of or in opposition of said Petition, and Petitioner may proceed further in support of its application and Petition.

It is further **ORDERED** that due notice be given that this cause has been set for hearing, as aforesaid, which notice shall specify the metes and bounds of the area proposed to be annexed and shall be published in *The Fayette Tribune*, a newspaper published in the said municipality and the contiguous territory, once a week for two (2) successive weeks, the first publication thereof to be at least fourteen (14) days prior to the date of the hearing date set, as aforesaid; furthermore, that a copy of said notice shall, likewise, be prominently posted in not less than five (5) public places in the area proposed to be annexed not less than fourteen (14) days prior to the hearing; and that a return, duly certified by an appropriate and responsible authority that publication and posting were accomplished, as aforesaid, be filed with the Clerk of the Fayette County Commission on or before the date of said hearing.

This action is hereby continued for such other and further proceedings as required by law and as shall appear appropriate.

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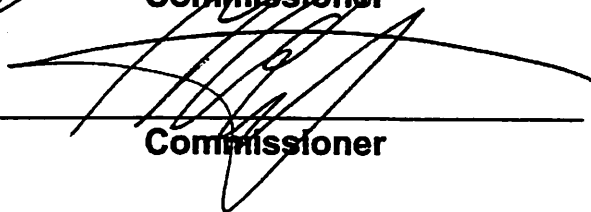
FAYETTE COUNTY COMMISSION



President



Commissioner




Commissioner

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, W. VA.

CITY OF OAK HILL,
a municipal corporation,

PETITIONER

 ANNEXATION BY MINOR BOUNDARY ADJUSTMENT
OF REAL PROPERTY OWNED BY THOMAS E. LAW
AND KATHRYN L. LAW, SITUATE IN PLATEAU
DISTRICT, FAYETTE COUNTY, WEST VIRGINIA

ORDER

This the 27th day of May, 1998, came the City of Oak Hill, a municipal corporation of the State of West Virginia, by Ralph C. Young, its attorney, upon motion for leave to file herein its Petition, duly verified, seeking the authority of this Commission to make a minor boundary adjustment in its corporate boundary and to annex to the said City of Oak Hill the area embraced within the proposed minor boundary adjustment, as described in said Petition, all in accordance with the provisions of Chapter 8, Article 6, Section 5, of the *Code of West Virginia*, as amended, which said Petition is hereby **ORDERED** filed.

Whereupon, evidence was adduced in support of said Petition and the Fayette County Commission being satisfied that the annexation applied for is a minor boundary adjustment, does hereby **ORDER** that the matters arising upon said Petition be set for final hearing before the Court on the 24th day of JUNE, 1998 at 10:00 A.m., at which time and place all persons interested therein may appear in support of or in opposition of said Petition, and Petitioner may proceed further in support of its application and Petition.

It is further **ORDERED** that due notice be given that this cause has been set for hearing, as aforesaid, which notice shall specify the metes and bounds of the area proposed to be annexed and shall be published in *The Fayette Tribune*, a newspaper published in the said municipality and the contiguous territory, once a week for two (2) successive weeks, the first publication thereof to be at least fourteen (14) days prior to the date of the hearing date set, as aforesaid; furthermore, that a copy of said notice shall, likewise, be prominently posted in not less than five (5) public places in the area proposed to be annexed not less than fourteen (14) days prior to the hearing; and that a return, duly certified by an appropriate and responsible authority that publication and posting were accomplished, as aforesaid, be filed with the Clerk of the Fayette County Commission on or before the date of said hearing.

This action is hereby continued for such other and further proceedings as required by law and as shall appear appropriate.

ENTER:

FAYETTE COUNTY COMMISSION



President



Commissioner



Commissioner

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 4, 1998
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 November, 1998.

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

Exonerations were approved and signed.

The Commissioners signed letter to the West Virginia State Agency for Surplus Property certifying that the Mount Hope 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 signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,200.00 for the month of November, 1998.

The Commissioners received and reviewed invoices for the purchase of 3 vehicles for the Sheriff's Department.

The Commissioners received and reviewed reports and letters from the Unemployment Division and the Workers' Compensation Division.

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office.

The Commissioners received and reviewed franchise fees from Rifkin Communication Partners, L. P. for the period July 1, 1998 through September 30, 1998.

The Commissioners received and reviewed check in the amount of \$29,932.57 for the Emergency Telephone System Fee for the month of

September, 1998.

The Commissioners received Application fee from Rifkins Communications Partners, L. P. for a transfer.

The Commissioners received and reviewed Quarterly Report from David Pollard, Fayette County Community Resource Coordinator.

The Commissioners received and reviewed a copy of a letter sent to the Fayette County Board of Education from the West Virginia University Extension Office requesting the Board to transfer grant funds to cover the fiscal year from July 1, 1998 to June 30, 1999. Ms. Holly informed the Commissioner that as of today the funds have not been transferred.

The Commissioners approved to pay two vouchers for the Loop Creek Fire Department.

The Commissioners received and reviewed notice of a final statement from the U. S. District Court regarding Commercial Explosives Antitrust Litigation.

Commissioner Carte informed the Commissioners that Judge John Hatcher is requesting office space for a Law Clerk. Commissioner Carte moved to approve. Commissioner Witt informed he would talk with Judge Hatcher regarding matter.

Commissioner Lopez made motion to accept recommendation of David Neal, E-911 Coordinator to include the Rupert Exchange in the Fayette County 911 System. Commissioner Carte seconded. All approved.

Commissioner Carte informed the Commissioners that David Brash has resigned from the 911 Advisory Board. Commissioner Carte made motion to appoint Robert "Chunky" Begley to the 911 Advisory Board. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from the Division of Highways informing they received the Commission letter dated September 15, 1998 regarding the change of traffic patterns on County Route 82, Fayette Station Road. The Division of Highways informed the Commission they would operate this one-way north to south after the new Fayette Station Bridge opened for the remainder of 1998 and the early part of 1999, but during this initial time period, they would evaluate its overall operation and determine whether the traffic pattern could be modified to address specific situations or let it remain as it currently exists. The Division of Highways informed the Commission they would still make this detailed evaluation and review its results during the 1st half of 1999.

Ms. Holly informed the Commission she received a call from Eddie Young with request that a fence be installed around the batting cage at the Boomer ballfield. No decision made.

Ms. Holly informed the Commissioners they needed to met with a representative from the Law Enforcement, Library and Fire Department to discuss the upcoming special election for renewal of existing additional county excess levy.

The Commissioners asked Ms. Holly to schedule a meeting at 10:15 a.m. on Friday, November 13, 1998 with each representative.

The Commissioners approved for the County Clerk's Office to have special session for training for the upcoming special election.

Ms. Holly informed the Commissioners she had advertised for the mapping and address software and hardware. Ms. Holly informed the Commissioners that the cost would be between \$28,000 - \$30,000 and the county would have to pay an additional \$4,000 for completion of the project. Discussion was held, Commissioner Lopez made motion to pay

the additional cost for the mapping and addressing for the 911 Center. Commissioner Witt seconded. Commissioner Carte opposed. Vote passed 2 -1.

Paul Lansat with Sun Mountain Project appeared before the Commissioners to introduce Martin Callaway the new Vice President/Treasurer of the Sun Mountain Project.

Mr. Lansat gave an update of the project.

George Walberg, Gene Kistler and several other members of the Fayetteville In Motion appeared before the Commission to request lights to decorate the courthouse during the Christmas holiday. The Commissioners suggested to the members that they explain in writing the Christmas Lightning Project and get back with them before the next meeting.

Kenny Parker, owner, Blueridge Outdoors appeared before the Commission to discuss sign placed on the Wiseman Parking lot. Mr. Parker suggested to the Commission to change the wording on the sign. Discussion was held, Commissioner Witt informed the sign would not be changed. Commissioner Witt told Mr. Parker the Commission would have to see how the sign works out.

Nancy Ferrell, Al Lynch, Kanawha Falls Public Service District members and Bill Cunningham, Gosh Engineering appeared before the Commission to request funding in the amount of \$70,000 to purchase a belt filter press used to de-water sludge. Ms. Ferrell informed the Commissioners that this equipment is needed in order to comply with the Division of Environmental Protection Agency orders to remove sludge from the Public Service District plant to avoid a scenario involving contamination of the nearby Kanawha River.

After a brief discussion, Commissioner Carte moved that the

Commission make a commitment to contribute \$15,000 towards the project contingent upon receipt of the additional funding necessary by the Kanawha Falls Public Service District. Commissioner Lopez seconded. Unanimous. Vote passed 3 - 0.

The Commissioners received and reviewed invitation to the Fayette County Chambers of Commerce and the New River Convention Visitors Bureau for a Taste of the Chamber being held Tuesday, November 10 from 5:30 - 7:30 p.m.

The Commissioners signed letter to Eugene Tuckweller, Assistant District Administrator with the Division of Highways requesting the use of a grader with an operator for use on county-owned property located at the Boomer ballfield. Cost would be approximately \$142.45.

The Commissioners received/reviewed and signed 2 state/local contracts between the West Virginia Development Office and Fayette County Commission to make Fayette County Courthouse handicapped accessible and to purchase a truck for the Fayette County Emergency Food Assistance Center.

Outstanding bills were approved.

The meeting was adjourned at 12:05. Next scheduled meeting is November 9, 1998.



FAYETTE COUNTY COMMISSION

SPECIAL SESSION

NOVEMBER 9, 1998


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 9th day of November, 1998, as Board of Canvasses to conduct Canvass of General Election held on November 3, 1998. The Statement of Ballots Used were verified, the challenged ballots were determined, and the results of the election were disclosed. Results are to be certified on November 13, 1998. The Commissioners adjourned as Board of Canvassers.

The next scheduled meeting is November 13, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 13, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 13th day of November, 1998.

Mike Hastings, President, Long-Airdox Conveyor Division, Carl Harris, Assistant Prosecuting Attorney, Eddie Young from the Assessor's Office, Autry Ritch, State Tax Department were all sworn in. Mr. Hastings appeared before the Commission with request to appeal a tax assessment on the Long-Airdox property located at 227 West Maple Avenue in Oak Hill. Mr. Hastings asked the Commission if they would reconsider tax assessment, presented to the Commission an appraised assessment by an independent appraiser and tax tickets since 1994.

Carl Harris moved to dismiss hearing informing that a clerical error was not made.

Eddie Young presented explanation to the Commissioners on how he and Steve Fox had inspected the building.

Autry Ritch from the State Tax Department informed the Commission that he had been asked to preview property. Mr. Ritch informed the Commissioners he had inspected the property on November 6, 1998, and he felt the County did an accurate job in assessing the building. Mr. Ritch informed Mr. Hastings that he would have assessed the building higher than the County did.

Again, Carl Harris, Assistant Prosecuting Attorney informed the Commissioner that this was not a clerical error and that the assessed value should not change.

Michael Giannini, City Manager of the City of Oak Hill was present and informed the Commission that Tuesday evening the City of Oak Hill had voted to oppose any tax deduction.

Commissioner Carte moved that motion be sustained not clerical error. Commissioner Lopez seconded. All approved. Vote passed 2-0.

Exonerations were approved and signed.

Outstanding bills and payroll were approved. The Commissioners approved to release payroll.

Commissioner Carte moved that the canvass of the 1998 General Election be certified. Commissioner Lopez seconded. All approved. The commissioners signed order certifying the results of the canvass for the General Election.

Discussion was held regarding the Special Levy Election for the Law Enforcement, the Fire Department and the Library. Everyone agreed on having the election Saturday, February 6, 1999.

Ms. Holly explained that it was up to County on how they want to address levy rates. The Commissioners informed they would like to continue to roll back taxes based on last certification of values. Commissioner Carte made motion that the levy Election would be held on Saturday, February 6, 1999 and that the County would continue to roll back taxes based on last certification of values. Commissioner Lopez seconded. All agreed. The Commissioners signed order based on this decision. (See attached copy)

The Commissioners signed order that paper ballots would be used for the levy election.

The Commissioners signed order notifying the Executive Committee of the democratic and republican parties of the total number and type of election boards for the various precinct and of the number of

nominations for each party which may be made for poll clerks, election commissioners, alternates, and emergency absentee ballot commissioners for the Special Excess Levy Election.

Earl Paul, Park Superintendent, appeared before the Commission with estimates from Southeastern Chemical and Phillips Supply Company to purchase a snowmelt. Mr. Pauley informed the Commission that Southeastern Chemical had the lower bid. The Commission approved lower bid of Southeastern Chemical and approved purchase of 100 pound drum snowmelt at \$26.60 a drum.

The Commissioners approved for Ronnie Body Shop to do body work on the 3 vehicles purchase for the Sheriff's Office, cost \$2,250.00.

The Commissioners received and reviewed brochure from Earl regarding a Transportation Enhancement Program and Recreational Trails Program Grants. The Commissioners asked that this be forwarded to Dave Pollard, Fayette County Community Resource Coordinator.

The Commissioners received and reviewed from Mr. Pauley the cost for a sound system for the Fayette County Park. The Commission asked that this be given to Commissioner Witt to review.

Mr. Pauley informed the Commissioners that the Lacy Lights will be on display from December 1 through January 1st, 1999, two people will be at the gate. Mr. Pauley informed the Commissioners he would have extra workers starting Monday. Donation bucket will be placed at the gate.

Discussion was held regarding getting a pole to hang memorial plaques at the Fayette County Park. No decision was made.

The Commissioners received and signed agreement from the West Virginia Development Office regarding the Boomer ballfield.

The Commissioners signed order appointing Robert "Chunky" Begley

a member of the Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners signed letter to the West Virginia State Agency for Surplus Property certifying that the Pax 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 signed invoices to the City of Oak Hill, Town of Fayetteville, and the City of Mount Hope for the confinement of inmates at the Southern Regional Jail for the month of September and October.

Ms. Holly informed the Commissioners that Governor Underwood had declared Friday, November 27, 1998 an additional day off for State employees.

The Commissioners approved November 27 an additional day off for County employees without charge against accrued annual leave.

Ms. Holly informed the Commission they would have to adopt franchise regulations.

Ms. Holly informed the Commission that Bob Massey, Maintenance Supervisor, told her that the compressor has burned up in the water fountain at the Courthouse Annex. Mr. Massey received an estimate of the cost from Raleigh Hardware, price \$468.00. The Commissioners approved to purchase from Raleigh Hardware.

Ms. Holly informed the Commissioners that Debbie Aliff, Payroll Clerk, wants to know if the Commission is going to pick up increase for the managed care insurance. The Commissioners informed they would not be picking up increase, the employees would have to pay increase.

The Commissioners received and reviewed franchise fee from

TWFanch-one Company for third quarter, 1998.

Ms. Holly informed the Commissioners she had advertised for the purchase and installation of a Local Area Network (LAN) to be compatible with the State of West Virginia new Valuation and Assessment Administration System for the Assessor's Office. Bids are to be open on Wednesday, November 25, 1998 at 10:00 a.m .

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

The Commissioners received and reviewed Financial Statement from the New River Convention and Visitors Bureau for the period ended December 31, 1997 and 1996.

The Commissioners received and reviewed letter from the Division of Environmental Protection informing that the DEP is pleased to present a speakers bureau to the citizens of the state and would be available to talk with various organizations if they are interested.

The Commissioners received and reviewed notice from Steptoe and Johnson regarding Jennifer Lynn Settle law suit.

The Commissioners received and reviewed letter from Attorney Robert R. Rodecker requesting information for his client, West Virginia Wireless Carriers Coalition pursuant to the Freedom of Information Act regarding the 911 Center fees.

Ms. Holly informed the Commissioners she received check from the Board of Education for contribution for the West Virginia University Extension Office.

The Commissioners received and reviewed check from the Federal Emergency Management Agency (FEMA) grant for the Fayette County Office of Emergency Services.

The Commissioners received and reviewed letter from ITT Hartford

Insurance regarding recover loss for claim #474AC06061, James E. Brennan.

Ms. Holly informed the Commissioners she received request from West Virginia University Extension Office to upgrade some of their computers, was informed they received a grant from West Virginia University of \$650.00 to help with the cost. Ms. Holly informed the Commission that Mary Lou Schmidt want to know if they would use the funds that are left from the summer Work Study Program to offset the expense. Commissioner Lopez asked Ms. holly to see what was left from that fund and go ahead and approve.

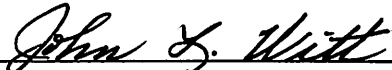
Ms. Holly informed the Commissioners that she received a letter from Kelvin Holliday, County Clerk regarding a taxpayer questioning his classification of property. Ms. Holly informed the Commissioners a copy had been forwarded to the Assessor's Office.

Ms. Holly presented to the Commissioners an agreement from Kermit Bowles per Commissioner Witt regarding removal of trees from the front of the Courthouse. The Commissioners asked Ms. Holly to hold until they discuss with Commissioner Witt.

The Commissioners approved for Ms. Holly to attend the next 2 seminars in Charleston.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing that Thomas Aiello, Assessor has substantially complied with the "Assessor's additional duties" an is entitled to the additional compensation of \$15,000 as provided in West Virginia Code 7-7-6b.

The meeting was adjourned. At 11:45 a.m. Next scheduled meeting is November 25, 1998.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 25, 1998
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 25th day of November, 1998.

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

Exonerations were approved and signed.

The Commissioners signed letter to the West Virginia Public Port Authority asking the Authority to cease any further action on the new proposed regional airport until the West Virginia Public Port Authority obtain the "concurrence of the affected public agenc(ies)," which includes Fayette County.

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office.

Commissioner Witt made motion to approve Landfill contribution for the Fayette County Solid Waste Authority. Commissioner Carte seconded. All approved.

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

Jackie Hickman presented to the Commissioners bids received by Kelvin Holliday, County Clerk fro Dayton Legal Bank (\$492.00) and Casto and Harris (\$1,764.00) for the cost of Poll slips for Special Excess Levy Election. Commissioner Witt made motion to approve and purchase Poll slips from the lower bid Dayton Legal bank. Commissioner Carte seconded. All approved.

Commissioner Witt made motion to approve voucher for disbursement of funds in the amount of \$31,450 for the annual payment on the

purchase of a fire engine to the City of Oak Hill. Commissioner Carte seconded. All approved.

Discussion was held regarding request by Fayetteville in Motion to light up Courthouse. Commissioner Witt questioned about the liability of outsiders climbing the building, suggested checking with the Prosecuting Attorney's Office regarding the liability. Commissioner Carte suggested having Gene Kistler and members come to the next meeting.

The Commissioners decided not to sign Tree Replacement Agreement.

The Commissioners opened bids from Networking Technologies, TMC Technologies, Inc. And GL Boso and Associates for the purchase and installation of a Local Area Network (LAN) to be compatible with the State of West Virginia new Valuation and Assessment Administration System.

Commissioner Carte moved to take all bids under advisement and have Tom Aiello, Assessor and Charlotte Holly, County Administrator get together and review. Commissioner Witt seconded. All approved.

Outstanding bills and payroll were approved. The Commissioners approved to release payroll today.

Attorney James Blankenship and Attorney Carl Harris Fiduciary Commissioners appeared before the Commission regarding the Estate of Neil Russell Bias. Attorney Blankenship informed the Commission that they were here to get final settlement approved. Attorney Blankenship informed the Commissioners that certified notices were mailed but he had not received green card back. Commissioner Lopez made motion to approve final settlement pending the receipt of green card.

Commissioner Carte seconded. All approved.

The Commissioners signed orders reappointing John Hoffman, Gary

Davis and Fred Waugh to the Board of Zoning Appeals, term is for an additional three years. Mr. Waugh to serve one more year until January 1, 2000.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney requesting that a separate check one time only be issued to Debbie Rinehart, Kathy Bird, and Emily Corley in the amount of \$1,000.00 each for performing additional duties due to the death of one secretary and the relocation of another secretary out of state.

The Commissioners received and reviewed Workers' Compensation Reports.

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

The Commissioners received and reviewed reports from the Unemployment Compensation Division.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding the Jennifer Lynn Settle law suit.

The Commissioners approved for Thelma Kincaid to hire part time worker for approximately six weeks to help with the Special Levy Election being held February 6, 1998.

The Commissioners reviewed letter to Robert Rodecker regarding request for information on behalf of his client, West Virginia Wireless Carriers Coalition.

The Commissioners received and reviewed memorandum from Sheriff Larry Dotson informing that effective November 29, 1998 Deputy Sean Snuffer will be resigning his position as a Fayette County Deputy Sheriff.

The Commissioners received and reviewed request from the West Virginia University Extension Office to purchase a windows based lap

top with CD Rom and Modem. The Commissioners were informed the cost would be \$1,600.00, with the University making available \$650.00 toward the purchase. The Extension Office asked the Commission if they could use money left over from the Work Study Program to help with the cost. The Commissioners approved purchase, Ms. Holly is to check to see how much Work Study funds are available.

The Commissioners received and reviewed letter from the West Virginia University Extension Office informing the Commission of a new program called, "First Impressions."

The Commissioners received and reviewed check in the amount of \$450.00 for Deputy Jackie Brown's vehicle.

The Commissioners received and reviewed check in the amount of \$5,703.20 from the Helicon Group, L.P. for franchise fee for the period July 1, 1998 to September 30, 1998.

The Commissioners received and reviewed letter from the U. S. Department of Labor informing they received payment in the amount of \$2,400.00 representing the final assessment of Civil Money Penalties on August 5, 1998 for Child labor Act violation.

The Commissioners received letter from the Fayette County Enhanced Emergency Telephone System Advisory Board informing that David Brash, CEO of Plateau Medical Center has resigned from the Advisory Board effective October 23, 1998.

The Commissioners received and reviewed letter from Senator Robert Byrd informing that the Social Security Administration has announced its plan to maintain, for at least three months, a contact station in Montgomery to be staffed twice a month.

The Commissioners received and reviewed letter from the Bell Atlantic regarding the year 2000.

The Commissioners received and reviewed notice from the County Commissioners Association informing a special meeting is being held on November 30, 1998 at 4:00 p.m. to discuss the most recent Task Force meeting concerning the interrelationship between county commission and other elected officials and budgetary matters.

The Commissioners received and reviewed from the Department of Tax and Revenue the Assessor's Valuation Fund Actual Revenue and expenditures Report for fiscal year 1997-98.

The meeting was adjourned at 10:50 a.m. The next scheduled meeting is December 9, 1998.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 7, 1998
COURTHOUSE
FAYETTEVILLE, WV 28540
MEMBERS Present: John H. Lopez, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 7th day of October, 1998.

Commissioner Lopez called meeting to order.

Exonerations were approved and signed.

The Commissioners approved tax relief for Adona Pugh for 1997 and 1998 taxes.

The Commissioners received and reviewed letter from David Neal, E-911 Coordinator informing that he polled all the E-911 Advisory Board members with regards to the salary vs. hourly pay rate schedule, it was unanimously decided that the E-911 would be paid annual salary instead of hourly rate.

Commissioner Carte discussed cutting back on the E-911 employees overtime. Commissioner Lopez informed he had no problem with the overtime or the increase in pay, but would not be making any more revisions to the budget for this fiscal year.

The Commissioners signed letter to Kelvin Holliday, County Clerk, informing that effective October 1, 1998 an increase in the salaries plus benefits be paid to the E-911 employees from the E-911 Fund and effective October 1, 1998 the wages to be paid to George C. Campbell and James E. Koone part-time employees be increased and paid from the E-911 Fund.

The Commissioners approved Polling Places for the General Election being held November 3, 1998.

The Commissioners approved to change the regular meeting from

October 28, to October 27, 1998.

Ms. Holly informed the Commissioners that the auction held on September 30, 1998 grossed \$24,670.75.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting for reimbursement for rent in the amount of \$1,200.00 for the month of October, 1998.

The Commissioners received/reviewed and signed Fire Levy Agreement for the City of Oak Hill for the period July 1, 1998 to June 30, 1999.

The Commissioners received and reviewed Fire Levy Pumper Replacement Agreements for Boomer Fire Department, Nuttall Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Oak Hill Volunteer Fire Department, and Ansted Certified Fire Department for the period July 1, 1998 to June 30, 1999.

Ms. Holly informed the Commissioners that she has completed application for the Federal Communications Commission for certification of franchising authority to regulate basic cable service rate for Fayette County.

Ms. Holly informed the Commissioners that the Commission would have to adopt regulations to service these rates. The Commission discussed putting Dave Pollard, Community Resource Coordinator in charge of overseeing the regulating of rates. No decision made.

Ms. Holly informed the Commissioners that she has advertised for the mapping and addressing system for the 911 System.

Ms. Holly informed the Commissioners that she had received the bids for the handi-cap bathroom at the Fayette County Park from Earl Pauley, Park Superintendent. Ms. Holly informed the Commission she received bids from Raleigh Hardware, Means Lumber, Fayco Lumber and

Hardman's; for plumbing the bid was awarded to Raleigh Hardware, amount \$3,416.82; for electrical the bid was awarded to Fayco Lumber, amount \$1,541.15; and for building materials the bid was awarded to Means Lumber, amount \$4,980.26.

Commissioner Carte moved to reconstruct ramp at back door.

The Commissioners approved to clean the third floor to make available as a juror lounge per Judge John Hatcher's request.

The Commissioners received and reviewed letter from Workers' Compensation regarding Barbara J. Hull.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council inviting the Commission to attend the Fall Quarterly Dinner meeting being held on October 21, 1998.

The Commissioners received and reviewed letter from the Division of Highways informing that the request for road name for Fayette County Route 60/45 be changed from Hawks Nest Road to Downey Ridge Road will be changed within the next 60 to 90 days. Copy sent to Ms. Wendell Hoge.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Letter of Audit Inquiry from Edward Shiflett, Auditor, Department of Tax and Revenue.

The Commissioners received and reviewed thank you card from the Fayetteville Junior's Women Club.

Ms. Holly informed the Commission she received from the County Clerk's Office a letter from Paul Clay, attorney, regarding a petition for the Estate of Wilbur Ruth Moore. The Commissioners reviewed and told Ms. Holly that this should go back to the County Clerk's Office.

The Commissioners received and reviewed Certificate of Insurance from TWFanch-one Company.

The Commissioners receive and reviewed a check in the amount of \$8,393.24 representing a disbursement of Wireless E-911 subscribers fees for the months of April, May, and June, 1998.

Commissioner Carte questioned if the Commission could charge Cellular Phone users \$1.48.

The Commissioners received and reviewed newsletter from the Fayette County Humane Society.

Ms. Holly informed the Commission that at their last meeting they approved cancellation of bonds required of deputy sheriffs and county employees. Ms. Holly told the Commissioners that a letter have been sent to each agency informing of the cancellations.

Commissioner Carte informed the Commission that he had seen an article in the newspaper regarding county not having to pay for transportation of prisoners. Commissioners informed he would have to get a copy of the Supreme Court opinion.

The Commissioners received and reviewed Audit Report from Danese Volunteer Fire Department and Rescue Squad, Inc. for calendar year ending December 31, 1997.

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

The Commissioners received and reviewed accident report from Deputy James Sizemore. Ms. Holly informed the Commission a copy has been forwarded to Jim Lively Insurance.

Outstanding bills were approved.

The meeting was adjourned at 11:07. Next scheduled meeting is October 15, 1998.

John G. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 15, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, Gene Carte, Jr.

The Fayette County Commission met in regular session on this 15th day of October, 1998.

Commissioner Witt called meeting to order at 9:40.

Exonerations were approved and signed.

Michael Martin, a member of the Central Appalachian Empowerment Zone (CAEZ) appeared before the Commission to discuss appointing another Commissioner to the CAEZ since Commissioner Witt resigned. Discussion was held regarding appointing some one other than a Commissioner. Commissioner Witt informed he would like to hold off and discuss with Commissioner Lopez before making any decisions. Commissioner Witt told Mr. Martin the Commission would have to check the by-laws regarding appointing some one other than a Commissioner and get back with him.

Commissioner Witt informed he had a few questions regarding the vouchers, he thinks that there is too much out of state buying; questioned the telephone bill and Consumer Tax Report for Park. Ms. Holly explained to Commissioner Witt the Consumer Tax Report. After a brief discussion, Commissioner Carte moved that outstanding bills and payroll be approved. Commissioner Witt seconded. Unanimous.

The Commissioners signed Sale Tax Report for the month of September for the Fayette County Park.

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office.

The Commissioners signed letter to One Valley Bank of Charleston

with a copy of the pledge of securities by the Fayette County National Bank to confirm that their institution is holding the pledged securities to the account of the Fayette County Commission and that said securities will not be released by them except by order of the Commission.

The Commissioners received a copy of a complaint from Rebecca Ellison regarding her septic system. The Commissioners informed they have nothing to do with septic systems and that Ms. Ellison should hire an attorney to pursue the matter.

Commissioner Witt reminded the Commission that the County Commissioners' Association will hold their regular meeting in the County Commission room on Thursday, October 29, 1998 from 1:00 p.m. to 3:00 p.m. to discuss the legislative priorities adopted by the County Commissioners' Association Legislative Committee and Board of Directors.

Ms. Holly informed the Commission that the presentation of grant awards for the County, Municipalities, and other agencies by Senator Shirley Love will be at 11:30 a.m. on October 27th. Ms. Holly informed the Commission that Mountain Laurel will be doing the catering and asked the Commission about the number of people that would be attending. Commissioner Witt told Ms. Holly to prepare for 100 to 150 to attend. Commissioner Witt informed that there's a chance that Governor Cecil Underwood would be attending. Commissioner Witt informed he would check with Judge Hatcher to see if any trials are going on.

The Commissioners signed a letter to West Virginia Development Office requesting second drawdown for the Courthouse Improvement and Fayette County Park Improvements, attached is a financial report and

invoices giving the expenditures for construction cost for completion of 100% of the total project.

The Commissioners signed letter to the West Virginia Development Office asking for their approval to reimburse the Minden Community Meeting Center, Inc. for material and labor related to the overall roof system replacement of said Minden Community Center.

Ms. Holly informed the Commission she received a letter from Long-Airdox requesting tax relief. Ms. Holly informed the Commission she has prepared letters to Long-Airdox, Tom Aiello, Assessor, Paul Blake, Prosecuting Attorney and the Department of Tax and Revenue to inform them of the scheduled appointment; discussion was held, Commissioner Carte informed the Commission that the letter presented was incorrect and hearing should not be scheduled. Request denied.

The Commissioners received and reviewed copies of letters to Kelvin Holliday, County Clerk from Paul Blake, Prosecuting Attorney informing that Billie Jo Nibert will be working five days in his office at an hourly rate of \$7.50 an hour, and from Larry Dotson, Sheriff informing that effective October 16, 1998 James W. Fitzwater, Dallas H. Duncan, Luther A. Crisp, III and Kendall L. Baker will be employed in the Sheriff Department full-time plus benefits at \$1,673.00 a month.

The Commissioners received and reviewed from Bank One notice that the Industrial Development Revenue Bond for Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc. (FMRS) has been paid as of August 11, 1998. Copy of Promissory Note received.

Ms. Holly informed the Commissioners she had called the Cable Company to get response regarding the franchise fee location on Harold Bragg's cable bill. Ms. Holly informed the Commission that the

County's 3% is listed under the municipality.

Ms. Holly presented a letter from Fanch Communications, Inc. apologizing for not having a representative at the commission meeting on September 29, 1998 and informed that Michael Keleman, Regional Director of Customer and Community Affairs would be contacting the Commission office and the Mayor of Smithers to set appointments in order to gain more information about the situation and the specific issues raised.

Ms. Holly informed the Commission that she has prepared check to the New River Visitors Bureau Convention Center for the quarter (Jul-Aug-Sep).

The Commissioners received and reviewed memorandum from the Kanawha County Commission regarding the payment of Utility Property Taxes.

Sam Miller appeared before the Commission to request that his case Z-461-98-2 be sent back to the Planning Commission. After a brief discussion, Commissioner Carte made motion to send back to the Planning Commission for a new case. Commissioner Witt seconded. All approved. Vote passed 2 - 0.

Ms. Holly informed the Commission that testing for the votomatics would be Tuesday, October 27, 1998 at 10:00 a.m.

Ms. Holly informed the Commission that Debbie Aliff, Payroll Clerk had attended one of the Benefit Fair sponsored by the Public Employees Insurance Agency (PEIA) regarding our insurance. Ms. Holly told the Commission that January 1, 1999 there would be an increase in the CareLink and Prime One insurance and the Indemnity Plan would increase in July but she did not know how much.

The Commissioners received and reviewed letter from the

Department of Agriculture informing that Thomas Aiello, Assessor, has completed the Farm Census of 1998 and is eligible to receive compensation from the County Court according to Chapter 7, Article 7, Section 6c of the New Code of West Virginia. The Commission approved to pay.

The Commissioners received and reviewed Dog Tax Report for the month of September.

The Commissioners received and reviewed memorandum from the West Virginia Development Office two copies of the Compressed Natural Gas Refueling Directory.

Ms. Holly informed the Commissioners that since the first of July due to the shortage of funds in the 911 Fund account, she was holding off paying Motorola, Inc. bill for lease of equipment, after July she mailed the April and June check, Ms. Holly informed the Commissioners that she was told by a representative of Motorola that they only received the April payment. Ms. Holly asked the Commissioners to approve voiding the June check and asked if they wanted her to issue a new check out of the 911 Fund or out of the General Fund. The Commissioners approved and asked Ms. Holly to reissue check out of the Fayette County 911 Fund.

The Commissioners tentatively approved to replace sealing tile, paint and clean front office on third floor for Juror Lounge. Commissioner Witt informed he would check with Judge John Hatcher regarding using the room for canvass.

The meeting was adjourned at 11:15. Next scheduled meeting is October 27, 1998.

John L. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 22, 1998
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 22nd day of October, 1998.

Commissioner Witt called meeting to order at 11:00.

Commissioner Witt informed the purpose of the special meeting is to appoint a Commissioner to the Central Appalachian Empowerment Zone (CAEZ).

Sheriff Larry Dotson appeared before the Commission to request funding for three Chevy Caprice vehicles for the Sheriff's Department, informed the Commission that he had hired four new deputy sheriff's and that they needed the cars. Sheriff Dotson told the Commission that Earl Pauley, Park Superintendent had gone to the West Virginia Surplus and found three Chevy Caprice, 1992-\$2200, 1994-\$5000, 1995-\$5900.

Commissioner Lopez made motion to fund the three used vehicles for the Sheriff's Department. Commissioner Carte seconded.
Unanimous.

Commissioner Lopez asked Sheriff Dotson if there was a chance that he could assist with the purchase.

Sheriff Dotson informed he would have to check the amount of money in the Concealed Weapon Fund and would get back with him.

Commissioner Witt read letter addressed to al the Public Service District's informing that all funding for monies should go directly to Region 4 first and not the Infrastructure Council. Commissioner Carte

declined to sign.

Commissioner Lopez made motion that Commissioner Carte be appointed to the Central Appalachian Empowerment Zone Board to represent Fayette County. Commissioner Witt seconded. All approved.

Commissioner Carte made a proposal that by July 1, 1999 Fayette County have their own Fayette County Development Authority and delete the 4-C Economic Development Authority. Discussion was held, no decision was made.

The Commissioners received letter from Mike Hastings, President, Conveyor Development at Long-Airdox requesting to appeal a tax assessment on the Long-Airdox property located at 227 West Maple Avenue in Oak Hill, West Virginia. Discussion was held, Tom Aiello, Assessor informed the Commission they would have to schedule a hearing. The Commissioners approved to scheduled a hearing at 9:30 a.m. on Friday, November 13, 1998.

Ms. Holly informed the Commissioners she received insurance check from ITT Specialty Risk Services, Inc. for accident on Deputy James Sizemore vehicle.

Ms. Holly presented bid to the Commissioners from Software System to replace and upgrade 4 Personal Computers. Ms. Holly informed the Commissioners that Software System have not been able to load As/400 client access on a Windows 98 Personal Computer, so this quote is on Windows 95. Commissioner Carte made motion to accept bid from Software System. Commissioner Witt seconded. All approved.

Ms. Holly informed the Commissioners she received report from the Sheriff's Office regarding bad odors, Ms. Holly told the Commissioners that Bob Massey, Maintenance Supervisor has been informed and he thinks the problem is coming from the Town of Fayetteville, Mr. Massey

is to contact the Town of Fayetteville and Steve Cruikshank, Office of Emergency Services is coming over with a detector to check odor.

The Commissioners received and reviewed thank you letter from the Fayette Humane Society.

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

The Commissioners received and reviewed a copy of a letter to Kelvin Holliday, County Clerk from Paul Blake, Prosecuting Attorney informing that effective October 15, 1998, Debra Rinehart and Kathy Bird salaries would increase.

The Commissioners received and reviewed a letter from Boone Ease Development regarding mineral land in Boone, Fayette, Kanawha, Nicholas and Raleigh Counties.

Commissioner Witt informed the Commission would be going into Executive Session to discuss personnel problem.

The meeting was adjourned at 11:50. Next scheduled meeting is October 27, 1998.

John L. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 27, 1998
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, Gene Carte, Jr.

The Fayette County Commission met in special session on this 27th day of October, 1998.

Commissioner Witt called meeting to order at 9:35 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commission she received a call from Judy Radford, Executive Director, 4-C Economic Development Authority requesting that the Commission approve a Resolution for \$300,000 in Industrial Road Access Funds for the Sun Mountain project for this fiscal year 1998-99.

Commissioner Carte moved to adopt Resolution for \$300,000 in Industrial Road Access Fund for the Sun Mountain project for fiscal year 1998-99. Commissioner Witt seconded. Unanimous. Order signed.

The Commissioners signed order assigning vote recording devices informing that having reviewed the total number of registered voters and the number of registered voters of each party in each precinct and having determined the number of voting devices needed to accommodate voters without long delays, assigned 4 vote recording devices in each precinct.

Jack Stafford, Engineer, Stafford Consultants, appeared before the Commission with Dave Pollard, Community Resource Coordinator, Tom Munch, West Virginia American Water Company, Kenneth Hayes, and Frank Hill with New Haven Public Service District. Mr. Stafford presented to the Commission a list of contractors whose bids were opened on October 22, 1998 at 1:30 p.m.

Mr. Stafford informed the Commissioners that the lower bid was received from B & L Utility Contractors and asked that the New Haven Public Service District Commissioners accept the lower bid.

Kenneth Hayes made motion to accept lower bid submitted by B & L Utility Contractors. Frank Hill seconded. Unanimous.

Commissioner Carte made motion to flow the money through the County Commission for the project. Commissioner Witt seconded. All approved.

The Commissioners recessed until after the Governor make his presentation of grant awards.

Gary Harding, Zoning Officer presented to the Commission for a disposition, Z-399-95-1: Request of Oak Hill Mini Storage, by John Joines, owner, for an amendment to an approved Planned Development District to allow the addition of a U-Hall business to the existing storage buildings located on 5.262 acres, Route 38, Summerlee Road near Oak Hill, Plateau District.

The Commission was informed by the Mr. Harding that this was a request to operate a U-Haul business in connection with as use that was first approved in 1995 and that the Planning Commission did on Monday by a unanimous vote recommend that this use be approved for the rear portion of the property. After a brief discussion a motion was made by Commissioner Carte that they accept the Planning Commission's recommendation. Motion was seconded by Commissioner Witt and passed by a vote of 2 -0.

Ms. Holly informed the Commissioners that the Sheriff's Department has been awarded a \$10,000 grant to purchase new software and hardware to upgrade the Sheriff's accounting system.

Ms. Holly informed the Commissioners she needed a motion on the

Resolution authorizing Commissioner Witt to execute agreement.

Commissioner Carte made motion that Commissioner Witt be approved and authorize the adoption of said Resolution. Commissioner Witt seconded.

Ms. Holly informed the Commissioners she received reimbursement check on grant #98-203 from the Legislative Digest for final improvement on Courthouse sidewalks for \$38,798.95.

The Commissioners received and reviewed a list of "Subscribers Refusing to Pay the Emergency Telephone System Fee" for the month of June, 1998.

The Commissioners received and reviewed Workers Compensation letters.

The Commissioners received and reviewed letter from the Town of Gauley Bridge commending Larry Parsons for his help with completing many essential projects for the Town of Gauley Bridge.

The Commissioners received and reviewed letter from the Office of Emergency Services informing of the change in FEMA Public Assistance Regulations. Ms. Holly informed the Commissioners that a copy has been forwarded to Steve Cruikshank, OES Coordinator.

The Commissioners received and reviewed letter from One Valley Bank confirming they are holding the securities as collateral to secure deposits with Fayette County National Bank.

The Commissioners received and reviewed Accident Report of Deputy Jackie L. Brown vehicle. A copy has been forwarded to the insurance company.

Ms. Holly informed the Commissioners she would have to go to Falls View Armory to get the agreement signed for the use of the building for the General Election.

Ms. Holly reminded the Commissioners to review material for the Special Excess Levy Election.

The Commissioners signed Fire Levy Agreement for Boomer Volunteer Fire Department for the period July 1, 1998 to June 30, 1999.

The Commissioners signed Fire Levy Pumper Replacement Agreements for Boomer Volunteer Fire Department, Ansted Certified Fire Department, Nuttall Volunteer Fire Department, and Oak Hill Volunteer Fire Department for the period July 1, 1998 to June 30, 1999.

Ms. Holly informed the Commissioners that the Regional County Commission meeting is scheduled from 1:00 to 3:00 in the Commission room, but they had given Kelvin Holliday, County Clerk permission to use the Commission room to give out votomatics and election supplies. Discussion was held the Commission asked Kelvin to store the votomatics in the Commission Office.

Ms. Holly reminded the Commission that canvass would be held on Monday, November 9, 1998, canvass would begin at 9:00 a.m., workers are to report at 8:30.

Ms. Holly informed the Commissioners she only received bids for software for the mapping and addressing for the 911 Center. Ms. Holly told the Commissioners it would take an additional \$30,000 to complete project.

Commissioner Witt informed the Commission he would like to have a recognition ceremony for Russell Matthews and the Harlem Heights Garden Club at the Harlem Heights Park on Tuesday, November 2, 1998 at 2:00 p.m.

The Commissioners voted 2-0 to approve vouchers and payroll. Payroll to be released today.

The Commissioners approved for Ms. Holly to attend several

seminars in Charleston.

The Commissioners approved adopting resolution in favor of the Property Utilities.

The meeting was adjourned at 12:25. Next scheduled meeting is November 4, 1998.

John G. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 09, 1998
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 September, 1998.

Commissioner Witt called meeting to order at 9:30.

Exonerations were approved and signed.

Commissioner Witt reported that he received complaint regarding beer bottles on the Boomer ballfield. Commissioner Lopez informed that the ballfield supposed to be chained up. Commissioner Lopez informed the Commission that they are waiting for sand blasting of the bleachers and after this been done to past no trespassing sign and have Sheriff Department patrol area.

Commissioner Witt announced County auction for Wednesday, September 30, 1998 at 11:00 a.m. Ms. Holly informed the Commissioners that the list is not final still working with Bob Massey, Maintenance Supervisor.

Ms. Holly informed the Commission that Ardith McKinney passed and Jackie Hickman's sister passed. Commissioner Lopez asked that bibles be sent to both families. All approved.

Ms. Holly informed the Commission that after the petition for removal of Roy Young was filed she received resignation from Mr. Young. Commissioner Lopez made motion to accept Mr. Young's resignation. Commissioner Witt seconded. All approved.

Commissioner Lopez made motion to appoint Alfred "Al" Lynch to fill the unexpired term of Roy Young on the Kanawha Falls Public

Service District. Commissioner Witt seconded. All approved. Order and letters signed.

Ms. Holly informed the Commissioners that she checked with the Sheriff's Office to see if Mr. Young had been served was informed that petition had not been served and they may not need to serve.

Ms. Holly informed the Commission that the letter was dated August 15, 1998, resignation to be effective September 1, 1998, Ms. Holly informed the Commission that the letter was faxed September 3, 1998.

Ms. Holly informed the Commission that on the auction list we have an ambulance from the Danese Volunteer Fire Department. Ms. Holly informed the Commission she has prepared letter to the West Virginia Department of Health and Human Resources requesting written authorization to dispose of for use other than as an Emergency Medical Service vehicle or to junk the ambulance for use as spare parts.

Ms. Holly informed the Commissioners that Valley Ambulance has in the past informed they wanted to get rid of one but she hasn't heard from them lately.

Ms. Holly informed the Commissioners that the Democratic Executive Committee and the Republican Executive Committee lists for the Election Officials were due September 8, 1998, have not received any; Ms. Holly informed the Commission she talked with David Perry today and was told they are checking on their list, Ms. Holly told the Commissioners that the Chairmen have until September 15, 1998 to get list in. The Commissioner informed they would approve list on September 15, 1998.

The Commissioners asked that a letter be sent to the Elected

Officials regarding a elevator in the Courthouse.

Ms. Holly asked Commissioner Witt if he had got in touch with Donald Stark. Commissioner Witt informed he has not been able to contact him.

Ms. Holly asked the Commission if they wanted her to get a representative from the Center for Independent Living to talk about the handicap accessibility for the elevator.

Commissioner Witt suggested holding for right now.

Commissioner Lopez questioned if anyone had ever investigated catwalk access; Ms. Holly informed it would have to be wheelchair accessibility, would need to be measured and would have to have certain clearance.

Commissioner Lopez suggested hiring Dana Jones to clean the Smithers Detachment on Tuesday and Friday, 4 hours each day, 8 hours a week. Commissioner Lopez informed he would check with Dana, pay would be what he was paid this summer. Approved.

The Commissioners signed letter to the Elected Officials requesting they meet with them at 10:30, September 15th to discuss elevator for the Courthouse.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,200.00 for the month of September, 1998.

Ms. Holly presented to the Commission minutes of the August 26, 1998 meeting. Commissioner Lopez made motion to approve minutes. Commissioner Witt seconded. All approved.

The Commissioner signed order having been advised by the Auditor, Ed Shiflett the need to increase the amount of securities pledged by

Fayette County National Bank to an amount not less than the maximum sum deposited in said bank at any one time and having been advised by the Sheriff that said maximum sum to be five million dollars.

The Commissioners signed letter to Bob Baker, Traffic Engineer, West Virginia Division of Highways requesting that the name of State Route 60/45 near Ansted be changed from "Hawks Nest Road" to "Downey Ridge Road". Copy of letter sent to David Neal, 911 Coordinator and Ms. W. Wendell Hoge.

A letter was prepared to the Department heads regarding stenciled vehicles. After discussions the Commission decided to hold off on sending letter until something concrete is decided.

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office.

The Commissioners received and reviewed letter from State Tax Commission, Property Tax Division regarding mineral property. Ms. Holly informed she had talked with Eddie Young in the Assessor's Office he informed her that it was slight increase and no need for action.

The Commissioners received and reviewed agreement from Election Systems and Software, Inc. that was advertised and approved prior to the Primary Election.

The Commissioners received and reviewed memorandum from Sheriff Larry Dotson regarding the suspension of Corporal P. A. Lopez.

The Commissioners received and reviewed check in the amount of \$103.89 for copying of the Fayette County Zoning Ordinance from the West Virginia Manufactured Housing Association.

The Commissioners received and reviewed letter from the Workers'

Compensation Office of Judges regarding Randal J. Neel.

Discussion was held concerning the use of the Commission office space downstairs.

Ms. Holly informed the Commission that the Women's Resource Center had enclosed a letter of support from the Nicholas County Commission.

Ms. Holly informed the Commission that she had been contacted by another party, but not sure if they are interested.

Commissioner Witt suggested waiting until the Commission hears from other party that was interested in office space before making decision.

The Commissioners received and reviewed check in the amount of \$2,822.49 from the Danese Volunteer Fire Department for settlement of the loan to the former Danese Ambulance Service.

The Commissioners received and reviewed a copy of letters to the City of Oak Hill and the Town of Fayetteville from the Department of Transportation congratulating them on the selection of their Transportation Enhancement project for fiscal year 1998 funding, ceremony will be held at the Elkins Train Depot on Tuesday, September 15, 1998 at 3:00 p.m.

The Commissioners received and reviewed expenditures as of July, 1998 for the Fayette County Park and Central Garage.

The Commissioners received and reviewed letters from CableVision informing that Oak Hill, Rupert/Rainelle and Mount Hope Districts will have rate changes effective October 1, 1998.

The Commissioners received and reviewed letter from the Social Security Administration regarding the closure of the Social Security

Office in Montgomery.

The Commissioners received and reviewed letter from Michael P. Miano thanking the Commission for expressing their concerns for the removal of mountain tops for surface mining in West Virginia.

The Commissioners received and reviewed Audits from the Boomer Volunteer Fire Department, Inc. And Salem-Gatewood Public Service District for the fiscal year ending June 30, 1998.

Ms. Holly informed the Commissioners she received a fax from the County Commission Association regarding bond of county officers/deputy sheriffs.

Ms. Holly informed the Commission that according to the new bill we are not required to purchase separate official bonds.

Ms. Holly told the Commissioners she faxed a copy of the bill to Jim Lively Insurance and asked him to review the County's coverage to confirm whether or not we have a blanket bond policy and/or professional liability insurance that covers deputy sheriffs.

Ms. Holly informed the Commission she received response from Jim Lively and it appears that the Commission can cancel bonds on employees including deputies but excluding elected officials under this law and consistent with our insurance coverage for blanket bonds and professional liability insurance.

Ms. Holly informed the Commissioners she forwarded a copy of the information to Paul Blake, Prosecuting Attorney for him to review; Ms. Holly informed the Commission she was holding checks until the Prosecuting Attorney review.

The Commission approved for Ms. Holly to attend Seminars that are scheduled for September 17, 18, 24 and October 1st if she found the

time.

Sharon Cruikshank, Director, New River Convention and Visitors Bureau appeared before the Commission to request assistance in preparing brochures for the spring of 1999. Ms. Cruikshank informed the Commission that the State Parks has committed to placing 30,000 brochures throughout the visitors centers. Ms. Cruikshank informed the Commission that the State of West Virginia has lowest bid. Commissioner Witt questioned if the municipalities have contributed anything. After a brief discussion, Commissioner Lopez made motion to contribute \$3,500.00 out of the grant for Tourism to prepare brochures for the New River Convention and Visitors Bureau. Commissioner Witt seconded. All approved.

Commissioner Carte made motion to contribute \$3,500.00 to the Minden Community Center. No second on the motion. Ms. Holly informed the Commission that the Minden Community Center had applied for grants but were not eligible because the building is a church.

Ms. Holly informed the Commission that the desks for the Commission Office were shipped on September 4, 1998 and that due to the delay we would receive a credit of \$250.00.

Ms. Holly asked the Commission to clarify when the mileage increase would be effective. The Commission informed to pay the \$.32 increase September 1, 1998 anything prior to September 1, 1998 pay \$.31.

Ms. Holly informed the Commission they need to discuss the excess levy election very soon; she would check the dates to see if it can wait until after the General Election in November. Ms. Holly informed the Commission they need to meet with the Agencies.

Ms. Holly informed the Commission she is working on updating the County Financial Statement, informed the Commission that forms changed two prior to deadline.

Commissioners Lopez informed the Commission that the porch at the Danese Sheriff Detachment need to be repaired and suggested contacting Earl Pauley, Park Superintendent to see if he can work on.

Commissioner Carte mentioned handicapped railing and informed that there were no action at prior meeting concerning this.

Commissioner Witt informed he would still like to see something done with parking lot in between the Hatcher Building and Outfitters. Commissioner Witt informed that Dave Pollard, Resource Coordinator is still working on Parking Study, hopefully something can be worked out with the Town of Fayetteville.

The Commissioners again discussed possible White water fees or some type Assessment Tax.

Commissioner Witt called Public Hearing to order.

Dave Pollard, Resource Coordinator and Robert Lang with 4-C Economic Development Authority were present.

Mr. Pollard and Mr. Lang informed the purpose of this hearing is to submit application to update their county-wide comprehensive development plan and zoning ordinance. The Small Cities Community Block Grant amount \$60,000.00 the Fayette County Commission amount is \$52,000.00 of local matching money contingent on the funding of the Small Cities Community Block Grant.

Commissioners Witt asked if there were any public input. No public input.

Three resolutions signed; Commissioner Lopez made motion that

resolution be signed authorizing an application with the State of West Virginia for Small Cities Community Development Block Grant Fund.

Commissioner Witt seconded. Vote passed 2 - 0.

Commissioner Lopez made motion that resolution be signed adopting a citizen participation plan for Small Cities Community Development Block Grant. Commissioner Witt seconded. Vote passed 2 - 0.

Commissioner Lopez made motion that resolution be signed formalizing a Fair Housing Program. Commissioner Witt seconded. Vote passed 2 - 0.

The Commissioners received and reviewed letter form One Valley Bank regarding replacing securities held to secure deposits with the Fayette County National Bank.


The Commissioners received and reviewed invoice from Coleman Construction for repairs to sidewalks.

Commissioner Witt informed he would like to change traffic pattern of Route 82 (Fayette Station Road) back to 2-way traffic. Commissioner Witt informed that many area residents utilize and depend on drinking water at the "water hole" located a short distance of Teays Landing.

Outstanding bills were approved.

The Commissioners approved to increase Bob Massey, Maintenance Supervisor salary to \$18,500.00 a year effective September 1, 1998.

The meeting was adjourned at 11:40. Next scheduled meeting is September 15, 1998.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 15, 1998

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 15th day of September, 1998.

Commissioner Witt called meeting to order.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners that per Kelvin Holliday, County Clerk he had talked with the Secretary of State and they informed him that since there were no one appointed from the Valley they could use the list that was used in the Primary Election.

Commissioner Lopez made motion approving the Democrat Executive Committee and the Republican Executive Committee lists of Election Official for holding the General Election on November 3, 1998.

Commissioner Carte seconded. All approved. Order signed.

The Commissioners approved for Kelvin Holliday, County Clerk to use the Commission Office to store votomatics.

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

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office.

Ms. Holly informed the Commission she had sent the final list for the auction to the newspaper she also informed the Commission she had sent list to the Beckley newspaper. Auction to be held at 11:00 a.m., Wednesday, September 30, 1998.

Ms. Holly informed the Commissioners that Earl Pauley, Park

Superintendent had called Debbie Berry, Assistant Purchasing Agent for a purchase order number to purchase Kamatsu and informed her that if she had any questions to check with Commissioner Witt. The Commissioner approved

The Commissioners approved to pay 4th quarter insurance premium (Oct. Nov. Dec) for the Fayette County Solid Waste Authority, amount \$2,320.00.

Commissioner Witt suggested writing a letter to the Division of Highways recommending they change the traffic flow of Route 82 (Fayette Station Road) back to 2-way traffic as it has always been. Commissioner Carte made motion that letter be sent to the Division of Highways. Commissioner Lopez seconded. All approved.

Commissioner Lopez made Motion that the Commission sign a resolution expressing their interest and support for the construction of a new Juvenile Detention Center in Fayette County. Commissioner Carte seconded. All approved.

Commissioner Carte made motion to contribute \$3,500.00 to the Minden Community Meeting Center to complete roof repairs. Commissioner Lopez seconded. All approved.

Discussion was held regarding the dilapidation ordinance. The Commissioners moved that Gary Harding, Zoning Officer help with getting the proper description and location of the properties.

Commissioner Witt informed the Commission that due to the turnover at the 911 Center regarding employees leaving for better pay, Commissioner Witt recommending and offer a motion that the Commission approve salary increase for 911 employees. All approved.

Commissioner Lopez made motion to transfer \$26,324.45 to the 911

Fund to supplement the salary increase for the 911 Center this would carry until June, 1999. Commissioner Witt seconded. Unanimous. Transfer from the General Fund to the 911 Fund would be effective October 1, 1998.

Ms. Holly suggested paying from the General County Fund to the 911 Fund reimbursement for equipment purchased with the 911 Fund.

The Commissioners received and reviewed letter from the Fayette County National Bank informing that per the order dated September 9, 1998 from the Commission the Fayette County National will pledge additional securities to the account of the Fayette County Commission.

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

The Commissioners received and reviewed letter from Senator Robert Byrd regarding the closure of the Social Security Office in Montgomery.

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

Ms. Holly asked the Commission if they had any information on the lettering of the County vehicles. The Commission asked Ms. Holly to hold off until next meeting.

Ms. Holly informed the Commission that she had a brief discussion with Carl Harris, Assistant Prosecuting Attorney regarding the bonding of county employees and deputies sheriffs. Ms. Holly informed the Commission that Mr. Harris told her that the county can drop the bonds but they would need to carry the honesty policy on the Elected Officials.

The Commissioners received and reviewed letters from Danese

Public Service District advising that William Fox has resigned as Commissioner and are recommending that Lawrence Boley fill the unexpired term. No decision made.

Ms. Holly informed the Commission that Ron Walton, Whipple Community in Action was in on Friday asking about the \$500.00 that was approved for clean-up in the Whipple area. Commissioner Witt suggested reviewing minutes regarding this matter.

The Commissioners recessed to inspect Courthouse for elevator with Tom O'Hare with Dover Elevator.

Upon return Commissioner Witt informed no decision was made but a lot of suggestions were made. Commissioner Witt informed he would contact Donald Stark to see if he could suggest some ideas.

The Commissioner voted to advertise for mapping.

Outstanding bills and payroll were approved.

Sally Hurst, Women's Resource Center appeared before the Commission to inquire about the office space. After a brief discussion the Commission informed Ms. Hurst that no space was available. The Commissioner suggested to Ms. Hurst to check with Sheriff Larry Dotson regarding space in the jail.

The Commissioners received and reviewed thank you letter from the Midland Trail Scenic Highway Association thanking the Commission for establishing the Dilapidated Building and Beautification Ordinance. Commissioner Carte suggested forwarding the letter to the committee.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney to Kelvin Holliday, County Clerk regarding Ardith McKinney pay.

The meeting was adjourned at 12:05. Next scheduled meeting is September 30, 1998.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 30, 1998
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 September, 1998.

Commissioner Witt called meeting to order at 9:45.

Exonerations were approved and signed.

The Commissioners approved to purchase radios for Bridge Day for the Fayette County REACT. Commissioner Witt informed the Commission they would be reimbursed by the REACT once they receive legislative grant money from the Department of Health and Human Resources.

Outstanding bills and payroll were approved.

The Commissioners signed letters to our Senators and Delegates informing they support Senate Bill 33 known as the "Luxury Tax" bill sponsored by Senator Jon Hunter, and they propose to include the "Whitewater Tax" in said bill.

The Commissioners signed letter to Herman Full, Commissioner of Wirt County informing that the Commissioners endorse and support legislation to amend West Virginia Code 29-22-18 to allow a portion (approximately 7%) of the West Virginia Lottery profits to be returned to the Commission of each county for public purposes within the County.

Ms. Holly informed the Commissioners she received finalized copy of grant with the West Virginia Department of Health and Human Resources for \$35,000 for the purchase and installation of hardware and software for a mapping and addressing system for the Fayette County E-911 Center. Ms. Holly informed the Commissioners that a copy

of the State Contract Agreement for \$35,000 have been signed.

Ms. Holly informed the Commissioners that the Fayette County Solid Waste Authority were low in funds and that she has prepared a check in the amount of \$5,000.00. The Commissioners approved.

Ms. Holly informed the Commissioners she received requisition from the Extension Office requesting the purchase of 4-H supplies. Ms. Holly informed the Commission that they never have purchased supplies for 4-H before.

Ms. Holly informed the Commissioners she received a fax from David Neal, E-911 Coordinator, informing they have been conducting interviews to fill two of their currently vacant Part-time Communications Specialists position. Ms. Holly informed the Commission that David have selected one and are doing background checks on the second, would like to begin the training process no later than the beginning of next week. The Commissioners approved.

The Commissioners discussed changing the 911 full-time employees from salary to hourly employees. Ms. Holly presented letter to the Commission for Kelvin Holliday, County Clerk, regarding raise increase effective October 1st for the 911 employees. It was discussed and suggested by Commissioner Lopez to hold off signing letter. The Commissioners discussed cutting the 911 employees hours from 12 hour shifts to 8 hour shifts.

Commissioner Lopez suggested that any overtime Steve Cruikshank and David Neal turn in should be pre-authorized. The Commissioners agreed unanimously.

Discussion was held regarding the refinancing of the 911 equipment lease. It was suggested meeting with Steve Cruikshank, OES Director and David Neal, E-911 Coordinator to discuss the matter.

The Commissioners signed order, ordering a sum in the amount of \$26,325 be transferred from the Fayette County General Fund to the Fayette County E-911 Fund to offset the expense of the E-911 Fund.

Ms. Holly explained to the Commissioners what they would need to do to regulate the cable for Fayette County.

Gary Harding, Zoning Officer presented to the Commissioners the following cases for a disposition: Z-460-98-1: Request of Homer C. Wiseman, owner, by Mountain State Orthopedics and Sports Medicine, contract owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Commercial, on 83 acres, Dogwood Flats, located off Miller Ridge Road, 60/10 and Route 19, New Haven District.

Gary Harding, Zoning Officer, informed the Commission that the Planning Commission did by a 12- 0 vote recommend that 20 acres on the front of this property be rezoned to planned development. Jackie Tharp addressed the Commission with a request for the approval in writing of an eatery on the property and was informed by the Commission that they could give this. After a brief discussion a motion was made by Commissioner Lopez that this be approved as recommended. Motion was seconded by Commissioner Carte and passed 3 - 0.

Z-461-98-2: Request of Clarence Sam Miller, owner, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Commercial District, on 4 acres, located on Sunday Road across from Mountain River Tours, in the New Haven District, near Hico.

Gary Harding, Zoning Officer, informed the Commission that the Planning Commission did by a vote of 13 - 0 recommend this request be

approved for Planned Development. Sam Miller addressed the Commission about a letter submitted to the Planning Commission by Mary Metzgar stating that she did not live in the area and did not own property. After a brief discussion with Mrs. Metzgar and Sam Miller by the Commission a motion was made by Commissioner Lopez that this be approved to Planned Development as recommended. Motion was seconded by Commissioner Carte and passed by a vote of 3 - 0.

Z-462-98-2: Request of Sun Mountain Enterprises, Inc., Paul Lansat, owners, for a change in land classification from R-R, Agricultural and Rural Residence District, to B-2, General Business District, on 400 acres, Price heirs property located off of Route 19 and Sun Mine Road, near Mount Hope, Plateau District.

Gary Harding, Zoning Officer, informed the Commission that the Planning Commission did by a vote of 11 - 0 with Mr. Perry and Mr. Dummitt abstaining recommend that this be approved. Mr. Bill Perry addressed the County Commission and informed them this change was to move the motel and to add a golf course and housing development. After a brief discussion a motion was made by Commissioner Carte that this be approved as recommended. Motion was seconded by Commissioner Lopez and passed 3 - 0.

Gary Harding informed the County Commission that the proposed change in Article III, Section 300, Subsection 4, Article XIV, Section 1400, Subsection 1, and Article XIV, Section 1406, Subsection 1 and 3 of the Zoning Ordinance with relation to requiring all mobile homes in the County to be put in with a public hearing and use permit was recommended by the Planning Commission by a 12 - 0 vote to be denied. After a brief discussion a motion was made by Commissioner Carte that this amendment be denied as recommended. Motion was seconded by

Commissioner Lopez and passed by a vote of 3 - 0.

Gene Larrick with the Women's Resource Center appeared before the Commission with request for office space. The Commissioners explained to Mr. Larrick that the office space that was available would have to be used for the members of the dilapidated building committee. The Commissioners informed that this committee would have to have a place to work out of. The Commissioners informed that the only space they have would be on the third floor and suggested to Mr. Larrick that he could check space. The Commissioners told Mr. Larrick that they would have to check with Judge John Hatcher regarding the flow of traffic that would be going through during court.

The Commissioners received and reviewed bids at 10:00 a.m. for material for bathhouse at the Fayette County Park. The Commission asked that Ms. Holly and Earl Pauley, Park Superintendent review bids and make recommendations at next meeting.

The Commissioners approved upgrading the IBM AS/400 Operating System, total bid \$6,660.00. The Commissioners approved to proceed with upgrade.

Ms. Holly informed the Commissioners that based upon a review of the insurance coverage of Fayette County and a review and interpretation of the West Virginia Code by Carl Harris, Assistant Prosecuting Attorney the Commission can cancel all bonds required of deputy sheriffs and county employees.

Commissioner Lopez made motion to cancel all bonds required of deputy sheriffs and county employees, excluding performance type bonding required for elected officials. Commissioner Carte seconded. It was unanimous to immediately cancel all bonds under the West Virginia Code.

The Commissioners signed Fire Levy Agreements for Gauley Bridge Volunteer Fire Department and Meadow Bridge Volunteer Fire Department for July 1, 1998 to June 30, 1999.

Ms. Holly informed the Commission that the new format financial statements has been completed and mailed yesterday.

Ms. Holly asked about the stenciling of the County vehicles. Commissioner Carte informed he don't think the County could afford. No decision was made.

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

Ms. Holly informed the Commissioners she received a call from the Danese Public Service District asking if the Commission had appointed Lawrence Boley to serve as a Commissioner to replace William Fox on the Danese Public Service District. Commissioner Carte made motion that Lawrence R. Boley be appointed to fill the unexpired term of William Fox on the Danese Public Service District. Commissioner Lopez seconded. All approved. Order signed.

The Commissioners approved to purchase two new printers for the Tax Department, cost \$379.00 each.

The Commissioners received and reviewed invitation from the Southern Soil Conservation District to attend their annual awards banquet being held on October 15, 1998 at 6:00 p.m. No Commissioner would be attending.

Ms. Holly informed the Commission she received a call from Tom Davis with Quinnimont Ambulance informing that the ambulance the county put on loan to them motor is shot, want to know if the Commission would repair. The Commissioners informed they are not

responsible for repairs to ambulances. Discussion was held regarding transferring the title of the ambulance over to the Quinnimont Ambulance. The Commissioners asked Ms. Holly to check with the Prosecuting Attorney Office regarding this matter.

Ms. Holly informed the Commission she received a call from an Insurance Agency in Charleston regarding group health insurance for the employees. Ms. Holly told the Commission that she informed the agency that the county was not changing health coverage at this time.

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office.

The Commissioners received and reviewed memorandum from Darrell McGraw informing that a settlement had been reached by Consumer Protection Division and GE Capitol regarding consumers who purchased 18" satellites systems (DSS).

The Commissioners received and reviewed check in the amount of \$29,853.69 for the Emergency Telephone System Fee for the month of August, 1998.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed Application for Employment for Debra Kay Sears.

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

The Commissioners approved invoice for Coleman Construction for work on sidewalks.

The Commissioners received and reviewed Audit Reports from White Oak Public Service District and the Gauley River Volunteer Fire Department for fiscal year ending June 30, 1998.

The Commissioners received and reviewed information sheet for the 1998-99 Legislative Digest for Boomer Ballfield, Fayette County Commission and the Sheriff Department to be returned to the West Virginia Development Office.

The Commissioners approved check in the amount of \$7,450.00 for purchase of truck from the West Virginia State Agency Surplus for the Fayette County Humane Society.

The Commissioners received and reviewed letter from the U S Department of the Interior notifying that Fiscal Year 1998 payment under the Payments in Lieu of Taxes will be sent by Electronic Funds Transfer.

John "Butch" James appeared before the Commission to ask for a tax relief for Long-Airdox.

Tom Aiello, Assessor, informed the Commission that he had talked with Mike Hastings and he wants the Assessor's Office to recommend and reduce tax about 1/3%.

Mr. Aiello recommended to the Commission that Mr. James and Long-Airdox come in to discuss.

The meeting was adjourned at 11:24. Next scheduled meeting is October 7, 1998.

John L. Witt